



CITY OF BRYAN
The Good Life, Texas Style.™

**PERSONNEL & ADMINISTRATIVE
POLICIES & PROCEDURES
MANUAL**



PERSONNEL & ADMINISTRATIVE POLICIES & PROCEDURES

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CHAPTER 1

General Provisions

MANAGEMENT AUTHORITY

With the exception of matters reserved by state law or the City Charter, the general and final authority and responsibility for personnel and policy administration rests with the City Manager.

This Personnel and Administrative Policies & Procedures Manual, issued under the authority of the City Manager, provides statements of policy and establishes required procedures relating to personnel administration that are necessary to effectively and efficiently manage City operations.

The City Manager is responsible for the appointment of positions (except those appointed by City Council) and the establishment and maintenance of satisfactory standards of efficiency, welfare and morale of City employees, and the exercise of general control and supervision over all departments and positions created.

The City Manager may, in his sole discretion, delegate rights and powers granted under these policies and procedures to a specific person or to others as deemed appropriate.

SCOPE & GENERAL PROVISIONS

Scope & Application

These policies and procedures apply to and govern all employees of the City of Bryan, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law. Current exceptions are:

- Employees covered by Chapter 143 of the Texas Local Government Code where there are explicit provisions to the contrary provided for in the law, local civil service rules and regulations, and/or specific Fire Department Standard Operating Procedures and Police Department General Orders;
- Employees of Bryan Texas Utilities (BTU), who are covered under separate policies and procedures; and
- Elected officials, members of appointed boards and commissions, persons employed under contract, and volunteers and/or other personnel appointed to serve without pay.

All employees must become familiar with and abide by these policies. Failure to comply may result in appropriate disciplinary action, up to and including termination of employment.

The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in this Manual.

Not a Contract or Employment Agreement

This Manual does not constitute a contract of employment or benefits. Nothing in this Manual should be construed as a guarantee of continued employment by, or benefits from, the City of Bryan. All employees are subject to discharge. See "At-Will Employment" policy in this Chapter.

Changes

The City reserves the right to modify, revoke, suspend, revise, supplement, interpret, or cancel any or all of the policies, procedures, benefits or programs specified in this Manual, in whole or in part, at any time, with or without notice.

Validity

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

Titles

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

For the purpose of this Manual, titles are used to represent various management levels and may overlap in some instances depending on the scope and levels of management within an individual department. The term, "Supervisor", typically refers to the employee's immediate level supervisor. "Department Manager" usually refers to the management level immediately above the supervisor level. The term, "Department Director" typically refers to the manager responsible for the overall department, which may include several divisions. "Executive

Management Director” is normally inclusive of the directors who report directly to the City Manager. It is intended that the highest level of management has the authority at all levels below that, therefore, should a reference of “Department Manager” be made, it is assumed that a “Department Director”, “Executive Management Director” and “City Manager” have that same authority.

It is also intended that where a title or reference to any member of management is noted, there may be a “designee” as deemed necessary or appropriate by that specific supervisor/manager, and that the “designee” shall have the same authority and powers as the supervisor/manager, unless otherwise specified. Therefore, it is not necessary to use the phrase, “or designee”, throughout this Manual.

Personal Pronouns

Any use of personal pronouns or references to any person in this Manual has been limited to the male gender (i.e., him, his, etc.). This practice has been followed for the purposes of grammatical clarity only, and shall not be construed or intended to imply a bias towards males or reflect discriminatory practices or policies.

Department Policies & Procedures

Individual departments may develop personnel and administrative policies and procedures that are consistent with the provisions of this Manual. Any department policies and procedures which may be inconsistent with this Manual must be reviewed by the Human Resources Department and City Attorney’s Office, and approved by the City Manager prior to implementation.

Department policies and procedures that are operational and that do not relate to those in this Manual, or other approved operational manuals, do not need to be reviewed by Human Resources and the Legal Department; however, they must be approved by the appropriate Executive Management Director.

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

AT-WILL EMPLOYMENT

The Bryan City Charter provides that all employees shall be appointed and discharged at the will of the appointing authority, except for those positions that may have a written employment agreement with the City Council as provided in the Charter, or for employees covered by Chapter 143 of the Texas Local Government Code. This means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause.

Nothing in these Personnel & Administrative Policies & Procedures changes the at-will employment status mandated by the Bryan City Charter. The provisions of these policies do not create a contract of employment. Nothing in this Manual is intended to alter the continuing at will status of employment with the City of Bryan.

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

EQUAL EMPLOYMENT OPPORTUNITY

The City of Bryan is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, disability, veteran's status, or other unlawful basis is prohibited.



CHAPTER 2

Categories & Classifications of Employees

PURPOSE

Proper classification of employees is necessary to administer salaries, determine eligibility under the City's benefit plans, and comply with employment and tax laws.

The City offers full-time regular, part-time regular and temporary/seasonal employment opportunities to meet the organization's staffing requirements. The City also uses temporary employment agencies, contractual employees and volunteers to respond flexibly to changing workload requirements.

All employees, whether full-time regular, part-time regular or temporary/seasonal, are classified as exempt or non-exempt, according to federal regulations for overtime and minimum wage requirements.

CATEGORIES OF EMPLOYEES

Employment status, continued employment, benefits, and termination procedures vary among the following categories of employees:

Full-Time Regular

An employee in a budgeted position with an officially scheduled work week of 40 hours or more (except for certain Fire and Police personnel who have been assigned a different work cycle). Employees in these positions are eligible for the City's benefits, subject to the terms, conditions and waiting periods of each program, such as paid vacation, sick leave and holidays, health insurance, life insurance, retirement, workers' compensation, etc.

Part-Time Regular

An employee in a budgeted position with an officially scheduled work week of 20 hours or more, but less than 40 hours. The number of hours regularly scheduled per week is a distinguishing feature of such positions. Employees in these positions shall be eligible to accrue and utilize paid leave at one-half the rate established for full-time regular employees. Such employees shall also participate in the Texas Municipal Retirement System. They shall not be eligible to participate in certain benefit programs, such as health insurance and life insurance.

Temporary/Seasonal

An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration (usually less than 1000 hours annually). Temporary/seasonal employees may be either full-time or part-time. Intern positions are included in this category. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Department Director and Human Resources. Temporary employees are not eligible for any benefits except those which are legally mandated, such as workers' compensation.

In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt from federal and state wage and hour laws. (Refer to "Classification of Employees" policy in this Chapter.)

CLASSIFICATION OF EMPLOYEES

In accordance with the federal Fair Labor Standards Act (FLSA), employees are classified in positions as either exempt or non-exempt.

- ***Exempt Employee***

An employee in a position that qualifies under one of the exemption categories (i.e., executive, administrative, professional, etc.) and is paid on a salary basis regardless of the number of hours worked in a pay period. The employees in these positions are exempt from the provisions of the FLSA's minimum wage and overtime regulations.

- ***Non-Exempt Employee***

An employee who is not classified as "exempt" and is paid on an hourly basis for the number of hours worked in a work week. Employees in these positions are subject to the provisions of the FLSA's minimum wage and overtime regulations.

Classified Police Employees

In accordance with Local Government Code, Chapter 142, all classified police officers (with the exception of the Police Chief) are considered as non-exempt even in circumstances where the position would otherwise be classified as exempt under the Fair Labor Standards Act.

Position Evaluations

Evaluations of all positions within the City shall be conducted to determine their exempt/non-exempt classification in accordance with FLSA regulations. The evaluation process shall include information obtained directly from the employee and his supervisor/manager and, in some instances, direct observation of work performed. The Human Resources Department is responsible for determining the exempt/non-exempt classification of positions. Any disagreements concerning the results of a position evaluation shall be resolved by the City Manager.

TEMPORARY AGENCY WORKERS

Personnel from temporary agencies may be hired part-time or full-time by the City to work for the duration of specific projects or assignments. Temporary contract assignments cannot extend beyond 6 months, except with the approval of the Executive Management Director. Temporary agency workers may be exempt or non-exempt dependent upon the job functions and scope of work performed.

The temporary agency is responsible for hiring, training, assigning, disciplining and firing its contract personnel. Temporary agency workers take direction from, and are monitored by, their assigned City supervisor, but the temporary agency supervisor is primarily responsible for monitoring the performance of the temporary worker and taking any necessary disciplinary or corrective action.

Restrictions

Temporary agency workers shall not be permitted to perform the following duties for the City of Bryan:

- Handle cash;
- Travel out of the Bryan-College Station area; and
- Drive and/or operate City-owned vehicles or equipment, unless specific approval has been obtained by Risk Management.

Benefits Eligibility

Temporary agency workers receive their benefits through the employment agency and are not eligible to participate in the City's health, retirement, leave or other benefit plans.

Request Process

Supervisors and managers in need of temporary agency workers must follow the procedures below:

1. Requests for temporary agency workers must be placed through the Human Resources Department.
2. Requests should be made as far in advance as possible. Personnel with specific skills may take longer to place.
3. The supervisor/manager will provide Human Resources with specific work information (i.e., work hours, skills needed, dress code, etc.), as well as the number of employees needed, the worksite where they are to report, the date(s) needed, and the name of the person who will be supervising the temporary worker(s).
4. Human Resources will request temporary worker(s) from the approved agencies. Approved temporary agencies are those that have been awarded a contract with City of Bryan in accordance with Purchasing rules and procedures.

Payment Process

Payment for temporary agency workers is made from available funds from the requesting department directly to the appropriate temporary agency, and not directly to the temporary worker. The Human Resources Department is responsible for ensuring proper payment is made.

INDEPENDENT CONTRACTORS

There may be certain functions where an independent contractor would better meet the City's needs rather than hiring an employee. However, IRS rules provide strict guidance for such work. In order to be a bona fide independent contractor, the individual's work may not be substantially directed or controlled by the City. The individual must essentially own their own business, and the City awards a contract as it would to any other person or firm.

Departments are not permitted to pay individuals through the City's accounting process for work performed without going through the proper Purchasing procedures. The Purchasing, Human Resources and Legal departments will make the final determination in regards to status of employees vs. independent contractors.

VOLUNTEERS

A volunteer is an individual who volunteers time and services without any present or future expectation of payment of any kind. This is not an employment relationship and the volunteer is under no obligation to provide time, duties, or resources other than what he chooses to freely provide.

Volunteers may be required to submit to and successfully clear a background screening, drug test and/or physical examination prior to volunteer work and/or at any time during the volunteer work period.

Volunteers with the City of Bryan are coordinated through the City's established volunteer program, which is administered through the City Secretary's office.



CHAPTER 3

Hiring & Selection

PURPOSE

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to age, race, religion, sex, color, national origin, citizenship, disability, or any other characteristic protected by law.

The Human Resources Department is responsible for recruitment functions, and all recruitment activities are to be conducted and/or coordinated through the Human Resources Department for regular, part-time, and temporary/seasonal employees paid by the City of Bryan.

RECRUITMENT & APPLICATION PROCESS

Requests for Personnel

Departments shall submit requests to the Human Resources Department for persons to fill vacancies and, when circumstances permit, such requests should be made within a reasonable period of time in advance of the actual need. All requests must be thorough with the pertinent information and have the appropriate approvals.

Job Announcements

Full-time regular positions shall be posted by the Human Resources Department for at least five (5) working days, unless otherwise directed and/or approved by the Executive Management Director. Positions will normally be posted concurrently to both internal and external candidates.

Should a department desire to fill a vacancy with a current employee within the department without posting for other candidates, the Department Manager/Director must provide written justification and receive approval from the Executive Management Director.

Postings for vacant positions that extend beyond a three (3) month period will be evaluated. The hiring manager may be required to provide written justification of the need for further posting beyond the three (3) month period, especially in circumstances where an adequate number of qualified applications has been received for the position.

Forms & Submission

- ***Applicants***

Applicants seeking full-time, part-time, or temporary/seasonal employment or re-employment with the City of Bryan must submit an employment application to the Human Resources Department. The application must be submitted by the posted deadline, if applicable, and must be complete and legible.

- ***Current City Employees***

Current City employees applying for positions in their own or other departments must submit an employment application to the Human Resources Department. The application must be submitted by the posted deadline, if applicable, and must be complete and legible.

Employment applications are only accepted for the positions currently posted on the job announcements list. Resumes must have a completed employment application attached.

It is the applicant's responsibility to submit all required documents, such as high school/GED diplomas, college degrees/transcripts, professional/technical certifications and licenses. If hired, an individual who did not present documentation with his application must submit the required documents at the time of new hire processing. Failure to do so will delay his effective date of hire and/or disqualify him from hire.

Application Screening

The Human Resources Department will conduct the initial screening of applications to determine those applicants who meet the required minimum qualifications. Suitable and eligible candidates will be referred to the hiring supervisor for possible interview and selection.

Department Review & Interview/Selection

Recruiting departments shall only consider and interview those persons who have completed an Employment Application form and who have been referred by the Human Resources Department. Consideration should be given to all applications referred; however, interviews do not have to be given to all referred applicants, including internal City candidates.

The supervisor will conduct the appropriate interviews and recommend an applicant for hire. The Human Resources Department may be consulted by the hiring supervisor in structuring interview questions, interview panels, scoring mechanisms, and for other assistance in the interview process.

The supervisor will notify, in writing, all applicants interviewed but not selected, with a copy of the letter provided to Human Resources. The supervisor will also provide the candidate selected with a conditional offer letter and submit a copy of it along with documentation supporting the choice to the Human Resources Department for final processing.

Supervisors are permitted to make initial job offers; however, all job offers must be made contingent on the candidate successfully meeting other requirements, such as a medical examination, drug screen, driving requirements, reference checks, etc.

Final Job Offers & Processing

Human Resources will schedule and coordinate these additional requirements and notify the supervisor of the results. Human Resources will also make the final job offer once the applicant successfully completes all requirements and will coordinate a start date with the supervisor.

Civil Service Positions (Classified Fire and Police)

The hiring of employees for civil service positions within the Fire and Police Departments is governed by Chapter 143 of the Texas Local Government Code, to the extent that the process differs from that contained in this Policy.

VERIFICATION OF EMPLOYMENT APPLICATION INFORMATION

All information provided on employment applications and resumes will be subject to verification. The City values personal honesty and integrity in its employees. Individuals who falsify and/or omit information will be disqualified from further consideration for employment, or if discovered after employment, may be subject to disciplinary action, up to and including termination.

Departments are responsible for ensuring that all required qualification verification documents that may be submitted to them directly by an applicant are forwarded to the Human Resources Department upon receipt.

Departments are strongly encouraged to contact previous employers to verify employment histories, as well as any personal references provided by the applicant. The City's employment application contains a consent statement to release information to the City upon request, which applicants are required to sign. Employment verifications conducted by departments must be in compliance with applicable policies and laws.

DISQUALIFICATION OF APPLICATION

Any applicant may be disqualified for employment for, but not limited to, the following reasons:

- The application was incomplete.
- The applicant did not submit his application by the posted deadline.
- The applicant failed to meet the minimum qualifications necessary to perform the duties of the position; and/or it indicates on the face of the employment application that the applicant does not possess the minimum qualifications for the position.
- The applicant is unable to perform the essential functions of the job for which he applied, with or without a reasonable accommodation.
- The applicant made a false statement and/or omitted information on the application form, resume, or any related document and/or process. This includes any false statements and/or omissions of any information regarding the applicant's criminal history record, whether intentional or not.
- The applicant has any felony convictions within the past 15 years; any Class A misdemeanor convictions involving theft, drugs, or sexual misconduct within the past 15 years; any Class A or B misdemeanor convictions of a violent nature; and/or any other arrests and/or convictions, including probation or deferred adjudication, which may make him unsuitable for City employment.
- The applicant commits or attempts to commit a fraudulent act at any stage of the application process.
- Placement of the applicant would violate certain City policies (i.e., nepotism, age, etc.).
- The applicant was previously discharged by the City of Bryan for any reason, resigned not in good standing, resigned in lieu of termination, resigned pending the outcome of an investigation which he was the subject in, and/or is not otherwise eligible for rehire.
- The applicant is not legally permitted to work in the United States and/or does not provide the required documentation for compliance with the Immigration Reform Act.
- The applicant fails to cooperate and/or conduct himself in a professional manner at any stage during the application process, including failure to report to scheduled appointments.
- Any other reason deemed to be in the best interests of the City.

NEPOTISM IN HIRING

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, employment of certain related persons by the City or within designated City departments is not allowed.

The provisions of this policy apply to persons from outside the City workforce who are applying for employment or re-employment with the City, as well as those employees applying for other positions within the City. Restrictions on persons who are already employed by the City and who become related to another person employed by the City are specified in the Relationships policy (Chapter 8).

Scope

For the purposes of determining a relative relationship (nepotism) only, employee includes full-time regular, part-time regular and temporary/seasonal employees.

Relative

A relative is defined as a close relative within the third degree by consanguinity (blood) or within the second degree by affinity (marriage).

- ***Relationships by Consanguinity (Blood)***

"Consanguinity" denotes a blood relationship where one individual is descended from the other or two individuals share a common ancestor. An employee's relatives within the third degree by consanguinity are:

- First degree – the employee's parent or child;
- Second degree – the employee's brother, sister, grandparent or grandchild; and
- Third degree – the employee's great-grandparent, great-grandchild, aunt who is the sister of a parent, uncle who is a brother of a parent, nephew who is a child of a brother or sister, or niece who is a child of a brother or sister.

The term "child" includes an independent, adult child. Consanguine relationships include those by half blood and legal adoption. A relationship between step-relatives is not consanguine.

- ***Relationships by Affinity (Marriage)***

"Affinity" refers to a relationship created by marriage. Two individuals are related by affinity if they are married to each other, or if one individual's spouse is a blood relative of the other individual. An individual's relatives within the second degree by affinity are:

- Anyone related by consanguinity to the employee's spouse within the first or second degrees; or
- The spouse of anyone related to the employee by consanguinity within the first or second degrees.

A relationship by affinity extends only to blood relatives of an employee's spouse. It does not include a relative-in-law of the employee's spouse. For the purpose of determining the existence of a relationship by affinity, a marriage that has ended in

divorce or the death of a spouse generally is considered to continue so long as a child of that marriage lives.

Disclosure

All persons applying for employment are required to disclose any relative serving as the Mayor or Council member and/or any relative who is employed by the City.

Prohibitions

- ***Elected Officials***

No person who is related within the third degree by blood (parents, children, brothers, sisters, grandparents, grandchildren, great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews) or within the second degree by marriage (spouse and spouse's children, parents, brothers, sisters, grandparents and grandchildren) to the mayor or any member of the City Council may be offered or accept employment with the City.

This prohibition does not apply to any person who has been employed by the City for at least one year prior to the time of the election of the Mayor or City Council member.

- ***Council Appointees and Executive Management Directors***

No person who is a relative (as defined above) within the third degree of a council-appointed employee or an Executive Management Director may be offered or accept employment with the City.

- ***Supervisor/Manager's Relatives***

No person who is a relative (as defined above) within the third degree of a current City supervisor/manager may be offered or accept employment with the City which places the relative within the direct chain of command, permits them to supervise, conduct a performance review, or causes them to otherwise serve in a position where one may have significant influence in determining the other's advancement, compensation, or other terms and conditions of employment.

- ***Same Department***

No person who is a relative (as defined above) within the third degree of a current City employee may be offered or accept employment with the City which places the relative within the same department as the employee without prior written authorization from the Executive Management Director and the City Manager.

- ***Condition of Conflict***

No person who is a relative (as defined above) may be offered or accept employment where the employment would constitute a condition of conflict.

- ***Other Relationships***

For relationships other than by blood or marriage, refer to the "Relationships" policy (Chapter 8).

Grandfather Clause

The City is aware that, as of the revision date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City as long as their relative relationship, employment status and/or position(s) of the affected employee(s) do not change, and no condition of conflict exists. Any future changes to the relative relationship, the employment status, and/or position(s) will be governed by the requirements of this policy.

IMMIGRATION LAW

The City of Bryan is committed to full compliance with the federal immigration laws. These laws require that all individuals pass an employment verification procedure before they are permitted to work by providing satisfactory evidence of their identity and legal authority to work in the United States no later than three (3) business days after the employee begins work.

Failure to provide appropriate documentation as required will result in the person not being accepted for employment, or if employed, terminated.

Any employee working under a temporary work document must ensure Human Resources is provided prompt and proper information concerning expiration or renewals of work documents. Failure to provide renewed documentation will result in termination.

AMERICANS WITH DISABILITIES ACT

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

The City will provide a reasonable accommodation to the known documented physical or mental impairments of an otherwise qualified individual with a disability, if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the City, or constitute a threat to the safety of the disabled person or other persons.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including but not limited to, harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the City's "Sexual & Other Prohibited Harassment" Policy (Chapter 8).

MEDICAL EXAMINATIONS

As a condition of employment, and based upon job requirements, all prospective employees (including transferring and promoting) may be required to pass a medical examination administered by a physician designated by the City of Bryan. No one who is given a medical examination shall be employed unless the examining physician certifies that the person is medically qualified to perform the essential duties, requirements and responsibilities of the position.

Supervisors are responsible for notifying the Human Resources Department of any positions which place physical or environmental demands on the employee. Such positions will be reviewed by the Human Resources Department to evaluate and determine the type and extent of medical examinations required prior to job performance.

Medical examinations required by the City of Bryan for prospective, promoted, transferred or current employees shall be paid for by the City of Bryan. Time spent by a current employee in waiting for and receiving a medical examination shall be considered hours worked for pay purposes.

The Human Resources Department is responsible for making all appointments and arrangements for obtaining the medical examination, and matters concerning the initiation and completion of the requirements are to be directed to them. Applicants and employees are not authorized to make any changes to the appointment times and/or requirements and conditions of the exam.

Medical examinations paid for by the City of Bryan are the property of the City of Bryan. Medical information shall be considered confidential, unless otherwise deemed public information and/or authorized for release.

Medical examinations for civil service applicants shall be conducted in accordance with Texas Local Government Code, Chapter 143 and the City of Bryan Civil Service Rules and Regulations.

DRUG & ALCOHOL TESTING

All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and/or illegal and unauthorized drugs. Such testing is to be made as near to the effective date of employment as possible. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally-accepted testing procedure.

A positive test result, refusal to test, failure to provide the required sample, failure to cooperate with any part of the testing process, attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City for a period of two (2) years from the date of a positive test result or the date of refusal.

The Human Resources Department is responsible for making all appointments and arrangements for obtaining the drug and/or alcohol test, and matters concerning the initiation and completion of the requirements should be directed to them. Applicants and employees are not authorized to make any changes to the appointment time and/or requirements and conditions of the exam.

The laboratory will notify the Human Resources Department of the results, whether negative or positive. If a positive test is confirmed, the hiring manager will be notified by Human Resources of the positive test result.

Drug and/or alcohol tests paid for by the City of Bryan are the property of the City of Bryan. Drug and/or alcohol test results are considered confidential information, unless otherwise deemed public information and/or authorized for release.

This policy also applies for current employees being promoted, with the addition that employees who have a positive drug and/or alcohol test result will be terminated.

Applicants for DOT Positions

Applicants applying for City positions that require a Commercial Driver's License (CDL) as part of the job are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy.

DOT tests are completely separate from the non-DOT tests and are conducted at a lab certified by the U.S. Department of Health and Human Services.

DOT requires drug and alcohol tests be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time.

For new hires, promotions, and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing

regulations within the two years prior to the date of the driver's application, promotion, or transfer. If the City receives any such information about an applicant, the applicant will not be hired. If such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driving position and may also receive disciplinary action, up to and including termination of employment.

The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of three (3) years.

The City will also ask the applicant if he has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past two (2) years. If the person admits to such conduct, or if the person refuses to provide the City with the required written consent, the person will not be allowed to be hired to perform safety sensitive functions for the City.

The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

AGE REQUIREMENTS

Age limits are indicated in some job descriptions for various positions, upon the basis of bona fide occupational qualifications or statutory requirements. Where no age requirements are specified, the following shall apply:

- No person under 18 years of age shall be employed as a full-time or part-time regular employee.
- No person under 18 years of age shall be employed as a contract or temporary employee in any position requiring the operation of a motorized vehicle owned by the City or in positions of a hazardous nature.
- No person under 16 years of age shall be employed in any position, including volunteer positions.

Minors

Within statutory limits and restrictions, minors (ages of 16 and 17) may be considered for employment in temporary positions of a non-hazardous nature. Occupations declared to be hazardous to persons between 16 and 18 years of age by the Department of Labor include: motor vehicle driver and outside helper, operating power-driven machines, operating elevators and power-driven hoisting equipment, operating chain saws, circular saws and guillotine shears, excavation, and roofing related activities.

A certified copy of the minor's birth certificate will be required and the parents or legal guardians of such minors must sign a waiver and release form provided by the Human Resources Department prior to the employment of a minor.

Fire Civil Service

In accordance with Local Government Code, Chapter 143.023, a person may be certified as eligible for a beginning position if the person is at least 18 years of age and not more than 35 years of age at the time of hire.

Police Civil Service

In accordance with Local Government Code, Chapter 143.023, a person may be certified as eligible for a beginning position if the person is at least 21 years of age and not more than 44 years of age at the time of hire.

CRIMINAL HISTORY RECORDS

General Employment

Criminal history records will be obtained from the Texas Department of Public Safety by the Human Resources Department and reviewed on all applicants for hire, including current City employees in promotion/transfer situations.

An applicant whose criminal history record reveals the following will be rejected for employment regardless of whether or not the applicant disclosed that information on the application form and/or during the application process.

- Any felony conviction within the past 15 years;
- Any Class A misdemeanor conviction involving theft, drugs, or sexual misconduct within the past 15 years;
- Any Class A or B misdemeanor conviction of a violent nature;
- Any other arrests and/or convictions, including deferred adjudications and probations, for any crime that may make him unsuitable for employment with the City of Bryan.

Exceptions may be considered in truly unusual cases where the conviction or arrest does not reflect upon the applicant's suitability for employment based upon such factors as nature of offense, date, and relationship between the offense and the position for which the person is applying. In the cases of exceptions, final approval is at the sole discretion of the City Manager.

However, any false statement or omission of any information, whether intentional or not, shall result in the applicant being disqualified for consideration for that position, and it shall also result in the applicant being barred from employment with the City of Bryan for any position for a period of two (2) years from the date of application.

This policy also applies to current City employees who are promoted and/or transferred within the City, with the addition that the status of their current employment will be reviewed and determined by the appropriate Executive Management Director, Human Resources Director, Risk Manager, and City Attorney.

Special Requirements by Job Specification

It is the policy of the City of Bryan to require certain applicants, as determined by job specification, to undergo a more thorough and extensive background investigation. This background investigation may include a Computerized Criminal History (CCH) check and fingerprint check conducted by the Chief of Police. City positions covered by this policy may include, but are not limited to the following:

- Police officer;
- Safety-sensitive personnel who may work and/or have access to the Police Department;
- Information Technology personnel who may have access to Texas Crime Information Center/National Crime Information Center (TCIC/NCIC) data, and;
- Municipal Court personnel who may have access to TCIC/NCIC data.

DRIVING REQUIREMENTS

All City employees in positions requiring the operation of either City-owned or controlled motor vehicles will be subject to these standards. City controlled vehicles include lease/rental vehicles, and personal vehicles driven by the owner on City business, usually on a mileage reimbursable basis or a mileage/car allowance.

Human Resources will evaluate an applicant's driving record before being hired or promoted. Driving records will be evaluated using a standardized point system to determine eligibility. Records of violations incurred more than three years before evaluation will not be considered. An applicant who has a final score of more than six (6) points will not be considered for employment or transfer/promotion requiring the operation of a City owned or controlled vehicle. The applicant may, however, be considered for employment in a non-driving position, or for a future application when the driving record meets City requirements.

RESIDENCY REQUIREMENTS

Employees of the City of Bryan shall not be required to, nor shall they be discriminated against, for not establishing a residence within the corporate city limits of Bryan. However, ability to meet established response time requirements for some positions will be considered a condition of employment.

Immediate supervisors, with the specific approval of their Department Manager/Director may establish reasonable response time requirements for certain positions which may be subject to emergency recall and/or periodic service on a stand-by status. Residency requirements for employees of the City of Bryan shall be based entirely on the requirements of the position held by the employee.

A definition of and guidelines for establishing reasonable response time will be explained by the employee's supervisor at the time of employment and/or at any time when job requirements or response time guidelines change.

POLITICAL & RELIGIOUS AFFILIATIONS

No political, fraternal or religious connections or affiliations shall be considered as a condition of employment by the City of Bryan, nor shall such matters be permitted to influence any action or recommendation relating to present employees.

Funds received by the City of Bryan through federal and/or state grants shall not involve, and no portion of the funds received shall be used in support of any sectarian or religious activity. Further, none of the funds provided to the City by federal and/or state grants shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

RE-EMPLOYMENT & REINSTATEMENT

Re-employment

To be considered for re-employment, a former employee must have demonstrated acceptable prior service with the City and must meet the current minimum qualifications for the position for which he is applying. A former employee will not be eligible for re-employment with the City of Bryan until one (1) year after the date of separation from the City except for the following approved reasons:

- The former employee was laid off due to a reduction in force;
- The former employee was a temporary and/or seasonal employee; or
- The former employee separated from the City for reasons of health, provided his recovery is certified by his physician and/or a physician selected by and at the expense of the City of Bryan.

The City Manager may waive the one (1) year period if it is determined in the best interest of the City of Bryan. Written documentation to substantiate the request for waiver must be submitted by the Executive Management Director.

Re-hired employees are subject to the conditions of employment and benefits of a newly-hired employee, except where specifically stated otherwise. (Reference Reduction in Force/Layoff policy, Chapter 10)

Persons who were terminated or dismissed from the City, or who resigned not in good standing or in lieu of discharge, who resigned pending the outcome of an investigation in which they were the subject of or a party to, or who are not otherwise recommended for rehire, will not be considered eligible for employment with the City of Bryan at any time.

Classified Police employees applying for re-employment shall be considered in accordance with the Texas Local Government Code, Chapter 143 and the City of Bryan Civil Service Rules and Regulations.

Reinstatement

Reinstatement refers to those instances where a non-civil service employee, who appeals an involuntary termination, is put back to work as a result of the appeal. The service record of the reinstated employee will reflect a break in service when full back pay is not awarded.

Accrued leave benefits and any other applicable benefits will be reinstated and immediately available to the employee, unless the terms and conditions of the reinstatement specify otherwise. If the employee was already compensated for accrued vacation time, he will be provided with the option of refunding the City the amount paid and the equivalent hours will be replaced; or beginning with a zero balance from that point forward. This option must be provided in writing by the employee to the Human Resources Department within five (5) business days of the effective date of reinstatement. If the reinstatement provisions are silent on relevant reinstatement matters, or if the employee fails to provide written notification of his option within the specified time frame, those matters will be processed in accordance with standard procedures established by the Human Resources Department.

RECRUITMENT & RELOCATION EXPENSES

In most instances, applicants for City employment are responsible for interview and/or relocation expenses. A Department Director may reimburse for expenses incurred for interview and relocation for senior professional or management candidates only, and may, at his discretion, restrict the request for reimbursement of any expenses he deems inappropriate and/or dependent on available funds within his department.

Recruitment/relocation expense reimbursements will be charged to the hiring department and appropriate receipts/documentation will be required. All payments/reimbursements will be handled in accordance with federal and state laws, as well as other applicable policies and procedures.

NEW EMPLOYEE PROCESSING & ORIENTATION**New Employee Processing**

All new employees will be processed by the Human Resources and Risk Management departments. New employees are required to attend the session as scheduled and must have readily available their social security card, photo identification (i.e., driver's license, state ID, etc.), and other documents to verify their eligibility to work in the U.S. as required by the Immigration and Naturalization Act.

Employees will report to their designated work sites upon completion of the processing period.

New Employee Orientation

All new employees are required to attend New Employee Orientation as scheduled. If an employee is unable to attend the scheduled session, the appropriate Department Manager must notify Human Resources as soon as they obtain this knowledge. If an employee misses the original scheduled session, he must attend the next scheduled session. Failure to do so may result in disciplinary action of the employee and the manager.



CHAPTER 4

Schedules & Work Hours

HOURS OF OPERATION & WORK SCHEDULES

The City of Bryan reserves the right to establish official work hours for all positions to ensure accomplishment of the City's goals and mission.

Hours of Operation

Normal hours of operation for offices of the City of Bryan shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday, except for those employees in some departments who have been designated different work hours and shifts.

Work Week - Non-Exempt Employees

The City has adopted a 40-hour work week schedule for non-exempt employees, except for certain civil service fire and police personnel. Unless otherwise defined, the work week is determined as a seven (7) consecutive day period beginning at 12:00 a.m. on Monday, and ending at 11:59 p.m. on the following Sunday.

Any deviation from a non-exempt employee's working hours must be approved in advance by the appropriate manager. Generally, working hours for non-exempt employees shall be consistent from day to day and must be consistent and appropriate with the responsibilities of the position, customer interfaces, and the needs of the department. Non-exempt employees are not permitted to determine their own work schedule.

Exempt Employees

Exempt employees receive a salary regardless of the hours worked and are not eligible for overtime pay. The schedule of hours worked by an exempt employee during a pay period may vary according to the demands and needs of the department, keeping in mind public accountability.

Work Period – Civil Service Fire Personnel

The City of Bryan has declared a 14-day work period under the 207(k) provision of the Fair Labor Standards Act for certain civil service fire personnel on shift schedules and has determined its work week to be a fourteen (14) consecutive day period commencing at 7:00 a.m. on Monday and ending at 6:59 a.m. on the Monday fourteen (14) days following. These employees are classified as non-exempt.

Work Period – Civil Service Police Personnel

The City of Bryan has declared a 14-day work period for civil service police employees under the 207(k) provision of the Fair Labor Standards Act and Local Government Code, Chapter 142. As designated, certain civil service police positions have a fourteen (14) consecutive day period commencing at 12:00 a.m. on Monday and ending at 11:59 p.m. on the Sunday fourteen (14) days following. These employees are classified as non-exempt.

Adjustment to Work Hours/Schedules

In order to assure the continuity of City services, it may be necessary for department managers to establish other operating hours for their departments. Work hours and shifts must be arranged accordingly and each supervisor is expected to manage work hours efficiently and effectively. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of employment with the City of Bryan includes

the employee's acknowledgement that changing shifts or work schedules may be required and includes that he will be available to do such work as required.

When a supervisor allows or requires a non-exempt employee to work extra hours, the supervisor shall make reasonable efforts to arrange the employee's work hours during the work period so that liability for overtime pay does not result or is minimized. This may be accomplished by changing the employee's work schedule and balancing (or flexing) the employee's hours during the work week. Employees must adhere to the adjusted schedule as determined by the supervisor/manager.

In the event that scheduled staff exceeds staffing needs or in situations such as inclement weather, a Department Manager may determine the need to temporarily reduce hours. The Department Manager may first request for volunteers for reduced hours, if appropriate. If no volunteers are forthcoming, or the situation does not lend itself to requesting volunteers, the department manager will reduce hours for employees on the basis of job knowledge and performance within the same job classification, unless specific skills are needed. The employee(s) will be required to accept the reduced hours or adjusted schedule, resulting in hours without pay, as determined by the Department Manager. These temporary reduction in hours or adjustments in schedules will not result in the loss of benefits. Prior to determining a temporary reduction in hours, the Department Manager should explore the possibility of floating the employee to another area within his department for which the employee is oriented and qualified.

Employees must accurately record the actual hours worked, reflective of any schedule adjustments and/or reduced hours on their time card. With management approval, employees may use accrued vacation or floating holiday hours to make up the difference for reduced hours.

HOURS WORKED

The Fair Labor Standards Act (FLSA) defines "hours worked" as all hours during which an employee is "suffered or permitted" to work. This includes any time during which the City knows or has reason to believe the employee is performing work for the City.

Times such as waiting time, on-call time, rest and meal periods, meetings and training programs, and travel time may all be considered as time worked if certain conditions are met. Those specific areas are addressed separately in this Chapter.

Paid sick leave and paid vacation hours do not count as hours worked for the purpose of determining overtime pay; however, the City of Bryan permits holidays and floating holidays to be counted towards the calculation of overtime pay.

All employees are required to work hours in excess of their official hours when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to do the work. Excess hours may be required or granted for a specified period of time, or on a regular basis as operating circumstances warrant.

Unless approved in advance by an appropriate supervisor, a non-exempt employee is prohibited from performing work at any time other than, or in addition to, authorized working hours. This includes, but is not limited to, work before or after regular work hours, or work taken or performed at home. Failure to receive appropriate prior approval may result in disciplinary action, up to and including termination of employment.

ATTENDANCE & PUNCTUALITY

To maintain a safe and productive work environment, the City of Bryan expects employees to be reliable and punctual in reporting to work. Employees are expected to be at their workstations and ready to work at their scheduled start time. Non-exempt employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, the time(s) they left for and returned from any break (sick leave, unpaid, etc.) during the work day, and the time they ended work for the day.

Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to his supervisor the reason for the absence or tardiness and the date and time of his anticipated arrival. For absences of a day or more, the employee must personally notify his supervisor on each day of his absence, unless the supervisor expressly waives this requirement. The supervisor is to document that waiver in writing.

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

An employee who fails to provide appropriate notice and/or obtain appropriate supervisory approval of an absence of two (2) consecutive days or more will be presumed to have voluntarily resigned his employment with the City.

ON-CALL & DESIGNATED STANDBY STATUS

The essence of a municipality is to be responsive and available to serve its customers. While all employees are required to respond to an on-call assignment, some departments may designate non-exempt employees to be on standby to be readily available when needed to handle needs and situations occurring outside of regularly scheduled work hours. Supervisors and managers are responsible for determining on-call and designated standby status situations, as well as, who will be expected to be on-call and who will be required to be on designated standby.

On-Call Status

On-call is the time, other than regularly scheduled work hours, when an employee is expected to be available for call-back at any time. The employee is free to pursue personal activities, but must respond to a call-back (pager, phone, radio, etc.) within designated guidelines set by the individual department and/or department manager or designee. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. This time is not considered time worked and is not compensable. If the employee is called back to work, he shall receive pay for the actual hours worked.

Designated Standby Status

A non-exempt employee may be designated to be on "standby" status according to a specific schedule to respond to emergencies or interruptions in some services which occur outside of the regularly scheduled work hours. This is not to be confused with situations where an "on-duty" employee is asked or required to stay beyond his normal shift or where an "off-duty" employee who is not on designated standby is called back to work.

The employee may be required to wear a pager, carry a cell phone, and/or utilize some other communications device and shall promptly respond to calls. The employee will also be responsible to follow established procedures and supervisor/manager direction while serving on designated standby.

The employee is free to pursue personal activities, but is prohibited from consuming alcohol, illegal drugs, or any other substance (legal or illegal) that may impair the employee's ability to perform his duties in a safe and capable manner. Employees designated to be on standby status must be fit, both mentally and physically, to accomplish standby services needed within the time frame required.

An employee who has a personal emergency while on standby shall be required to notify his supervisor/manager of his inability to continue serving on standby, so that his standby responsibilities can be transferred to another employee. An employee is restricted from changing designated standby duty with another employee for any reason without advance approval from his supervisor/manager.

The time an employee is designated to be on standby status is not considered time worked and is not compensable. However, the employee shall receive payment for being designated to be on standby status in accordance with the "Standby Pay" policy (Chapter 6), and if called back, the employee will receive compensation for actual hours worked.

Failure to respond as required while serving on designated standby or failure to comply with this policy shall result in forfeiture of rights to receive standby pay, as well as, disciplinary action, up to and including, termination.

REST BREAKS & MEAL PERIODS

The Fair Labor Standards Act (FLSA) does not require that an employer provide its employees with time off for rest breaks, coffee breaks, meal periods, or for any other such purpose. However, if the employer does provide breaks of this type, there are regulations governing the determination of whether the break time is compensable hours worked.

Rest Breaks

Rest or coffee breaks are of short duration, usually from five (5) to twenty (20) minutes. Rest breaks are considered as compensable hours worked if less than twenty (20) minutes.

Full-time employees may, depending on individual department work schedules and at the discretion of their supervisor, take up to two (2) rest breaks each day; one during the first part of the work day, and the other during the latter part of the work day. Rest breaks shall be considered a privilege and not a right and shall never interfere with proper performance of an employee's work responsibilities and department work schedules.

Practices that are **not** permitted by the City for rest breaks are:

- Combining two (2) daily breaks into one (1) extended rest period;
- "Banking" rest period time from day to day;
- Saving rest period time to extend lunch period or shorten shift; and
- Requesting compensatory time off or overtime pay for work performed during rest period.

In fairness to all employees, individuals who smoke are expected to comply with this policy on rest breaks.

Meal Periods

Meal periods are designated by the individual departments and may be staggered in order to minimize departmental interruption. Bona-fide meal periods are 30 minutes or more in length of time, and are **not** considered paid work time. During this time period, the employee is to be completely relieved of duties, whether active or inactive. If the employee is NOT completely relieved of duties, then the meal period is considered hours worked.

If the meal period is less than 30 minutes, the meal period is considered as hours worked for pay purposes. Managers may control unauthorized work during meal periods by utilizing the disciplinary process.

Every effort will be made to ensure that all employees receive a daily meal break during each shift. This break is to be taken at the discretion of the appropriate supervisor/manager. There may be instances, however, when an employee may not receive a scheduled meal break due to scheduling and/or the nature of the work.

CIVIC OR CHARITABLE WORK

On occasion, employees may provide work for civic or charitable events while employed with the City of Bryan. Prior approval by the appropriate Department Director is required. Such time will be considered as compensable work time if it is performed:

- At the City's request;
- Under the City's direction or control;
- With specific management approval; and
- During times the employee is required to be on duty or on City premises.

Time voluntarily spent in public or charitable work outside the employee's normal working hours is not considered as compensable work time.

TRAVEL & TRAINING TIME

Employees in positions that are classified as non-exempt may be eligible for compensation for the time they spend traveling, depending on the kind of travel and whether the travel is considered as "hours worked".

Travel Time

- ***Commuting (Home to Work Travel)***

Ordinary travel between home and work before or after regular working hours is not counted as hours worked. This applies whether the employee works at a fixed location or at different work sites. An exception to this rule is when an employee is called out after the end of his workday to perform an emergency job for the City. In these instances, ordinary travel between home and work is considered as hours worked.

- ***Travel While at Work/Within Normal Work Hours***

Travel at work that occurs during an employee's normal workday is generally included in hours worked. This includes travel between job sites and travel to meetings. This does not include travel for lunch breaks or personal business.

- ***Out of Town Travel***

- a. **One Day Assignment**

Time spent traveling to and from another city that does not require an overnight stay is considered as hours worked, except that the normal "commuting" time need not be counted.

- b. **Overnight Travel**

Time spent traveling to another city is counted as hours worked only to the extent that it coincides with the employee's regular workday schedule. Travel that occurs during hours of the day in which the employee normally works is counted as work time, even if it falls on a day that is normally a non-working day for the employee (for example, a Saturday or Sunday when the employee's normal work schedule is Monday through Friday).

Time spent traveling outside of the employee's normal work hours is not counted as hours worked, unless the employee actually performs work for the City while traveling during the regularly unscheduled hours.

- c. **Travel as the Driver of an Automobile with Passengers**

Authorized travel time spent driving an automobile with one or more passengers, is treated as work hours, regardless of whether the travel takes place within normal work hours or outside of normal work hours.

If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available, and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be eligible for compensation.

d. Travel as the Passenger of an Automobile

Travel as a passenger in an automobile is not automatically treated as "work hours". It is treated the same as all other forms of travel, and compensation depends upon whether the travel time takes place within normal work hours or outside of normal work hours.

Lectures, Meetings and Training Programs

Attendance at lectures, meetings, training programs and similar activities **must** be counted as "work hours" if **all** of the following four criteria are met:

1. Attendance is within the employee's regular working hours;
2. Attendance is being required of the employee;
3. The course, lecture, or meeting is directly related to the employee's job; **and**
4. The employee performs any form of productive work during such attendance.

If **all** four criteria are not met, the time spent may be considered non-compensable.

INCLEMENT WEATHER CONDITIONS & DISASTER OR EMERGENCY SITUATIONS

In order for the City of Bryan to be adequately prepared for storms, disasters and other emergency situations, employees must be available who know how to coordinate, deliver or restore the essential services, such as utilities, maintain public safety, handle calls for information, keep records, deliver supplies, assist at shelters, etc. Therefore, all City of Bryan employees are considered as essential personnel during these situations (before, during and after) to provide for the safety and well-being of the general public, to deliver and restore vital and essential services, and to be ready to respond to whatever may be needed.

In times of inclement weather, disaster or emergency situations, working hours and operations shall be determined by the City Manager. Some or all departments may be required to remain staffed and operational, as well as, adjust shifts and operations in order to meet needs and address concerns. The Department Manager is responsible for ensuring staffing and operational needs are met accordingly. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the Executive Management Director and City Manager. The decision to close offices and/or specific operations is solely at the discretion of the City Manager.

Employees may be required to work hours, shifts, and/or duties outside of or in addition to their normal work day and position. This may also include times when a mandatory evacuation has been ordered for the area.

Managers are expected to communicate to employees expectations during these times, such as where and when to report, assignments to be carried out, and any other provisions or instructions necessary.

Employees are required to report to duty at the time and location as directed; therefore, they are responsible for pre-planning the safeguarding and/or relocation of family members and pets.

Employees who are off duty and/or on paid leave during these types of situations must immediately contact their supervisor/manager for instructions as to whether or not they will be required to report to work.

Sick leave will not be approved during these situations without a valid doctor's notice. Employees who fail to report to work as directed and/or refuse or fail to perform the duties assigned may be subject to disciplinary action, up to and including termination of employment.

TELECOMMUTING

Telecommuting is a City of Bryan management tool that provides flexibility in meeting customer and business needs. The use of telecommuting depends on specific business functions and work tasks to be performed.

Telecommuting is not an employee benefit. It is an alternative work method and a Department Director shall determine the positions appropriate for assignment to telecommuting. Each telecommuting position or group of positions shall be reviewed on a case-by-case basis and approved by the appropriate Department Director. A Department Director has the right to refuse to make telecommuting available to any employee and to terminate a telecommuting arrangement at any time for business reasons or any other reason that is deemed in the best interest of the City.

Conditions of Telecommuting

Telecommuting is voluntary and may be ended at anytime by either the City of Bryan or the employee.

A written letter of understanding must be completed between the employee and the department director documenting terms such as work schedule, performance expectations, assigned equipment, etc. and must be approved by the Executive Management Director. A copy of the letter of understanding must be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

The employee must comply with all applicable City and departmental policies and procedures, state and federal laws, etc. and use safe work practices. Failure to comply may result in the loss of telecommuting privileges and/or disciplinary action, up to and including termination.

Duties, obligations, responsibilities, and conditions of employment with the City of Bryan remain unchanged, including an employee's status, benefits, and compensation.

There shall not be any disruption of service or decline in the quality of services provided by the employee and/or department. Telecommuting must not result in excessive additional work for staff at the official work location.

Telecommuting is not a substitute for child or adult dependent care.

An employee's performance must be satisfactory, evidenced by performance ratings of "meets expectations" or higher. At any time during a telecommuting assignment that an employee's performance falls below expectations, the employee's authorization to telecommute shall cease immediately. An employee who is granted telecommuting privileges must demonstrate that his productivity has been equal to or greater than his productivity before telecommuting was authorized.

Work Schedule

The Department Director, the appropriate supervisor and the employee determine the work schedule (including telecommuting work day hours and core hours). The work schedule and hours of work will be consistent with the City's policies and department requirements.

Supervisors may require employees telecommuting to report to a central work location as needed for business related meetings, other events, or to discuss work process or other work related issues. The supervisor may also meet with the employee at the alternate work location.

All non-exempt employees telecommuting must adhere to the requirements of the Fair Labor Standards Act and related City policies, ensuring all hours worked are recorded and no overtime is worked without prior supervisory approval.

During telecommuting periods, the employee must at all times be accessible to the workplace via phone, e-mail, or other means of direct communication, and must be able to report to his central work place or other designated work site when notified or to respond to communications from other staff, supervisors, managers as required.

Alternate Work Location

The employee must designate a primary alternate work location that is maintained in safe condition, free from hazards. The work site is subject to the approval of the Department Director and the Risk Manager. With reasonable advance notice, representatives from the City's Risk Management Department, the IT Department, the employee's department, or who are otherwise authorized by the City Manager, may inspect an employee's alternate work location to determine suitability, that the work space is safe and free from hazards, and to verify the physical location of City equipment.

Alternate work locations are considered an extension of the official work location during telecommuting work hours only. If injured while working at an alternate work location and during telecommuting work hours, the employee must report the injury to his supervisor immediately.

The City of Bryan is not responsible for third party injury or property damage that occurs at the alternate work location.

Mileage between the employee's alternate work location and the official work location is considered normal commuting time and is not compensable.

Equipment, Property and Other Costs

The employee's department will provide equipment and materials needed by the employee to effectively perform his duties; however, where an agreement specifies, an employee may be authorized to use his own equipment. All computer related equipment must be coordinated and authorized through the IT Department.

City provided equipment may be used only for legitimate City business purposes by authorized employees. The employee is responsible for protecting City-owned equipment from damage, theft and unauthorized use.

The City will provide and maintain the equipment listed in the agreement between the employee and the City. The employee will remain personally responsible for the cost of any repairs caused by the misuse or abuse of the equipment or by the employee's own negligence. The employee must immediately report any problems or damage to equipment to their supervisor and the City's IT Department. In the event it is determined that the employee is liable for the loss or damage to the City's equipment, the employee shall remit the cost of such equipment or its damages to the Finance Department within 60 days of such loss or damage.

Employees telecommuting who use personal equipment are responsible for maintenance and repair of the equipment. The City is not obligated to assume responsibility for operating costs, home maintenance, or other costs incurred by employees in the use of their homes as telecommuting alternate work locations.

Employees should obtain supplies needed for the alternate work sites through the normal process in their department.

In the event that an employee ceases employment with the City of Bryan, or the telecommuting arrangement is discontinued for any reason, the employee must immediately return all City equipment, property, supplies and information. If the employee fails to do so, he shall be responsible for reimbursement of the costs for all unreturned property and may be subject to legal prosecution.

Confidentiality of Information

Employees telecommuting must ensure the confidentiality and security of data used or accessed while telecommuting. Employees may not compromise the confidentiality or security of City information due to telecommuting, remote computer access, etc. Unauthorized disclosure, perusal, altering of information or accidental breaches of confidentiality by an employee is a serious violation of City policy and the telecommuting agreement will be immediately terminated, and may also be cause for disciplinary action, up to and including termination.



CHAPTER 5

Performance Review & Employee Development

PERFORMANCE REVIEWS

The performance of all employees will be reviewed periodically and is intended to ensure that all employees are aware of what duties are expected, understand the level of performance expected, receive timely feedback about their performance, have opportunities for education, training and development, and are evaluated in a fair and consistent manner.

Civil Service Employees (Classified Fire and Police)

Civil service employees will be reviewed at least annually and will be at the time designated by the department and in accordance with department rules and regulations.

All performance documentation shall be forwarded to Human Resources and maintained in the employee's personnel file.

Regular Employees

Regular City employees will be evaluated in accordance with the provisions of the City's Career Progression Program. Because the City of Bryan espouses a "merit pay" philosophy for regular employees, it is necessary and appropriate to link performance to pay; therefore, the review also serves as the basis for determining if an adjustment in salary is merited, in addition to the reasons stated above. However, the City's policy requires that the discussion of employee development and performance be conducted separately from the discussion regarding salary. Separating these two discussions, even by a couple of days, keeps the conversation on the primary purpose – either performance feedback or the employee's compensation.

The formal performance appraisal process provides an ideal mechanism for the employee and his manager to discuss candidly the employment relationship, reinforce strengths, identify areas needing improvement, and stimulate further personal and professional growth.

- ***Frequency of Performance Feedback Discussions***
 - a. **Business Operations and Technical Operations**

Employees assigned to positions in Business Operations and Technical Operations career ladders will receive informal progress reviews in accordance with the review schedule shown in the Career Progression Program for the wage range assigned to their position.

Formal reviews will be conducted on an annual basis aligned with their employment or position anniversary date.

- b. **Business Professional and Technical Professional or Exempt Specialty**

Employees assigned to positions in the Business Professional and Technical Professional career ladders will receive formal evaluations annually coincident with their employment or position anniversary date.

- c. **Exempt Specialty with Management and Executive Management**

Employees assigned to positions in the Management career ladders will receive formal evaluations at the end of each fiscal year. Timing of these feedback

discussions is critical to ensure the integration of individual performance goals with established goals for the entire City, including fiscal responsibility.

Notwithstanding establishment of the standardized performance feedback times noted above, informal performance discussions between supervisors and employees should occur on a more frequent basis, at least once each month, so that there are no surprises when the employee and his manager meet to complete the formal, annual performance feedback and review.

- ***The Discussion Between Manager and Employee***

The discussion should serve as a review of the past and an opportunity to develop individual objectives for the future. It is the responsibility of the supervisor/manager to:

- Prepare for the discussion, having recorded examples of performance, positive and/or negative;
- Give adequate notice of the intended meeting so that both parties can prepare;
- Hold the discussion in private, not permitting interruptions;
- Allow adequate time for a free exchange of views without pressure of a deadline; and
- View the employee's performance in totality.

Together, the supervisor/manager and the employee are to:

- Develop and agree on individual objectives and ensure employee development action plans are consistent with career goals, at least to the extent they are known at the time of the discussion. Individual objectives should be supportive of, and contribute to, the attainment of the department's and City's goals and objectives. They should also be documented, specific, timely and measurable to the extent practical;
- Identify the expectations and performance standards of how duties are to be performed, the level of skill and effort required to meet them, and the employee's understanding of his responsibilities; and
- Identify and develop any action plans needed for improvement or developmental needs.

- ***Documentation, Review and Approval***

At the conclusion of the performance feedback discussion, the supervisor/manager is responsible for preparing the performance feedback form and utilizing the prescribed form. No one but the employee's supervisor/manager should prepare the appraisal form. The supervisor/manager needs to submit the performance feedback form to the approving manager **prior to** the feedback discussion with the employee. Once that is received back, the supervisor/manager and the employee will review, discuss and sign the feedback form. The employee will be allowed to provide comments to the performance feedback form.

The completed performance feedback form will be forwarded to the "approving" manager, which is the next level manager, who will review, approve and forward to Human Resources. All performance documentation will be maintained in the employee's personnel file.

- ***Appeal***

An employee has no appeal right of a performance evaluation, but may attach a written response to the performance feedback form, which will be attached and included in the employee's personnel file.

PERFORMANCE IMPROVEMENT PLAN (PIP)

A full-time regular employee who continues to perform below the acceptable level after counseling, or has a summary rating of "does not meet" expectations on his Performance Feedback, may be placed on a Performance Improvement Plan (PIP). If the employee fails to demonstrate the necessary improvement upon completion of the PIP, the employee shall be reassigned, demoted, or terminated.

The PIP document should include statements of the specific deficiencies in the employee's performance, what improvement is necessary, the period of time in which improvement must occur (i.e., 30, 60 or 90 days), and what action will result if the employee fails to show satisfactory improvement. The maximum time period established for a PIP is ninety (90) days. During the PIP time period, an employee may not receive any performance based pay increase. Adjustments to pay for other reasons (range adjustment, etc.) may be considered on an individual basis.

The PIP document will contain signatures of the employee and supervisor/manager, as well as the appropriate department director and forwarded to Human Resources for inclusion in the employee's personnel file.

Employees are required to maintain satisfactory improvement upon completion of a PIP and failure to do so may result in further disciplinary action, up to and including termination.

An employee has no appeal right of a performance improvement plan, but may attach a written response to the document, which will be included with the document in the employee's personnel file.

EMPLOYEE DEVELOPMENT & TRAINING

It is the philosophy of the City of Bryan to support employee training and development opportunities that will prepare employees for increased responsibilities and enhance individual growth, promotion, and development.

Training Responsibilities

- ***Human Resources Department***

The Human Resources Department is responsible for coordinating all in-house training programs. Departments desiring specific training programs and/or topics to be held in-house are to contact Human Resources to coordinate these programs. Some courses provided in-house may be deemed mandatory for attendance and all designated employees and/or supervisors/managers will be required to attend as scheduled. Failure to do so may result in disciplinary action. In addition, as part of a corrective action plan, an employee may be directed to attend particular training classes. Such attendance will be required to continue employment with the City.

The Human Resources Department regularly schedules a new employee orientation program to cover policies, procedures, benefits and other pertinent information. All new full-time regular and part-time regular employees are required to participate in the new employee orientation program as scheduled.

- ***Individual Departments***

Department Managers/Directors are primarily responsible for the level of development of, and the quality of service provided by their employees. It is the supervisor's responsibility to provide departmental orientation and job training for employees under their supervision. Employees and supervisors are jointly responsible for recognizing those training needs essential and beneficial to the employee's job performance. Employee participation in development programs will be measured through the performance feedback system.

Approval and funding for such training is at the discretion of the Department Manager with available funds.

New Employee Orientation

An orientation program is conducted on a regular basis with the goal of introducing the new employee to the City of Bryan organization, benefits, policies, programs and other matters related to their employment. This program is conducted by the Human Resources Department and Risk Management Department.

All new full-time regular and part-time regular employees are required to attend the new employee orientation program as scheduled. (Reference New Employee Processing & Orientation policy, Chapter 3)

Training Records

All records of training will be maintained in the employee's personnel file in the Human Resources Department, unless specifically authorized otherwise by Human Resources and the City Secretary's Office. Upon completion of training or education courses, the appropriate information or certificate should be forwarded to Human Resources for inclusion in the employee's personnel file.



CHAPTER 6

Wage & Salary Administration

COMPENSATION PHILOSOPHY

The City of Bryan is committed to helping its employees achieve their maximum potential within the context of organizational goals and individual job requirements. Specific program objectives have been developed to attain this goal. They are:

- To formally define the levels of responsibility and scope of each different position in the City;
- To objectively evaluate each different position to determine its relative importance and value among all other positions;
- To develop a compensation structure which ensures that wages/salaries are equitable internally and competitive when compared with the appropriate external labor market;
- To provide managers with guidelines that will aid in the consistent and equitable administration of wages/salaries for employees at all levels;
- To attract, retain, and fairly reward employees for their contributions to the goals of the City of Bryan;
- To reward employees on the basis of performance and not on length of service or years of experience.

PAY SYSTEMS

Career Progression Program

The City implemented a "Career Progression Program" which provides guidelines for wage and salary administration for all City of Bryan employees, except city council appointees and civil service employees (classified Fire and Police). Managers and supervisors are provided a Career Progression Program manual which details the specifics of this program.

The City classifies positions into "career ladders" as follows:

- (1) Business Operations
- (2) Technical Operations
- (3) Technical Professional
- (3A) Technical with Management
- (4) Business Professional
- (4A) Business with Management
- (5) Executive Management

Position descriptors have been developed around levels of responsibility within selected categories of jobs (i.e., non-exempt, exempt, and management) and their categorization within the appropriate career ladder. The objective of the position descriptors is to provide employees and managers with some consistent guidance and definition in identifying career path options, administering salaries, and developing training requirements.

Differences among all positions on the career ladders are based on qualifications and skills and the relative strengths of specific job factors, such as freedom of action, impact on the organization, and scope of the job.

With the Career Progression Program, positions are periodically evaluated to ensure internal equity that fairly and objectively reflects the value of each position relative to other positions within the City of Bryan. Human Resources is responsible for the administration of the Career Progression Program and ensuring that managers and supervisors are adhering to the guidelines.

Pay Plans for Civil Service Positions

Civil service employees of the Fire and Police departments, with the exception of the Chiefs and appointed positions, are compensated based on the provisions of a pay schedule/plan established for each department. These employees are compensated based upon increments (steps) of specific time duration, as well as possession of specific certifications, according to the pay schedule that is funded on a fiscal year basis at the option of the City Council.

The pay plan for civil service employees will be in compliance with the Texas Local Government Code, Chapters 141, 142 and 143.

The Chiefs and appointed positions within the Police and Fire Departments are compensated in accordance with the City's Career Progression Program

Temporary/Seasonal Pay Plan

An employee who is classified as a temporary or seasonal employee may be paid by the hour or pursuant to a wage scale proportional to the amount of time worked.

EXEMPT EMPLOYEES

Exempt employees are those who are not covered by the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA). Accordingly, exempt employees are not legally entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

“Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the appropriate manager. Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which he performs no work. In addition to tax withholding, social security, Medicare, insurance contributions and other deductions authorized by the exempt employee, the following deductions may be made:

- Any full-day that the employee is absent from work for personal reasons, other than sickness or disability, and where the employee does not have available accrued paid leave;
- Any full-day that an exempt employee is absent from work for sickness or disability if the deduction is made in accordance with the City’s sick leave policy, long-term disability plan, or applicable workers’ compensation law;
- Suspension without pay for any amount of time for a violation of safety rules of major significance to the City. Such a violation would include a safety or health standard directly applicable to the City’s business;
- Suspension without pay for one or more full days for serious workplace misconduct in violation of the City’s workplace conduct rules, including, but not limited to: violations of discrimination, harassment, workplace violence and drug and alcohol policies;
- Days not worked during the employee’s initial or terminal weeks of employment if the employee did not work for the entirety of those weeks. (The employee’s salary will be pro-rated in proportion to the days or time worked.); and
- Time the employee takes as unpaid leave under the Family and Medical Leave Act (whether it is a full-time leave, or intermittent leave, or reduced schedule leave).

It is the policy of the City not to make improper deductions from an exempt employee’s pay. Any exempt employee who believes he has been, or likely will be, subject to an improper pay deduction, must immediately notify Human Resources. The Human Resources Department will promptly investigate any such matter to determine whether there has been an improper deduction, and will ensure the exempt employee is promptly reimbursed for an improper deduction and will make a good faith commitment to comply in the future.

NEW HIRES

Regular Employees

Starting salaries for new hires will be determined in accordance with the City's Career Progression Program.

A new employee hired into the Business Operations and Technical Operations ladders will normally be hired at the minimum/entry wage rate for that position. Depending on the individual's background and related experience, he may receive a starting wage above the minimum, but not to exceed the second performance progress review step, with the approval of the Department Manager. In these instances, written justification must be provided.

Persons hired into the Technical Professional, Business Professional and Management ladders will generally receive a starting salary in the bottom 1/3 of the range for his position level. In some cases, particularly when demand for qualified employees exceeds available supply, starting salaries may be higher, but must have written justification and formal department director approval.

Civil Service Employees

New civil service employees (classified fire and police) will be hired in at the probationary wage rate regardless of the individual's background and related experience. All civil service employees must serve a one-year probationary period, except those hiring in accordance with the "Reappointment of Police Officers" provision of Chapter 143 and local civil service rules.

Temporary Employees

Temporary/seasonal employees will be hired at the rate determined appropriate by the department manager. Variances in starting rates may be applied depending on the individual's background and related experience.

Council Appointed Employees

The salaries for the City Manager, City Attorney, and City Secretary shall be established by the City Council.

PROMOTIONS

Regular Employees

Promotions shall be handled in accordance with the City's Career Progression Program.

A promotion is defined as moving from a position at one level to a position at a higher level requiring greater skill, effort, responsibility and/or authority. A new job title or assignment, in and of itself, is not sufficient basis for substantiating a promotion.

An employee should normally receive a wage/salary review and increase at the time of a promotion. Such action serves as positive reinforcement for past performance and as an incentive for accepting a position with greater responsibility and challenge. The adjusted wage/salary should put the employee at least at the minimum wage rate of the new range, but not above the midpoint. In no instance, however, should the promotion increase exceed 10% without written approval of the appropriate Department Manager/Director with review by the Human Resources Director. A promotion that occurs on a date other than the normal annual review date will generally require granting a raise that is proportional to the annual guidelines and a performance review being conducted.

Civil Service Employees

Promotions for civil service employees shall be determined in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

WAGE & SALARY INCREASES

Regular Employees

- ***Performance Progress Reviews***

A regular non-exempt employee assigned to positions in the Business Operations or Technical Operations ladders will be eligible for Performance Progress Reviews in accordance with the normal progression expected through his pay range. The number of performance reviews, and the timing between them, is intended to get all employees (assuming acceptable performance) to the midpoint within a projected timeframe consistent with the complexity of the position and how long a "normal" person will need to become reasonably self sufficient. Not everyone will progress through their range at the same speed. Once an employee has reached the midpoint for his range, he will be eligible for an annual merit wage review and increase.

- ***Annual Merit/Performance Increases***

Annual merit or performance increases for regular employees will be administered in accordance with the City's Career Progression Program.

An employee who receives a "meets" or "exceeds" expectations rating on his annual performance feedback will be eligible to receive a merit increase. Managers shall follow the guidelines of the Career Progression Program when determining the amount of a merit increase. Additionally, the average amount provided for by the City Council each fiscal year shall be adhered to by each department.

Any single or multiple wage/salary increase recommendations granted to an employee within a twelve (12) month period should not exceed 10% or exceed other individual guidelines without specific written justification and approval by the appropriate Department Director, with review by the Human Resources Director. This level of approval ensures that appropriate cost controls are maintained and the risk of excessive compensation escalation is minimized.

The employee's immediate supervisor/manager should personally communicate the merit increase action to the employee on or before the effective date; but only **after** final approval of the increase amount has been obtained from the next level manager and, if applicable, a review by Human Resources.

Civil Service Employees

Compensation and salary adjustments for civil service employees (classified fire and police) shall be governed by Chapter 143 of the Texas Local Government Code. Employees will receive increases based on the criteria established for each of the "steps" within the pay plan for their department.

Council Appointed Employees

Salary adjustments for the City Manager, City Attorney, and City Secretary shall be determined by the City Council.

RATES OF PAY

Base Rate

The base rate of pay for each employee is the amount the employee is designated to receive within the salary range for the employee's job classification.

For those paid in accordance with the Fire or Police pay schedules, the base rate of pay is the amount designated by the appropriate beginning level of the employee's job classification or rank.

Regular Rate

The regular rate of pay for each employee is the employee's base rate of pay, plus any other type of pay for which the employee is eligible, including but not limited to, longevity pay, assignment pay, interim/acting status pay, etc. The regular rate of pay does not include payments such as car allowance, clothing allowance, education reimbursements, etc.

Overtime Rate

The overtime rate of pay is one and one-half (1-1/2) times the regular rate of pay.

MINIMUM WAGE

The Fair Labor Standards Act (FLSA) requires that all covered, non-exempt employees be paid a minimum wage as established by law. Payroll deductions that reduce an employee's hourly rate to less than minimum wage are prohibited, unless the deductions are for taxes, or to cover court ordered payments to third parties on employee's behalf, or are made pursuant to employee's assignment of wages to a third party.

OVERTIME

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements.

Paid sick leave, vacation, bereavement leave, jury duty, or any other leave of absences are not considered time worked for the purposes of calculating overtime. Although not required by the Fair Labor Standards Act, the City of Bryan considers holidays (including floating holidays) as time worked for overtime calculation.

Non-Exempt Employees

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

All non-exempt employees must receive their supervisor's authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization may be subject to disciplinary action, up to and including termination of employment.

Non-exempt employees shall be paid at the rate of one and one-half (1-1/2) times their regular rate of pay for all hours worked over 40 hours within the seven (7) day work period. (Reference "Hours of Operation & Work Schedules" Policy, Chapter 4)

Civil Service Fire Employees

The City of Bryan has declared a 14-day work period under the 207(k) provision of the Fair Labor Standards Act for certain classified Fire employees. Under this exemption, hours worked over 106 in the 14-day work period will be considered overtime and will be paid at one and one-half (1-1/2) times the employee's regular rate of pay.

Civil Service Police Employees

The City of Bryan has declared a 14-day work period for classified police employees under the 207(k) provision of the Fair Labor Standards Act and Local Government Code, Chapter 142. Under these provisions, hours worked over 80 in the fourteen (14) day work period will be considered overtime and will be paid at one and one-half (1-1/2) times the employee's regular rate of pay.

Exempt Employees

Exempt employees are not paid overtime compensation.

COMPENSATORY TIME

Exempt Employees

Exempt employees are not eligible to accrue compensatory time.

Non-Exempt Employees

Non-exempt employees are not eligible to accrue compensatory time.

Civil Service Employees

Non-exempt civil service employees shall be eligible to accrue compensatory time in accordance with department rules and regulations and the Fair Labor Standards Act. All compensatory time shall be earned and paid at the rate of 1-1/2 hours for every hour of overtime worked. An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested compensatory time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off.

The City may, at any time, elect to pay a non-exempt civil service employee for any portion of or all the employee's accrued compensatory time. The City may also require employees to take off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

Upon termination, the civil service employee will be paid for unused compensatory time at the employee's current hourly rate.

STANDBY PAY

When an employee serves in a designated standby status, he shall receive compensation at a rate of 1-1/2 times his regular rate of pay for each twenty-four (24) hour period required to be on standby. Standby hours shall **not** be considered as hours worked and shall not contribute to the calculation of overtime pay for the workweek.

Additionally, when an employee on standby is actually called to work outside of normal working hours, payment will be received for the actual time worked at the employee's regular rate of pay. This includes time spent responding from home or elsewhere to the worksite. The hours actually spent working shall count as hours worked for overtime calculation purposes.

For additional information, reference the "On-Call and Designated Standby Status" Policy (Chapter 4).

INTERIM OR ACTING MANAGEMENT STATUS PAY

Any full-time regular employee (non-civil service) who is temporarily assigned to serve in a higher level management position during a vacancy for a minimum period of three (3) weeks (15 business days), shall be compensated for the additional duties and responsibilities of the higher level position at an amount equal to a minimum of 10% of his regular rate of pay, unless otherwise approved by the City Manager. The additional pay may be paid to the employee each pay period, or at the end of the interim period, as determined by the appropriate department director.

The employee must be qualified to perform, and must actually perform, the duties of the higher level management position required during the interim assignment to be eligible for the additional compensation.

When an employee returns to his regular job assignment, upon the completion of the interim assignment, the employee's additional compensation shall cease. If the employee's scheduled review date occurs during his interim assignment, any merit increase shall become effective on his scheduled review date.

LONGEVITY PAY

The City provides civil service firefighters and police officers longevity pay at the rate of \$4 per month for each year of service, up to a maximum not to exceed 25 years (\$100/month), paid on a monthly basis. Longevity pay begins after the employee has completed one year of classified service.

Regular and temporary/seasonal employees are not eligible to receive longevity pay.

CERTIFICATION PAY

Civil Service Employees

In addition to regular pay, certification pay is available to all classified fire and police employees as authorized by the City Council and established by ordinance in accordance with the provisions of the Texas Local Government Code.

Regular Employees

In addition to regular pay, certification pay may be available to full-time regular employees who accomplish classification or certification levels based on certain testing regulations and qualifications required for specific positions as established by the department. The Executive Management Director and Human Resources must authorize the designation of certification pay prior to any payment being made.

ASSIGNMENT PAY**Civil Service Employees**

In addition to base salary, civil service employees may receive individual assignment pay to perform job assignments requiring additional training and education. Assignment pay is available to civil service employees as authorized by the City Council and established by ordinance in accordance with the provisions of the Texas Local Government Code.

Regular Employees

Full-time regular employees may receive individual assignment pay in addition to base salary, to perform job assignments requiring additional training and education. These assignments must be identified in advance by the appropriate department director and the requirements specifically defined. The Executive Management Director and Human Resources must authorize the designation of assignment pay prior to any payment.

PAYROLL CHECKS

Regular Payroll Payment Procedures

Wages and salaries shall be paid on a bi-weekly basis (26 pay periods/year). Paychecks may be distributed in a method or methods (direct deposit, debit card, paper form, etc.) determined appropriate by the Payroll Office.

Manual Checks

Manual checks will only be issued in certain situations as determined essential by Payroll. In those instances, manual checks will be released to the employee only, except in rare cases where circumstances prohibit an employee from picking up his check (i.e., illness). The employee must provide a written release authorizing another person to receive the check. The designated person must provide proof of identification that includes a photograph in order to retrieve the paycheck. If no such written authorization is provided, the employee's check shall not be released to that person.

Final Paychecks

Final paychecks will be provided in paper form, not direct deposited, and shall be distributed by Payroll, except in certain situations where the Human Resources Department will distribute.

Final paychecks will be released to the employee only. In rare cases where circumstances prohibit an employee from picking up his check (i.e., illness), the employee must provide a written release to Payroll authorizing another person to receive the check. The designated person must provide proof of identification that includes a photograph in order to retrieve the paycheck.

Incorrect Paycheck

An employee is responsible for notifying his supervisor immediately of an incorrect paycheck. Failure of an employee to call the incorrect paycheck to the attention of the supervisor and Payroll, and failure to return the incorrect check as soon as the error is discovered, may result in disciplinary action, up to and including termination.

A written request to correct an employee's paycheck must be submitted to Payroll by the employee's supervisor explaining the error. The Payroll Office will handle the incorrect paycheck in accordance with their specific procedures. In most cases, errors will be corrected the following pay period.

Requests to correct base rate or termination checks must be submitted to the Human Resources Department; insurance corrections are to be forwarded to Risk Management; and all other corrections to Payroll.

Lost or Stolen Paycheck

An employee is responsible for immediately notifying his supervisor and Payroll of a lost or stolen paycheck. A written request to reissue an employee's paycheck that is lost or stolen must be submitted to Payroll by the employee's supervisor/manager.

A paycheck cannot be reissued until Payroll receives confirmation from the bank that the lost or stolen paycheck has not cleared the bank and a stop payment order is in effect. This may cause a delay in reissuing the paycheck.

PAYROLL DEDUCTIONS

Initial and continued employment with the City of Bryan is conditional on employee agreement to deductions from pay as specified in this section. Deductions will be made as follows:

1. When required by law:
 - Taxes, including but not limited to F.I.C.A. and federal withholding taxes;
 - Contributions to authorized retirement programs, except for employees not meeting requirements for eligibility; and
 - Child support payments, federal tax garnishments, or other court ordered garnishments or wage deductions.

2. Payment for a fringe benefit or special program authorized and offered by the City:
 - Insurance premiums for employee and dependent coverage by City-authorized plans that are not paid for by the City;
 - Deferred compensation plan contributions;
 - Flexible Spending Account contributions;
 - Fitness club memberships;
 - Contributions to United Way; and
 - Extra federal income tax withholding.

3. Recovery of pay and/or benefits:
 - Erroneous payment made by the City to an employee;
 - Failure to deduct a payment or deduction from the employee by the City;
 - Loss or damage to City property or issued equipment;
 - Theft of City property, equipment or money;
 - Non-equipment loss or damage costs such as travel expenses, personal calls, etc.; and
 - Sick leave and/or vacation leave paid to an employee when the employee also received payment benefits (such as workers' compensation) for the same time period.

Except for final paychecks, the time of repayment will be determined on an individual basis between Payroll and the employee.

Payroll deductions for temporary employees will include F.I.C.A. and federal tax withholdings.

If an employee desires to cancel deductions from payroll, the Risk Management Department must be contacted if it is benefit related, and Payroll must be contacted if it is tax related.

TIME REPORTING

Non-Exempt Employees

A non-exempt employee is required to record his exact hours of work by completing a time card for each pay period. The dates worked and the hours worked each day must accurately reflect the actual time worked. An employee who fails to accurately record work time, including time worked but not authorized by the appropriate supervisor, or who falsifies time records is subject to disciplinary action, up to and including termination. An employee may also be subjected to criminal sanctions.

An employee must not complete and/or make changes to any other person's time card except his own, unless specifically authorized by the appropriate manager and/or by Payroll or Human Resources. The employee must also be notified of the entries or changes made.

Examples of inappropriate practices in recording work time, which are violations of this policy and the Fair Labor Standards Act, include, but are not limited to:

- Not recording work performed during a meal period;
- Not recording work performed at home;
- Arriving "early" and working or staying "late" and working, and not recording the time worked;
- Not recording overtime;
- Leaving early on a day in one workweek and reporting early, staying late or working during meal periods as "make up" in **another** workweek;
- Maintaining dual time records, such as, one set for pay purposes and another set for actual time worked;
- Recording leave hours (vacation and sick) as hours worked; and
- Recording hours worked as leave hours.

The above examples include actions by either the employee and/or the supervisor/manager permitting these actions to occur.

Exempt Employees

Exempt employees are required to complete a time card indicating exception hours (vacation, sick leave, etc.). Project codes may also be recorded. Actual times in and out are not recorded.

Civil Service Fire Employees

Approved shift trading time for civil service Fire employees is to be recorded in accordance with the policy established by the Bryan Fire Department.

Approvals

All time cards must be approved by the appropriate supervisor or a designated supervisor/manager within the employee's chain of command in a timely manner and in accordance with requirements and deadlines established by Payroll.

TERMINATION PAY

Resigning/Retiring Regular Employees

Regular employees with more than one (1) year employment will be paid at the base rate for:

- Accrued vacation leave in accordance with the Vacation Leave policy; and
- Accrued sick leave in accordance with the Sick Leave policy.

No payment for accrued floating holiday or unused holidays will be made.

Civil Service Employees (Classified Fire and Police)

Civil Service employees with at least one (1) year employment will be paid at the base rate for:

- Accrued vacation leave in accordance with the Vacation Leave policy;
- Accrued sick leave up to 90 days (720 hours); except for Fire shift personnel who will receive up to 90 days (1080 hours) in accordance with Chapter 143 of the Texas Local Government Code and local civil service rules; and
- Accrued compensatory time.

No payment for accrued floating holiday or unused holidays will be made.

Temporary/Seasonal Employees

Temporary/seasonal employees are not eligible for any form of termination pay.

Laid Off Employees

Employees who are laid off will be paid for accrued leave on the same basis as resigning/retiring employees. In addition, they may receive 80 hours of administrative leave time.

Terminated/Dismissed Employees

Employees who are terminated and/or dismissed, or those who resigned but are not in good standing with the City at the time of separation, are not eligible to be paid for accrued leave, except that civil service employees will be paid for accrued sick leave in accordance with Local Government Code, Chapter 143.

Deceased Employees

Risk Management is responsible for determining and authorizing the payment of any final checks for deceased employees.

Final Paycheck Deductions

Deductions from the final paycheck will be made for the same purposes as from a regular paycheck. In addition, any applicable authorized deduction will be made.



CHAPTER 7

Benefits & Leave Time

HEALTH INSURANCE

The City of Bryan offers medical health insurance to all regular, full-time employees. Coverage is effective on the first of the month following 30 days of employment. However, if a participant is treated for any condition 90 days prior to the effective date, the condition will be considered pre-existing and that condition may not be covered for one (1) year, unless the participant provided a certificate of coverage.

Continuation Coverage

Employees may elect continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, continuation coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Information on health insurance benefits and continuation coverage is available in the Risk Management Department.

FLEXIBLE SPENDING ACCOUNT

The City of Bryan offers a Flexible Spending Account plan that allows an employee to have money taken out of his paycheck on a pre-taxed basis and set aside to use for medical and/or dependent care expenses. The money is deducted in equal amounts per pay period. After the employee incurs the expense, the receipt and a Flex reimbursement form is submitted to the plan administrator, or the employee utilizes the debit card according to the plan rules.

An employee may enroll in the plan up to 30 days after his date of hire, when he has a change in family status, or during the open enrollment period.

RETIREMENT

The City of Bryan offers its employees two retirement programs. One is mandatory (TMRS) and the other is optional (ICMA-RC 457).

TMRS (Texas Municipal Retirement System)

The Texas Municipal Retirement System (TMRS) is the qualified, deferred retirement plan for all City of Bryan full-time regular employees, and those part-time employees who regularly exceed 1000 hours in a calendar year.

Employees contribute 7% of their pre-tax pay that is matched on a 2 to 1 basis by the City. Participation is mandatory.

Employees may qualify for retirement with five (5) years of service at age 60, or 20 years of service at any age. Employees having public service at another entity may apply for time credit.

Employees are considered fully vested in the plan after five (5) years of service with the City.

ICMA-RC 457 Deferred Compensation Plan

The City of Bryan offers a supplemental retirement option that is fully employee funded. The ICMA (International City/County Management Association) plan is an optional benefit offered to full-time and part-time regular employees. Employees determine the amount to be deducted from their payroll checks prior to being taxed and deposited into an ICMA-RC investment account. Employees may enroll, stop deductions, and/or make changes at any time.

Employees may contribute up to a maximum amount established by the IRS each year. Any time within three (3) years prior to retirement, employees are allowed to contribute up to a higher specific amount per year in order to maximize their retirement benefits.

ICMA-RC account earnings are dependent upon the investment portfolio each employee selects. Upon termination, money may be either left in the account or withdrawn.

Retirement Health Savings

This program is designed to assist future retirees plan by setting aside money (tax-deferred) for health premiums and/or medical expenses while retired.

Employees should contact the Risk Management Department for additional information on the retirement plans and the retirement health savings program.

LIFE INSURANCE

The City provides basic life, accidental death and dismemberment insurance coverage for all regular full-time employees. The cost of providing this coverage to employees is paid by the City of Bryan.

Additional Life Insurance Available

An employee may purchase additional life insurance, as well as dependant life insurance.

Employees can contact the Risk Management Department for information on these benefits.

LONG-TERM DISABILITY

The City provides long-term disability insurance to all full-time regular employees. The coverage is intended to help assure an income when an employee is unable to work due to illness or injury.

The insurance covers disabilities on or off the job that last longer than six (6) months. Employees may be eligible to receive a basic monthly benefit of up to 60% of their base salary. The basic monthly benefit is a minimum income amount that an employee will receive from all sources during a disability. This means that the basic monthly benefit is offset by other income the employee receives, such as workers' compensation, social security, retirement, etc.

Employees can contact the Risk Management Department for further information.

WORKERS' COMPENSATION

Workers' compensation is a state-regulated insurance program that pays the employee's medical bills and replaces a portion of lost wages if an employee has a compensable work-related injury or illness. In the event of death, benefits are paid to eligible family members.

The Risk Management Department manages all City employee workers' compensation claims. Risk Management files the claims, performs follow-up investigations, and coordinates an employee's return to the workplace. The City is self-insured and uses a third-party administrator to pay workers' compensation benefits.

Reporting Responsibilities

It is the employee's responsibility to immediately report any job-related injury, illness, or exposure to his supervisor or to Risk Management.

It is the supervisor's responsibility to report all on-the-job injuries, illness, or exposures to Risk Management the same day the employee reports the injury, illness, or exposure.

Designated Medical Providers

The City has designated medical providers that are to be utilized for initial treatment of non-emergency occupational injuries, illnesses and exposures. Unless the severity of an injury or the time or location necessitates otherwise, no other medical provider should be utilized for workers' compensation injuries. If an employee seeks medical attention for a non-emergency injury from any physician, clinic or hospital other than those authorized, he will not receive the City's supplemental workers' compensation pay.

If the employee feels that he is not recovering properly, he may seek treatment from his own physician after notifying Risk Management.

Transitional Duty/Return to Work

The City has a structured transitional/return to work program for employees who are temporarily unable to perform their regular job as a result of a work related injury or illness.

Risk Management will contact the supervisor/manager to discuss available temporary work assignments for an employee who is released with physical restrictions. Temporary work assignments may be in a position, department, and/or shift other than the employee's original position.

An employee on transitional assignments will not be scheduled for overtime, standby, or compensatory time.

Time off for medical treatment or physical therapy shall be given to the injured employee as needed. The employee is expected to use reasonable time for his appointment and return to his transitional assignment the same day.

If an employee refuses a transitional assignment when offered by the City, Risk Management will request a hearing to stop the employee's workers' compensation benefits.

Before returning to work, an employee must provide Risk Management with the appropriate medical release form from the physician stating he may return to duty without any restrictions.

Termination of Transitional Assignment

Transitional assignments are allowed as long as the treating physician states that the employee's restriction is temporary and he will be able to eventually return to the duties and functions of the pre-injury position. A transitional assignment terminates upon reaching maximum improvement.

Transitional assignments are temporary and will be discontinued if and when any of the following occur:

- The treating physician returns the employee to full duty with no restrictions;
- The treating physician prohibits the employee from continuing with the limited duty assignment;
- There is no longer any task available within the City that is within the employee's current restrictions;
- The employee fails to meet performance measures of the assigned position;

False Statements/Claims

If someone knowingly or intentionally makes false or misleading statements or if someone commits other wrongful acts to obtain or deny workers' compensation benefits for himself or someone else, disciplinary action, up to and including termination will occur. Additionally, workers' compensation fraud is a felony and criminal charges may be brought against the person.

Civil Service Employees

Classified firefighters and police officers, who have a work-related injury or illness, may be eligible for a leave of absence with pay for a period commensurate with the nature of the line of duty illness or injury, for at least one (1) year if necessary, in accordance with Section 143.073 of the Texas Local Government Code. This benefit shall be coordinated through Risk Management and Human Resources.

UNEMPLOYMENT INSURANCE

The City of Bryan is covered under the Texas Unemployment Compensation Act. Employees who are separated from work are free to file an initial claim for unemployment benefits through the Texas Workforce Commission (TWC). Benefits are payable if the claimant shows that he is out of work through no fault of his own and is otherwise eligible. The TWC makes this determination after all claims and any appeals have been filed and reviewed.

HOLIDAYS

The City provides paid holidays to full-time regular and part-time regular employees.

The hours credited for the holiday shall be equal to the number of hours in the employee's regular scheduled workday and shall contribute towards the work week for the calculation of overtime pay. "Regular scheduled workday" means the schedule the employee works the majority of the time. A brief or temporary change in the amount of hours of a schedule will not warrant additional holiday hours.

Holidays for civil service firefighters assigned to shifts shall be equivalent to twelve (12) hours. Holidays for part-time regular employees shall be equivalent to ½ the amount. Temporary/seasonal employees are not entitled to paid holidays.

City Observed Holidays

The City of Bryan observes the following holidays each calendar year:

New Year's Day
Martin Luther King Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

Holidays shall be designated each year by the City Manager and all City of Bryan offices shall be closed on those designated days, with the exception of those in emergency categories or where services are required otherwise. Departments with employees working shift schedules that are operational other than Monday through Friday may 1) allow those employees to reschedule the holiday within a reasonable amount of time or in accordance with department policies, or 2) include the holiday hours in the total number of hours worked for that specific work week to contribute towards the calculation of overtime, if the Department Manager determines rescheduling the holiday is not operationally possible.

If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday, and if the holiday falls on a Sunday, the following Monday will be observed as a holiday, unless otherwise specified by the City Manager.

A City observed holiday occurring during other paid leave will be documented and paid as a holiday. Holidays will not be paid during any period of unpaid leave.

Floating Holiday

In addition to the City observed holidays specified above, employees who have completed six (6) months of employment will be provided with two (2) floating holidays per calendar year

to be used during the calendar year, at a time approved by the appropriate supervisor. Floating holidays not used by December 31 of each year shall be forfeited.

Department Managers may grant use of accrued floating holiday or vacation, (not sick leave) to an employee who wishes to observe a national or religious holiday not officially observed by the City. If no accrued leave is available, an employee may be granted authorized leave without pay.

Employees may not substitute floating holidays for disciplinary suspension without pay.

Carry-Over

Unused holidays or floating holidays may not be carried over to the next calendar year for any reason, except as may be provided for civil service police and fire employees in their department rules and regulations.

Payment Upon Separation of Employment

Upon termination, an employee is not eligible for payment of any unused holiday time, including floating holidays.

VACATION

The City provides an opportunity for paid vacation leave away from the work environment and employees are encouraged to use vacation leave annually.

Employees in an active paid status shall accrue vacation leave as follows:

Full-time Regular Employees

Up to 5 years continuous service	10 days (80 hrs)/yr
Completion of 5 years & up to 10 years continuous service	12 days (96 hrs)/yr
Completion of 10 years & up to 15 years continuous service	15 days (120 hrs)/yr
Completion of 15 years & up to 20 years continuous service	17 days (136 hrs)/yr
Completion of 20 years or more	20 days (160 hrs)/yr

Part-time Regular Employees

Up to 5 years continuous service	5 days (40 hrs)/yr
Completion of 5 years & up to 10 years continuous service	6 days (48 hrs)/yr
Completion of 10 years & up to 15 years continuous service	7.5 days (60 hrs)/yr
Completion of 15 years & up to 20 years continuous service	8.5 days (68 hrs)/yr
Completion of 20 years or more	10 days (80 hrs)/yr

Civil Service Police Officers & Non-Shift Firefighters

Up to 15 years continuous service	15 days (120 hrs)/yr
Completion of 15 years & up to 20 years continuous service	17 days (136 hrs)/yr
Completion of 20 years or more	20 days (160 hrs)yr

Civil Service Firefighters (shift employees)

Up to 15 years continuous service	15 days (180 hrs)/yr
Completion of 15 years & up to 20 years continuous service	17 days (204 hrs)/yr
Completion of 20 years or more	20 days (240 hrs)/yr

Temporary Employees

Temporary employees are not eligible for vacation.

Accrual of Vacation Leave

Retirement, resignation, or termination constitutes a break in continuous active service for vacation accrual purposes. An employee who is re-hired after retirement, resignation, or termination begins active service anew for the purpose of determining the paid vacation accrual rate. An employee who was laid off and re-hired within six (6) months of the lay off date is eligible to accrue vacation time based on credited service before the lay off.

Although an employee in unpaid leave status does not accrue paid vacation leave, unpaid leave status does not constitute a break in service for vacation accrual rate determination purposes. An employee returning to work from unpaid leave status will resume paid vacation accrual at the rate provided for based on credited service before and during the unpaid leave.

Carry-over of Vacation Leave

There is no limit to the amount of vacation leave an employee may carry-over from year to year. However, employees are encouraged to take vacation time each year, and managers are expected to appropriately manage the use of vacation time within their departments to ensure there is no interference with the normal functions and activities of department operations. Additionally, guidelines and specific requirements may be established for certain departments, positions, and/or employees on the use of vacation leave as circumstances deem appropriate, such as areas where there are auditing issues, when an employee fails to take any leave time for an extended period, etc.

Use of Leave

The employee's supervisor/manager must approve all vacation leave, giving due consideration to the needs of the department and the ability of the remaining staff to perform the work of the department and the preference of the employee. Each employee should give his supervisor the maximum notice of vacation leave request possible, and in accordance with department policies. An employee may not be granted vacation leave in excess of the actual amount accrued.

If an employee is requested or required to work during a scheduled vacation, the employee may be allowed to schedule vacation at another time.

Exempt employees who are absent for personal reasons and/or vacation for a full day must report the absence as vacation time. However, if an exempt employee has worked at least a half day, then the remainder of that day's absence need not be coded as vacation time or any other exception time.

Employees who become ill or injured during scheduled vacation time may request such time be charged to sick leave, provided a valid physician's statement is provided.

Employees may not substitute vacation leave for disciplinary suspension without pay.

Compensation for Vacation Leave

Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Vacation time does not count towards the calculation for determining overtime.

Payment Upon Separation of Employment

Upon separation of employment, an employee is entitled to receive a lump sum payment of his unused accrued vacation balance up to a maximum of two (2) times the amount the employee's accrual rate as of the effective date of separation, provided he meets the following qualifications at the time of separation:

- Continuously employed for a minimum of one (1) year immediately prior to separation; and
- Separated from employment in good standing as determined by policy.

The payment will be considered wages in accordance with IRS regulations and will be taxed and reported accordingly. The amount will be calculated at the employee's base rate at the time of separation and shall be funded from the employee's individual department. The lump sum payment will be included in the employee's final paycheck.

SICK LEAVE

Maintaining good attendance is a condition of employment and an essential function of every job. To minimize the hardship that may result from illness or injury, the City of Bryan provides sick leave benefits.

Accruals and Carry-Over Provisions

Accruals and carry-over provisions for sick leave will be provided to employees in an active paid status as follows:

- ***Full-time Regular Employees***
Accrue 10 days (80 hours) sick leave per calendar year up to a maximum of 960 hours;
Carry over any unused accruals at the end of each calendar year up to the maximum limit.
- ***Part-time Regular Employees***
Accrue 5 days (40 hours) sick leave per calendar year up to a maximum of 480 hours;
Carry over any unused accruals at the end of each calendar year up to the maximum limit.
- ***Civil Service Employees – Non-shift Employees***
Accrue 15 days (120 hours) sick leave in accordance with Chapter 143 of the Texas Local Government Code;
Accumulate without limit.
- ***Civil Service Employees – Shift Employees***
Accrue 15 days (180 hours) sick leave in accordance with Chapter 143 of the Texas Local Government Code;
Accumulate without limit.
- ***Temporary Employees***
Temporary employees are not eligible for sick leave.

When the maximum accrual is reached, no additional paid sick leave accrues until the employee uses sick leave.

Use of Sick Leave

Accrued sick leave may be used for illness, injury or physician/health care provider appointments of an employee or an immediate family member for whom the employee must care. Immediate family member is defined as that under the Family and Medical Leave Policy, unless otherwise approved by the City Manager.

Using sick leave for purposes other than authorized by this policy is just cause for disciplinary action up to and including termination.

Sick leave is not counted as hours worked for the purposes of overtime calculation.

If an employee finds it necessary to be absent, the employee must notify the appropriate supervisor/manager as soon as possible. In this regard, the employee must understand and abide by the individual department's notice requirements. At the discretion of the supervisor/manager, an employee may be required to present written verification (i.e., a doctor's note) of the use of sick leave. Paid sick leave may be denied if an employee, upon request, fails to provide satisfactory verification.

Sick leave must be approved by the appropriate supervisor/manager and must be taken on an actual time basis. Negative sick leave or advancement of sick leave is not allowed.

A non-exempt employee who is absent for purposes of sick leave should code his absence as sick leave and the time appropriately deducted from his accrued balance. Managers are not to automatically reduce an employee's use of sick leave in an effort to adjust the employee's work time for the work week. However, should the manager and the employee agree to such an adjustment, it may be allowed, but must be recorded and approved on the employee's time record. Under certain circumstances and with the approval of the employee's Department Manager, an employee may be allowed to "make-up" time lost due to sick leave or "flex" his work schedule. This must be requested and approved in advance and is at the Department Manager's discretion. If an employee has exhausted all accrued sick leave, he may use accrued floating holiday or vacation time, with the approval of his manager.

If an exempt employee is absent from work for a full day for sick leave purposes, the employee must report the full day absence as sick leave under this plan. However, if the exempt employee has worked at least a half day, then the exempt employee is not required to code the remainder of the day's absence as sick leave.

If a holiday occurs while an employee is out on sick leave, the holiday will not be chargeable as sick leave, but rather count as a paid holiday.

An employee on disciplinary suspension forfeits all claims to use sick leave for the duration of the disciplinary suspension.

Inappropriate use of sick leave occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for the absence. In addition, sick leave usage can become inappropriate when usage of sick leave, not protected by law, becomes so frequent that an employee cannot fulfill the essential job functions.

Managers are expected to closely monitor the use of sick leave and take appropriate disciplinary action, up to and including termination, for abuse of sick leave, including the use of sick leave for any purpose other than that provided for in this policy.

Consecutive Absences

If an employee is absent for more than three (3) consecutive days, Human Resources must be notified (after the 3rd day) by the supervisor, and the employee may be required to provide medical documentation from a physician before returning to work.

Payment Upon Separation of Employment**• Regular Employees**

In accordance with a sick leave incentive program, regular City of Bryan employees will be provided a lump sum payment of their unused sick leave balance up to a maximum of 240 hours, provided they meet the following qualifications:

- Continuously employed for a minimum of twelve (12) months in a regular position immediately prior to separation; and
- Separated from employment in good standing as determined by policy.

• Civil Service Fire and Police Personnel

In accordance with Local Government Code, Chapter 143, a firefighter or police officer who leaves the classified service for any reason is entitled to receive in a lump sum payment accumulated sick leave up to a maximum of 90 days (720 hours), or 1080 hours for civil service firefighters who work shifts.

The amount will be calculated at the employee's base rate of pay at the time of separation from the City and shall be funded from the employee's department budget. The payment will be considered wages in accordance with IRS regulations and will be taxed and reported accordingly.

The lump sum payment will be included in the employee's final paycheck unless the employee rolls payment for the sick leave into an ICMA account. If the employee chooses this option (not to exceed 240 hours), it must be done **prior to** the processing of the final paycheck. The employee must contact Risk Management to elect this option.

The termination payout program for non-civil service employees can only be implemented on an annual basis by the City Manager after the budget has been approved. The payout will apply to employees who leave the City during a fiscal year in which the program is implemented.

CATASTROPHIC SICK LEAVE

The City of Bryan may provide a paid leave benefit to regular City employees who suffer from a catastrophic illness or injury. Catastrophic illness or injury is defined as a severe condition or combination of conditions, which are usually life threatening, affecting the mental and/or physical health of the employee, which requires the continued services of a licensed practitioner, involves the need for extended absence or hospital confinement of the employee.

The paid leave benefit, if granted, will be equivalent to the employee's sick leave accrual balance as of the date of notification of an event or diagnosis, up to a maximum of three (3) months (90 days).

To be eligible for catastrophic sick leave, the employee must be a full-time regular or part-time regular employee who has been continuously employed by the City for a period of 12 months.

The employee will be required to submit periodical medical reports during the leave period to Human Resources. Failure to provide such documentation and/or cooperate during this process will result in forfeiture of catastrophic sick leave. If the medical reports indicate the employee is no longer eligible for catastrophic sick leave, such benefit will be terminated immediately and the employee will be required to return to work.

All requests for catastrophic sick leave must be in writing and submitted to the Human Resources Department along with all required documentation. Approval of catastrophic sick leave is at the sole discretion of the City Manager.

FAMILY & MEDICAL LEAVE

The City provides leave to eligible employees in accordance with the Family & Medical Leave Act (FMLA). Under FMLA, eligible employees may take up to twelve (12) weeks of unpaid, leave during a 12-month period for specified family and medical reasons.

Employee Eligibility

To be eligible for family/medical leave, an employee must have worked for the City of Bryan for:

- At least 12 months, and
- At least 1250 hours during the 12 month period immediately preceding the start of the leave.

To determine eligibility for leave, the City uses a rolling twelve (12) month period measured backwards from the date of any family/medical leave.

Qualifying Reasons

An eligible employee may take family/medical leave for the following reasons:

- The birth of a child and/or to care for the newborn child;
- The placement of a son or daughter for adoption or foster care;
- To care for a spouse, son, daughter, or parent with a serious health condition; and
- Because of a serious health condition that makes the employee unable to perform the functions of his job.

The right to take leave under FMLA for the above qualifying reasons applies equally to male and female employees.

Definitions

- ***Child*** - a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* (in place of a parent), who is either under 18 years of age, or is 18 years of age or older and incapable of self-care because of mental or physical disability.
- ***Parent*** - a biological parent (not parent-in-law), or an individual who stood *in loco parentis* when the employee was a child.
- ***Spouse*** - a husband or wife as defined or recognized under Texas state law for purposes of marriage, including a common-law husband or wife.
- ***Serious health condition*** - an illness, injury, impairment, or physical or mental condition that involves:
 - Overnight in-patient care in a hospital, hospice, or residential medical-care facility,
 - Continuing treatment by (or under the supervision of) a health care provider. Continuing treatment does not include routine physical examinations, eye examinations, or dental examinations, but may include:
 - A period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves a) treatment two (2) or more times by a

health care provider, by a nurse or physician's assistance under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or b) treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

- Any period of incapacity due to pregnancy, or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
- Any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

An injury sustained on the job that results in inability to work, and that is covered under workers' compensation, generally automatically meets the criteria for family/medical leave since most of these injuries render an employee unable to perform the functions of his job for some period of time.

- ***Intermittent leave*** – leave taken in separate blocks of time, from one hour to several weeks.
- ***Reduced schedule*** - a leave schedule that reduces an employee's usual number of hours per work week or work day.

Employee's Notice Requirements

In order for the City to accommodate an employee's workload during his absence and to ensure compliance with the law, an employee seeking the need to take family/medical leave must provide both his Department Manager and Human Resources at least 30 days advance notice when the need for the leave is foreseeable (i.e., an expected birth, placement for adoption or foster care, or planned medical treatment). If the leave is not foreseeable, such as in the case of a medical emergency or an unexpected change in circumstances, an employee is expected to provide both his Department Manager and Human Resources with as much advance notice as possible.

An employee giving notice of the need for family/medical leave, must explain the reason(s) for the needed leave so that eligibility under the Act can be determined. If the employee fails to explain the reason(s), the leave may be denied. Further, if an employee fails to give 30 days notice for a foreseeable leave without a reasonable excuse for the delay, the City may disallow the taking of family/medical leave until at least 30 days after the date the employee gives notice of the need for the leave.

In the event of medical leave for medical treatment for the employee or for the employee's spouse, child, or parent, the employee is required to make a reasonable effort to schedule the treatment so as to not unduly disrupt the operations of the department.

Supervisor's/Manager's Notice Requirements

All supervisors and managers must immediately notify both their department manager/director and Human Resources if they have a reason to believe an employee's absence is due to an FMLA covered reason.

(Note: Under FMLA, an employee requesting paid or unpaid leave for an absence covered by FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for family/medical leave, the employee will likely have met the FMLA's notice requirement.)

Medical Certification and Other Required Documentation

An employee must provide the City with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent. The medical certification must include:

- Date when the serious health condition began;
- Its expected duration;
- Medical facts which support the certification;
- Brief statement of treatment;
- Statement that the employee is unable to perform the essential functions of the employee's position (if leave is due to employee's serious health condition), or a statement that the family member requires assistance and/or that the employee's presence would be beneficial or assist in the family member's recovery (if leave is due to family member's serious health condition); and
- Dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule (if intermittent leave or a reduced work schedule is desired).

An employee must also provide periodic reports during family/medical leave as to his status and intent to return to work, and may be required to submit to a "fitness-for-duty" certification before returning to work. In some cases, the City may require a second or third medical opinion (at the City's expense) and periodic recertification of the serious health condition.

If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. If an employee elects to take family/medical leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

Leave Entitlement & Designation of Leave

Eligible employees are entitled to a total of 12 weeks of family/medical leave per 12 month period. The 12 month period will be calculated forward from the date an employee's first leave period begins.

If a holiday occurs within a designated leave period, the employee is not entitled to an additional day of family/medical leave. The employee receives regular holiday pay, but the time is still counted towards the family/medical leave period.

If a husband and wife are both employed by the City of Bryan, the leave period may be limited to a combined total of 12 weeks of leave during a 12 month period, if the leave is due to the birth, care, or placement of a child with the employee, or to care for a parent with a serious health condition. Where the leave is taken for any other reasons, each spouse is entitled to the full 12 weeks of leave.

If a serious health condition of an employee results from an injury on the job, the leave entitlement may run concurrently with a workers' compensation absence. Substitution of the employee's accrued paid leave may not be applicable in the case of a "paid" workers' compensation absence.

It is the responsibility of the Human Resources Department to designate leave, paid or unpaid, as FMLA-qualifying and to give written notice of the designation to the employee as provided for in the Act.

Intermittent Leave or a Reduced Work Schedule

An eligible employee may take family/medical leave on an intermittent or reduced schedule basis only if "medically necessary", or otherwise approved by the Department Manager. When intermittent leave is needed, the employee must try to schedule the leave so as to not unduly disrupt the department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

Compensation During Leave Period

Designated family/medical leave is unpaid. However, if an employee has any available accrued sick leave, it must be used concurrently with any available family/medical leave. If there is no accrued sick leave available, the following accrued leave time will be applied and will run concurrently with any remaining family/medical leave: floating holiday, compensatory time, then vacation time. Family/medical leave will also run concurrently with any time off from work covered by workers' compensation.

Benefits During Family/Medical Leave

During a designated family/medical leave period, the employee's health insurance, life insurance, long-term disability, and retirement benefits will continue for the duration of the leave at the level and under the same conditions as if the employee had continued to work.

Any share of benefits premiums that the employee had been paying prior to the leave must continue to be paid timely by the employee during the leave period. It is the employee's responsibility to contact the Risk Management Department to make necessary arrangements for the premium payments. The City may also recover any premiums it paid for coverage for an employee who fails to return from leave on its expiration for reasons other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.

Employees on family/medical leave will be allowed to continue accrual of vacation and sick leave to which they would have been entitled had they not taken the leave.

Exempt Employees

Employees who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA exempt status by using any unpaid family/medical leave.

Other Employment

Under no circumstances may an employee on family/medical leave, sick leave, disability leave, or workers' compensation leave engage in outside employment as defined in the "Outside or Self-Employment" policy (Chapter 8), unless expressly authorized in writing in advance by the Executive Management Director and City Manager.

Job Restoration After Family/Medical Leave

Upon return from family/medical leave, an employee will be restored to his original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the family/medical leave. However, the situation will be reviewed in accordance with the Americans with Disabilities Act (ADA) and applicable policies and procedures.

Extension of Family/Medical Leave

If more than 12 weeks of leave is required, and the employee has exhausted all other paid leave, the employee may request an unpaid leave of absence in accordance with this policy manual. However, if a request for unpaid leave of absence is not properly submitted and/or approved, and no other leave is available, the employee may be terminated.

Fraudulent Claims

An employee who fraudulently obtains family/medical leave is not protected by the FMLA's job restoration or maintenance of health benefits provisions, and may be subject to disciplinary action, up to and including termination.

Other Provisions

The FMLA does not affect any federal or state law prohibiting discrimination. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, the employee should contact Human Resources. When an employee gives notice of the need for family/medical leave, the employee will be given additional information as to his rights and responsibilities under the FMLA.

BEREAVEMENT LEAVE

Full-time regular employees will be allowed time off with pay, not to exceed three (3) days of absence per calendar year to attend the funeral and otherwise attend to the affairs of the deceased, upon the death of a family member or friend. In the event of a death of an immediate family member (spouse, child, parent and parent-in-law), the leave time may be extended to five (5) days. In no circumstance may the leave exceed five (5) days per calendar year.

Employees must obtain appropriate approval from their supervisor prior to taking the leave. An employee may be required to provide information to document the absence in support of bereavement leave.

The hours credited for a "day" shall be equal to the number of hours in the employee's regular scheduled workday. "Regular scheduled workday" means the schedule the employee works the majority of the time. A brief or temporary change in the amount of hours of a schedule will not warrant additional holiday hours. Bereavement leave for civil service firefighters assigned to shifts shall be equivalent to twelve (12) hours per day.

Bereavement leave is paid at the employee's base rate of pay and does not include overtime or any special forms of compensation, and does not count as hours work for the purpose of overtime calculation.

If additional time off is required, the employee may use accrued vacation leave or floating holiday. If no vacation leave or floating holiday is available, the Department Manager may approve use of authorized leave without pay.

Part-time regular and temporary/seasonal employees are not eligible for paid bereavement leave.

JURY DUTY & COURT APPEARANCE

Jury Duty

A regular employee summoned to serve on a jury in city, state, or federal court shall be granted paid jury leave. The employee must notify his supervisor upon receiving the summons for which jury leave is requested and provide a copy with his request for jury leave. All fees paid and expenses reimbursed by the court for jury duty may be retained by the employee. Time spent in jury duty shall not count as hours worked for overtime calculation purposes.

City Work Connected Appearance

All employees will be paid for required appearance in a city, state or federal court, or a legislative or administrative proceeding (including disciplinary hearings) concerning work connected matters, or certain work connected testimony, investigation and court preparation. The employee must provide documentation of the requirement for attendance and the connection to duty. Acceptable documentation includes: a subpoena, letter of request from an attorney of record or prosecuting attorney, request of a hearing officer, etc. These appearances will be considered as hours worked.

Non-City Work Connected Appearance

An employee who initiates legal or administrative proceedings, including disciplinary hearings or legal actions against the City of Bryan, must use accrued paid leave or unpaid leave to attend such proceedings as the appearance is not considered work on behalf of the City. Such time shall not be considered as hours worked.

An employee who receives payment from an outside employer for an appearance must use accrued paid leave or unpaid leave because the appearance is not considered work for the City of Bryan.

Reporting Back to Work

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

MILITARY LEAVE

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military.

General Provisions

Employment and re-employment rights of military personnel in civilian employment are governed by the provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 *et seq.* (USERRA).

The provisions of this Chapter apply to all qualifying regular City employees regardless of length of service, unless otherwise specifically noted, provided they are employed at the time they receive orders to engage in the activities mentioned.

Pay and benefits vary depending on whether the leave is a result of regular military service or military service due to Presidential or Congressional Order.

Definitions

Military salary - gross compensation taxable as income by the Internal Revenue Service paid to active duty military personnel by the applicable uniformed services entity.

Presidential or Congressional order – calls to active duty issued by the President or Congress normally associated with a national military action (e.g., Desert Storm, Bosnia, War on Terrorism, etc.)

Regular service - calls to active duty issued by the Governor, National Guard, or Department of Defense normally associated with state or federal requirements for training or active duty for short periods of time. Examples include seasonal or weekend training, professional development, unit deployment, severe weather duty, etc.

Notice to City of Need for Leave

All requests for military duty leave shall be made in advance to the appropriate supervisor/manager and accompanied by copies of the military order documents. Where military necessity prevents advance notice and documentation, notice will be provided as soon as possible and documented as soon as possible, but no later than immediately after the absence.

Military Leave Due to Regular Service

Compensation, privileges and benefits extended herein, but not mandated by federal or state law, are subject to available funding on an annual fiscal year basis.

- ***Regular Service for 15 Days or Less***

For military service of fifteen (15) days or less, full-time and part-time regular employees are eligible for paid military leave not to exceed fifteen (15) days each calendar year for annual active duty training or for periods of inactive duty training (i.e., drills). The fifteen (15) days is normally meant to be consecutive, but may be fragmented or nonconsecutive if supported by military orders.

The pay for the fifteen (15) days shall be limited to the regularly scheduled hours lost. Travel time included in the orders and paid for or reimbursed by the service will be counted as military leave. Paid military leave will not be granted for time that is used for a diagnosis or treatment of any service-connected sickness or disability, for obtaining or sustaining any disability rating, or for treatment at any governmental facility.

Employees are required to use paid military leave before use of any accrued paid vacation leave or floating holidays for military purposes. An employee will continue to accrue paid leave and benefits, and make applicable deductions, as if the employee had continued to work.

- ***Regular Service Exceeding 15 Days or Entrance into Military***

For regular military service that exceeds fifteen (15) days; or for any full-time regular employee who leaves his position for the purpose of entering any branch of the United States armed forces for extended active duty, the employee shall be placed in an unpaid military leave of absence status and administratively separated from City of Bryan employment.

The employee may use accrued paid vacation leave or floating holidays before being placed in an unpaid status, but is not required to do so. If accrued vacation and/or floating holidays are not used in conjunction with the extended military leave, these accruals, along with any sick leave accruals, will be frozen until the employee returns to work. An employee does not accrue paid leave and is not eligible for payment of additional compensation or benefits, such as longevity pay, car allowance, normally scheduled overtime, etc. during the military leave.

Benefits are suspended while on active military duty. Reinstatement of service credit and/or deposit of contributions on return to work with the City is governed by the terms of the particular plan. Employees should consult with the Risk Management Department for information and assistance.

Travel time included in the orders and paid for or reimbursed by the service will be counted as military leave. Time required for physical examinations for selection or admission to the military service, to determine or maintain a selected service rating, or to maintain a reserve status shall be counted as military leave.

Military Leave Due to Presidential or Congressional Order

- ***Service of 15 Days or Less***

Pay and benefit entitlements are the same as for regular service.

- ***Service Exceeding 15 Days***

If an employee is called to active military duty for service by order of the President or Congress normally associated with a national military action, the City will provide the employee the difference between his current City salary and gross military salary if the military salary is less than his salary from the City. Such payment will begin the pay period following receipt of official documentation showing a copy of the orders to report to active duty and the amount of pay the employee is receiving from the military, and shall be effective as of the effective date of active military duty. It is the employee's

responsibility to ensure the appropriate documentation is provided to the Human Resources Department in order to receive supplemental pay. This supplemental pay provision applies **only** to City of Bryan full-time regular employees.

An employee does not accrue paid leave and is not eligible for payment of additional compensation or benefits, such as longevity pay, car allowance, normally scheduled overtime, etc., and certain benefits are also suspended while on active military duty. If the employee is receiving supplemental pay from the City, contributions toward the required retirement plan continue. Reinstatement of service credit and/or deposit of contributions on return to work with the City is governed by the terms of the particular plan. Employees should consult with the Risk Management Department for information and assistance.

Re-employment/Return to Work

Employees may be entitled to the benefit of reemployment following up to five (5) years of cumulative military leave with the City.

An employee who leaves City employment to enter active military service is entitled to return to his former job position, if the following conditions are met:

- ***Following Thirty (30) Days or Less of Military Service:***

1. The employee has given, in advance of the employee's military leave, a copy of the employee's military orders and written or verbal notice of such service to his supervisor;
2. The employee presents documentation of an honorable discharge;
3. The cumulative length of the employee's absences by reason of service in the uniformed services does not exceed five (5) years;
4. The employee returns to work:
 - a. not later than the beginning of the first full regularly scheduled work day following the completion of military leave and the expiration of eight (8) hours after a period allowing for the safe transportation of the employee from the place of military service to the employee's residence; or
 - b. as soon as possible after the expiration of the eight (8) hour period referred to in a. above, if reporting within that period is impossible or unreasonable through no fault of the employee; and
5. The employee is physically and mentally fit to perform the essential job functions, either with or without accommodation as provided by law. A physical examination and/or drug screen may be required.

NOTE: For this duration, there is no application or request needed from the employee to return to work.

- ***Following More Than Thirty (30) Days, But Less Than 180 Days of Military Service:***

1. The employee has given, in advance of the employee's military leave, a copy of the employee's military orders and written or verbal notice of such service to his supervisor;
2. The employee presents documentation of an honorable discharge;

3. The cumulative length of the employee's absences by reason of service in the uniformed services does not exceed five (5) years;
 4. The employee submits a request in writing to his Department Manager for reemployment with the City not later than fourteen (14) days after the completion of the period of service, or if submitting within such period is impossible or unreasonable through no fault of the employee, the next first full calendar day when submission of such request becomes possible; and
 5. The employee is physically and mentally fit to perform the essential job functions, either with or without accommodation as provided by law. A physical examination and/or drug screen may be required.
- ***Following More Than 180 Days of Military Service:***
 1. The employee has given, in advance of the employee's military leave, a copy of the employee's military orders and written or verbal notice of such service to his supervisor;
 2. The employee presents documentation of an honorable discharge;
 3. The cumulative length of the employee's absences by reason of service in the uniformed services does not exceed five (5) years;
 4. The employee submits a request in writing to his Department Manager for reemployment with the City not later than ninety (90) days after the completion of the period of service, or if submitting such request within such period is impossible or unreasonable through no fault of the employee, the next first full calendar day when submission of such request becomes possible; and
 5. The employee is physically and mentally fit to perform the essential job functions, either with or without accommodation as provided by law. A physical examination and/or drug screen may be required.

For all situations in which an employee may be eligible for reemployment, on return to work, the employee will be credited with the time spent in military service as active service for determining the accrual rate of leave time. The time spent on military service will also be counted after return from unpaid leave for determining years of service for computation of longevity pay, seniority status, and service years for retirement and service award calculation purposes.

Any department that bases any personnel decision, such as shift or days off assignments, on seniority must count the time spent on unpaid military leave as active City service for seniority ranking purposes.

- ***Status Upon Reemployment***

Generally, if the period of military service was for:

1. *Less than 91 days*, the employee must be placed in the position that he would have held if continuous employment had not been interrupted by military service, provided he is qualified for that position. If the employee is not qualified to perform the duties of the position after reasonable efforts by the department to qualify the employee, the employee must be reinstated into the position he held when military leave began.
2. *91 days or more*, the employee must be placed in the position that he would have held if continuous employment had not been interrupted by military service, or a position of like seniority, status and pay, the duties of which the employee is qualified

to perform. If the employee is not qualified to perform the duties of the position, reasonable efforts will be made by the department to qualify the employee. If the employee is still not able to qualify for the position, he must be reinstated into the position held at the time military leave began, or to an alternative position in the department that he is qualified to perform with similar seniority, status and pay.

3. When an employee incurs or aggravates a disability during the period of military service, reasonable efforts will be made by the department to accommodate the disability. However, if the disability renders the employee unable to return to the position he would have held if his continuous employment had not been interrupted by military service, he will be placed in any other position in the department equivalent in seniority, status and pay. The employee must be qualified to perform or become qualified to perform with reasonable efforts by the department, or the nearest approximation to such a position in terms of seniority, status, and pay consistent with circumstances of the employee's case.

- ***Denial of Re-employment***

1. The City is not required to reemploy an employee if:
 - a. The City's circumstances have so changed as to make such re-employment impossible or unreasonable; or,
 - b. The employment from which the employee leaves to serve in the military is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.
2. The City is not required to reemploy an employee in the same job position that the employee held at the time of military leave if such reemployment would impose an undue hardship on the City AND:
 - a. the employee has a disability incurred in, or aggravated during, such service, and who (after reasonable efforts by the City to accommodate the disability) is not qualified due to such disability to be employed in the same job position; or
 - b. the employee is not qualified to be reemployed for some reason other than a disability incurred in, or aggravated during, such service, and cannot become qualified with reasonable efforts by the City.
 - c. In the event of the occurrence of either a. or b. above, the City will attempt to reemploy the employee in another position in accordance with federal law.

- ***Discharge Following Re-employment***

An employee who returns to work after a military leave that is more than 30 days, but less than 180 days, may not be discharged without cause for six months following re-employment. An employee who returns to work after a military leave that is more than 180 days, may not be discharged without cause for one (1) year following re-employment.

Civil Service Employees (Classified Fire & Police)

In accordance with Sections 143.072 and 143.075 of the Texas Local Government Code, the City provides the following to fire fighters and police officers on military leave.

- ***Continuation of Insurance Coverage***

The City shall continue to maintain any health, dental, or life insurance coverage and any health or dental benefits coverage that the firefighter or police officer received through the City on the date the firefighter or police officer was called to active military duty until the City receives written instructions from the firefighter or police officer to change or discontinue the coverage. The coverage will be on the same terms that are in effect when the firefighter or police officer is called for military duty. This includes the employee's obligations to pay his portion of any premiums. Failure of the firefighter or police officer to continue to pay his portion of any premiums may result in forfeiture of insurance coverage. Employees are to communicate with the Risk Management Department regarding this coverage.

- ***Voluntary Substitution of Work***

A firefighter or police officer may, without restriction as to the amount of time, voluntarily substitute for a firefighter or police officer, who is a member of the Texas National Guard or the armed forces reserves of the United States, and who has been called to active federal military duty for a period expected to last 12 months or longer. A firefighter or police officer who voluntarily substitutes must be qualified to perform the duties of the absent firefighter or police officer.

A firefighter or police officer who wishes to voluntarily substitute must complete a "Voluntary Substitution of Work" form each pay period he intends to substitute and submit it through his appropriate chain of command. The firefighter or police officer substituting will not receive compensation or any additional benefits for this time. Such time will be credited to the firefighter or police officer on military leave for continuation of salary.

The Fire Chief or Police Chief shall determine if the firefighter or police officer volunteering to substitute meets the qualifications for the duties of the absent employee. If it is determined that the volunteer does not meet such qualification, the Fire Chief or Police Chief shall provide the employee with written notification thereof within three (3) days of the determination. A copy of such notification is to be provided to Human Resources. The Fire Chief or Police Chief may not restrict the amount of time a firefighter or police officer substitutes; however, the employee must maintain acceptable performance in his current position regardless of the amount of hours substituting.

The "Voluntary Substitution of Work" form must be forwarded to Human Resources no later than the business day prior to the date time sheets are due. Human Resources will enter the appropriate time to be credited to the firefighter or police officer on military leave. The employee on military leave will receive a check, less applicable taxes and deductions, for any time substituted on his behalf during a pay period. The check will be mailed to the employee's home address, unless otherwise specified by the employee.

- ***Establishment of Military Leave Time Accounts***

The City is required to maintain a military leave time account for the fire and police departments and must maintain a separate military leave account for each department.

A military leave time account shall benefit a firefighter or police officer who:

- a. is a member of the Texas National Guard or the armed forces reserves of the United States;
- b. was called to active federal military duty while serving as a firefighter or police officer for the City of Bryan;
- c. has served on active duty for a period of 12 continuous months or longer; and
- d. has exhausted the balance of his vacation, holiday, and compensatory leave time accumulations.

The military leave time accounts for both fire and police departments shall be maintained by Human Resources. The employee on active duty must meet all the qualification criteria before he can receive benefits from this account; therefore, no time can be donated in advance of such eligibility period. Human Resources will notify the appropriate department at the time of such eligibility.

A firefighter or police officer may donate any amount of his accumulated vacation, holiday, sick, and compensatory leave time that he would be entitled to use for himself at the time of the donation. Firefighters or police officers desiring to donate time must complete a "Leave Time Donation" form and submit it to Human Resources. The amount of donation must be included on the form, as well as, from which account balance the donation is to be taken (sick leave, vacation, etc.).

Once the leave is donated and credited to the military leave time account, it no longer belongs to the donor and is not subject to the donor's leave rights determined at a later date, such as limits on the donor's rights to carry over leave into the next year. The donor also does not have a right to reclaim the leave at any time or for any reason after it has been donated and credited to the military leave time account. The amount of leave donated will be credited to the military leave time account on an hourly basis and used from the account on an hourly basis, without regard to the cash value.

The name of the donor shall not be released and all records shall be maintained in the Human Resources Department.

EXCUSED ABSENCE WITHOUT PAY

Excused absence without pay may be granted at the discretion of the department manager to employees for a period not to exceed the remainder of the pay period in which it is requested. Because it only involves part of one pay period, excused absence without pay does not affect an employee's benefits, other than compensation, nor does it constitute a break in service for the purpose of computing such benefits as longevity pay. An employee on excused absence without pay will continue to accrue vacation and sick leave at the regular rate of accrual.

Managers shall monitor requests for excused absence without pay and when usage of excused absence without pay becomes so frequent that an employee cannot fulfill the essential job functions and/or it becomes disruptive to the operations of the department, the manager shall cease granting any additional excused absences without pay and the employee may be subject to disciplinary action, up to and including termination.

ADMINISTRATIVE LEAVE WITH PAY

Administrative leave with pay may be used in any of the following circumstances:

- In any circumstance specifically stated in this Manual;
- Pending the outcome of any related investigation and/or the imposition of disciplinary action;
- During the response period when an employee has been notified of a proposed dismissal;
- At any time when an employee is the subject of a disciplinary investigation and it is determined by the Department Manager that the employee should be relieved from regular duties; and/or
- It is deemed to be in the best interest of the City, department or employee, as determined by the Executive Management Director, Risk Manager, Human Resources Director, City Manager.

During this time, the employee must remain available during normal working hours, or specific hours designated by the manager, in the event contact needs to be made regarding the investigation and/or work related issues.

Hours designated as administrative leave with pay are not counted as hours worked for purposes of determining overtime.

While on administrative leave with pay, an employee shall remain eligible for benefits.

UNPAID LEAVE OF ABSENCE

In extraordinary circumstances, the City may grant regular employees an unpaid leave of absence (LOA). Requests for leave must be in writing and submitted through the employee's appropriate chain of command for approval. Executive Management Directors are authorized to grant an unpaid LOA for up to 30 days. Any LOA beyond 30 days must be authorized by the City Manager. No LOA may exceed twelve (12) months for any reason.

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

All holiday time, vacation, compensatory time, and/or leave authorized under the Family & Medical Leave Act (FMLA) must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave and family/medical leave must also be used prior to authorizing a LOA for this purpose. If the leave is for medical reasons and/or any other qualifying event under FMLA, Human Resources shall be notified immediately.

Requests for LOA without pay must be made in writing to the employee's Executive Management Director through his chain of command as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Executive Management Director, who will forward the request to the City Manager and Human Resources. The need for a medical related LOA must be supported by documentation acceptable to the City, including but not limited to, a doctor's explanation of why the employee is unable to perform his duties, when he is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work.

The employee may be required to periodically contact a designated supervisor to report on his condition or status during the LOA. Before returning to work from a medical LOA, the employee may be required to submit documentation from his doctor stating he is able to resume his normal job duties. The City may also impose additional return to work requirements as set out in the City's policy.

No employee may demand unpaid leave as a matter of right. Except as otherwise provided by federal law, while on an unpaid leave of absence:

- An employee does not accrue holidays, sick leave or vacation leave;
- Service credit for all employment privileges and benefits discontinues;
- An employee remains eligible for health insurance benefits; however, coverage continues only if the employee pays the total cost of such health insurance, dependent insurance coverage, and supplemental benefits during such leave;
- The City's and employee's contributions to retirement and deferred compensation plans cease;
- The employee is responsible for making payments of any court-ordered payments (e.g., child support) for which payroll deductions would otherwise be made;
- An employee may forfeit eligibility for other types of compensation, such as certification pay, longevity, etc.;
- An employee will not be eligible for education reimbursement payments; and

- An employee may not work another job, whether for pay, as a volunteer, or a self employment, unless expressly authorized in writing by the Executive Management Director and the City Manager.

At the expiration of the unpaid leave term, the employee may be allowed to return to his former job with the City, or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City of Bryan's needs. The employee has no right to such positions and the department may fill the position of an employee who has taken unpaid leave for business necessity reasons. If an employee fails to return to work, refuses an offered position, or fails to request an extension of leave, the employee forfeits employment.

An employee who is on an unpaid leave of absence and notifies the City that there will be no return to work is considered to have resigned effective on the date of notification.

VOTING

The City of Bryan encourages all employees to participate in the political process by voting in federal, state, and local elections. Due to the early voting opportunities afforded citizens, employees should usually not need time off from work to vote. Under state law, if the polls are open for two (2) consecutive hours outside of an employee's working hours, an employer is not required to release the employee from work to vote. Otherwise, supervisors may allow employees to leave work to vote. The employee's time off will be without pay or he may use appropriate accrued leave.

EMPLOYEE ASSISTANCE PROGRAM

The City's Employee Assistance Program (EAP) is a confidential service designated to help employees and their immediate family members with problems, such as relationships, legal, finances, drug/alcohol, depression or anxiety. Management may also refer an employee to the EAP if such problems are adversely affecting his work performance. Immediate family members do not have to be covered as dependents on the City of Bryan's health insurance plan to participate in this program.

Employees and/or immediate family members are allowed six (6) free counseling sessions per issue, per year. Referrals for long-term care may be made prior to exhausting these sessions.

Legal assistance consists of three (3) phone calls with an attorney per year and/or a 25% price discount.

Information regarding this program is available in Risk Management and Human Resources.

EDUCATIONAL ASSISTANCE PROGRAMS

The City of Bryan encourages and supports its employees to pursue additional education to enhance their professional development consistent with the needs of the City of Bryan and its customers. The City may provide reimbursement for certain education-related expenses in accordance with the following standards and criteria.

Eligibility Requirements

To be eligible for educational expense reimbursement under this program, an employee must be employed in a regular full-time position and must have completed six (6) months continuous employment with the City of Bryan. The employee must also have satisfactory job performance and not have received any disciplinary actions or been under disciplinary investigation during the entire semester period he is requesting reimbursement from this program. The course must begin and end while the employee is an active employee with the City of Bryan.

Programs

- **GED Assistance**

The City of Bryan will assist those full-time regular employees desiring to obtain a GED by providing an initial GED exam, training courses and materials, and reimbursing the employee for the base fee and up to two (2) subsequent exams, if necessary. The employee shall be allowed to attend regularly scheduled training courses during his normal work hours and paid time off to take the exam(s), as needed.

The employee must submit a written request approved through his appropriate chain of command to Human Resources. The GED course trainer will provide the schedule of training courses and exam dates throughout the year and keep the appropriate supervisor/manager abreast of the employee's progress.

Continued assistance of obtaining the GED is at the discretion of each department.

- **Accredited College, University or Trade School Courses**

Educational courses must be taken through an accredited college, university or trade school. The determination of an approved institution is the responsibility of the Human Resources Department and the appropriate Department Manager/Director.

The employee must have a field of study, commonly known as a major, declared with the employee's chosen college or university. Only those fields of study, that, in the judgment of the employee's Department Manager/Director and the Human Resources Director, are related to the employee's current job classification, or which will enhance the employee's potential for advancement to a directly related position within his Department are considered under this program. Potential advancement to other City positions may be considered.

Single courses in self-improvement or continuing education programs not leading to a degree or a two-year certification do not qualify under this program.

- **On-Line College Courses**

On-line courses may qualify as an approved college course. Single courses in self-improvement or continuing education programs not leading to a degree or a two-year certificate do not qualify under this program.

Application

- **GED Assistance**

The employee must contact Human Resources to apply for GED Assistance.

- **Accredited College, University or Trade School, and On-Line College Courses**

At the beginning of each semester, an employee must submit an Education Reimbursement Application form along with a legible copy of the invoice/bill and receipt of payment for the courses. Literature, or copies thereof, describing the content of the course and/or degree plan must accompany the Education Reimbursement Application. The application form and attached documents must be submitted to the employee's Department Manager/Director for approval. The Department Manager/Director will submit the application to the Human Resources Department for review of compliance with this policy.

Education reimbursement will be paid **ONLY** if the courses and degree plan have been submitted in accordance with these rules and have been **pre-approved**.

Eligible Expenses and Reimbursement

- **GED Assistance**

The City will reimburse the employee for the base fee and up to two (2) subsequent exams, if necessary.

- **Accredited College, University or Trade School, and On-Line College Courses**

Each course may be evaluated on its individual merits in accordance with this policy. Employees may be reimbursed for eligible expenses up to a maximum of \$1200 per calendar year (dependent upon availability of funds) for costs related to tuition and certain fees for approved courses. All other costs (books, deposits, parking fees, supplies, etc.) are the responsibility of the employee.

Eligible tuition rate is defined as the resident tuition rate established by the state or local college attended. If attendance is at an institution other than a state or local college, reimbursement will be based on the average tuition rate for state schools within the region as determined by the Human Resources Department.

Undergraduate courses completed will be reimbursed as follows:

Grade of "A"	100%
Grade of "B"	90%
Grade of "C"	75%
Below "C"	0%
Successful completion (no grade)	90%

Graduate courses completed will be reimbursed as follows:

Grade of "A"	100%
Grade of "B"	90%
Below "B"	0%
Successful completion (no grade)	90%

The City makes no commitment to provide for all courses leading to a degree.

Within 30 days after completion of the course, the employee shall submit the grade report and receipts for tuition and eligible fees to the Human Resources Department. The reimbursement shall be made according to the normal payment schedule. All reimbursements may be subject to state and federal withholdings, as determined by law at the time of payment. An employee is required to submit documentation of any other financial assistance received (GI benefits, federal or state grants, scholarships, etc.). Reimbursement in conjunction with any other financial assistance will not exceed 100% of the course cost.

Failure of an employee to submit the appropriate documentation within the specified time frame may result in the employee being ineligible for continued participation in this program and forfeiture of any pending reimbursement.

Employees who leave voluntarily or are discharged prior to completing coursework are not eligible for reimbursement. If an employee is transferred to another position or terminated by the City of Bryan for reasons such as layoff, reimbursement is made for expenses incurred, in accordance with this policy.

All reimbursements are subject to the availability of funds in the City's designated budget for education reimbursement.

SERVICE AWARDS PROGRAM

The Service Awards Program is designed to recognize the tenure and dedication of service provided by employees. Full-time regular employees become eligible at five (5) year intervals beginning with their fifth anniversary. Employees receive service awards in accordance with the established plan based on their years of service. The value of the service award is considered by IRS regulations to be taxable income and will be handled in accordance with such rules and other applicable laws and regulations.

EXCEPTIONAL SERVICE RECOGNITION PROGRAM

The purpose of the Exceptional Service Recognition Program is for the City to recognize employees throughout the year who perform in an exemplary manner outside the scope of their assigned position with the City of Bryan. This program may be in addition to any recognition program a department already has established.

All full-time and part-time regular employees are eligible for the Exceptional Service Awards.

Any employee, citizen, or visitor can nominate any eligible employee. Letters or memorandums from an employee, citizen or visitor may qualify for the Exceptional Service Award.

The City will recognize employees who provide exceptional service to the citizens of this community, as well as visitors, by performing above and beyond their normal job responsibilities. Recognition will come by a multi-tiered award program.

Exceptional service is defined as that which:

- is a positive action beyond the regular scope of one's assigned job responsibilities as determined from the supervisor/manager and/or Human Resources,
- significantly impacts positively the recipient's quality of life by a direct interaction with the individual, or
- positively impacts a department by this service.

A citizen of this community is defined as any person living in Bryan and can be a member of the general public or a person employed by the City. A visitor is defined as any non-Bryan resident who has visited the City or interacted with an employee through other forms of communication, such as the telephone.

Levels of Recognition

- ***First Level of Recognition – Employee Newsletter***

To qualify, a written letter or memorandum must be received from a citizen, employee or visitor recognizing the employee for exceptional service (either directly received by the supervisor/manager or indirectly received through another department).

- ***Second Level of Recognition – Employee Newsletter, Certificate from Mayor, and Employee Photo Displayed on Recognition Board***

To qualify, three (3) written recognition letters or memorandums received for a qualifying employee within a six (6) month period. The employee will be recognized at the second City Council meeting of the month during the designated "Mayor's Exceptional Service Recognition" agenda item.

- ***Third Level of Recognition – Special Recognition Day, Pot Luck Lunch***

To qualify, an employee receiving a recognition letter or memorandum during the calendar year will be honored at a "Special Recognition Day". Each department honors the employee with verbal recognition and/or written memos presented during a pot luck lunch. The pot luck lunch will be hosted by the Executive Management Team, and will

be held every six (6) months, at a minimum depending on the number of honorees during a six (6) month period.

Criteria for Evaluation of Nominations

- The employee demonstrated exemplary performance when offering assistance to a citizen or fellow employee outside the scope of his position with the City.
- The employee recognized a need, took the initiative to correct a concern, or offered assistance outside the scope of normal duties and responsibilities.

Process

A letter or memorandum of recognition received by a supervisor/manager or indirectly through another department will be forwarded to the Sub-Committee of CMAC (City Manager's Advisory Committee). The Exceptional Service Sub-committee will evaluate each entry based upon the criteria for evaluation of nominations.

The Committee will contact the employee and the supervisor/manager and invite him to attend a City Council meeting where the Mayor will read the letter or memorandum of recognition and present the employee with a certificate. Presentation of the Exceptional Recognition Award will be made monthly at the second City Council meeting, unless it is determined that there are no qualifying employees. If it is determined that there is more than one employee in a given month that is deserving of honor, the Committee may select multiple honorees.

An employee recognized by the program will have copies of all related documentation placed in his personnel file.

After reviewing submissions for awards to determine eligibility and level of recognition, the Committee is responsible for coordinating the recognition information with the employee newsletter, council agenda, recognition boards, etc. The Committee is responsible for maintaining records for the different levels of recognition for the Exceptional Service Award program.

Review and award level recognition done by this Committee will be final.

CAR ALLOWANCE

Car allowances may be provided to employees in certain designated positions as determined by each department manager and approved by the City Manager, or to council appointees as approved by the City Council. An employee must be in active paid status in order to receive car allowance.

Car allowances are considered taxable income and shall be reported as such.

CLOTHING ALLOWANCE

Clothing allowances may be provided to employees in certain designated positions as determined by each department manager. An employee must be in active paid status to receive a clothing allowance.

Clothing allowances are considered taxable income and shall be reported as such.

FITNESS PROGRAMS

In an effort to minimize health costs and to promote wellness, the City of Bryan offers several discounted fitness memberships to its employees. Information on these programs is available in the Risk Management Department.

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (CISM)

The City of Bryan recognizes the harmful effects of stress associated with critical incidents. Many of these symptoms are transitory and have no long-term detrimental effects; however studies reveal that a small percentage of personnel do experience continuing, long-term detrimental effects resulting from exposure to such incidents. Some of these effects have been delayed, surfacing later after a period of no apparent symptoms. Without professional intervention, personnel experiencing these long-term effects show declining work performance, deterioration of family relationships, increased health problems, and in some cases, suicide.

To minimize the adverse effects of critical incident stress, the City has established a Critical Incident Stress Management (CISM) Team. The CISM program is proactive by educating employees about stress and stress management prior to responding to traumatic events and reactive by activating CISM Team members during and after critical incidents to provide emotional support and professional referrals for those impacted.

The objectives of the CISM program are:

- Intervention to assist in recovery from traumatic stress;
- Acceleration of recovery whenever possible;
- Prevention of traumatic stress;
- Mitigation of traumatic stress;
- Restoration of function;
- Maintenance of worker health and welfare.

The CISM team provides education and support before, during, and after critical incidents. Critical Incident Stress Debriefings will be made available for the following incidents:

- Line of duty death or serious injury;
- Multi-casualty incident;
- Suicide of a co-worker;
- Death or serious injury to a civilian as a result of an operational procedure.

Other incidents capable of causing distress to emergency personnel who may also require debriefings include:

- Traumatic events involving a child victim;
- Events with excessive media interest;
- Known victims or relatives of the emergency personnel;
- Any overwhelming event.

After every CISM intervention (one-on-one, defusing, debriefing, etc.) the team members will follow up with those who experienced the critical incident. If the personnel are still experiencing significant distress, there will be a referral for additional support, such as psychological or psychiatric services, the Employee Assistance Program, clergy, medical services, family support services, or other services as necessary.

Department managers and supervisors can activate the CISM team after significant incidents that may qualify for CISM support. When identifying an incident as a critical incident, the supervisor will notify or have 911 Dispatch notify the Team Coordinator for further evaluation of the incident. The Team Coordinator may confer with the Clinical Director to determine the appropriate intervention.

Any employee may request activation of the CISM team through his supervisor.

911 Dispatch will automatically notify the Team Coordinator on all of the following events:

- Major emergencies with loss of life;
- Unusual EMS incidents;
- Line-of-duty death or serious injury;
- Any disaster, mass casualty, or prolonged incident.

For more information, supervisors and employees should contact Risk Management.

SEASONAL & TEMPORARY BENEFITS

Seasonal and temporary employees do not accrue paid leave benefits and are not eligible for insured benefits, such as health insurance, retirement, etc. They are eligible for workers' compensation and unemployment.

If a temporary or seasonal employee is hired into a regular position, the employee's date of employment for retirement, health benefits, leave accrual, and service award purposes will be the date the individual became a regular employee.

MODIFIED DUTY ASSIGNMENT Non-Work-Related Illness or Injury

In the event a City employee is temporarily unable to perform his regular job due to a non-work-related injury or illness for a period of time not to exceed three (3) months, the City may consider the use of a modified duty assignment during this period, providing such an assignment is available within the employee's department and at the discretion of the department director. It is the responsibility of the department director to work with Human Resources to determine the modified duty assignment based on documentation from a health-care provider explaining the employee's limitations and/or restrictions. If the employee has not been released to full duty before the expiration of the three (3) month period, the employee will be removed from the modified duty assignment and the remainder of the convalescing will be done off duty. However, if an employee has surgery or a significant change in condition, then an additional three (3) months of modified duty may be considered, provided modified duty is available.

Modified duty assignments are to be utilized only by full-time, regular employees recovering from a non-work-related injury or illness, but unable to return to their regular full-time position. In the event an employee is expected to be unable to perform his regular job duties for more than three (3) months, the City will take action as necessary, feasible, and practical in accordance with the Americans with Disabilities Act (ADA), Family/Medical Leave Act (FMLA) and related City policies.



CHAPTER 8

Standards of Conduct

ETHICS

The purpose of this policy is to set forth guidelines for ethical behavior and does not purport to be all inclusive. All elected officials, Council appointees and employees of the City of Bryan have a responsibility to Bryan citizens to conduct City business in an ethical manner, safeguard all assets of the municipality, and comply with all applicable federal and state laws, the City of Bryan Charter, and local rules and regulations. Additionally, the City Council may require appointed boards and commissions to adhere to this policy.

All employees must be familiar with and conform to all standards of conduct as detailed in this policy and this Manual.

Examples of ethical behavior include honesty, integrity, fairness, loyalty, respect and accountability. Conversely, non-ethical values include dishonesty and placing personal happiness, status or gain above the good of the many.

The questions below focus on the pertinent aspects of ethical behavior and provide a quick test with which employees should judge situations:

- Is the action legal?
- Is it right?
- Who will be affected?
- Does it fit the City of Bryan values?
- How will I feel afterwards?
- How will it look in the newspaper?
- Will it reflect poorly on the City of Bryan?

Employees and officials faced with a situation they are unsure as to how to handle should ask for guidance from their manager, the Human Resources Department or Legal Department.

The appearance of wrongdoing can sometimes be as damaging to an organization as actual wrongdoing. City officials and employees must always be aware of how their actions may be perceived, even if their behavior is innocent and their intentions are good.

Ethical Standards

1. A City official or employee shall obey and shall not engage in any conduct prohibited by the laws of the United States, Texas, or any other state or political subdivision wherein the conduct of the employee occurred.
2. A City official or employee shall not accept or solicit any gift, favor, or service that might reasonably tend to influence him in the discharge of official duties or that the official or employee knows or should know is being offered with the intent to influence his official conduct.
3. A City official or employee shall not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his official powers or performed his official duties in favor of another.
4. A City official or employee shall not transact any business in his official capacity with any business entity of which he is an officer, agent, or member, or in which the official or

employee owns a substantial interest. Substantial interest is defined as in Local Government Code, Chapter 171.002, which states:

- a. A person has a substantial interest in a business entity if:
 - i. the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
 - ii. funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.
 - b. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
 - c. A local public official is considered to have a substantial interest under this section, if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.
5. A City official or employee shall not disclose confidential information acquired by reason of his official position.
 6. A City official or employee shall not use privileged information obtained in the course of his duties for personal benefit.
 7. A City employee shall conduct himself in accordance with the Conflict of Interest policy contained in this manual. City officials shall conduct themselves in accordance with the Conflict of Interest requisites of Texas Local Government Code, Chapter 171.
 8. A City official shall make the required disclosures under Chapter 171 of the Texas Local Government Code.
 9. A City official or employee shall not make personal investments that could reasonably be expected to create a substantial conflict between his private interest and the public interest. Financial interest can arise from property ownership, business investment, leadership in a business entity or receipt of income and gifts.
 10. A City official or employee shall not accept other employment or compensation that could reasonably be expected to impair independence of judgment in the performance of his City duties. It is never permissible to accept a gift in cash or cash equivalent such as stocks or other forms of marketable securities of any amount. A City employee is expected to comply with the Gifts and Gratuities policy contained in this Manual.
 11. A City official or employee shall not discriminate against or favor any individual on the basis of race, color, religion, sex, national origin, age, disability or any other legally protected category with regard to appointed positions or employment with the City.
 12. A City official or employee shall not engage in sexual or any other prohibited harassment as defined in the City's policy contained in this Manual (Sexual and Other Prohibited Harassment).
 13. A City official or employee shall not use City property, equipment or supplies for personal reasons. Incidental use of City of Bryan property (such as telephones, computers and internet access) is permissible, provided such use complies with applicable policies, and does not result in additional cost to the City or hinder work performance.
 14. A City official or employee is expected to serve as models of leadership and civility to the community and treat all members of the public, each other, and the issues before them with respect. In order to promote the highest standards of respect and integrity, all City officials and employees should practice civility and decorum in discussions, debates and in dealing with both the public and coworkers. Courtesy and respect build goodwill and

are vital for establishing a healthy work environment. A City official or employee should treat others as they would like to be treated.

15. A City official or employee shall maintain accurate business documents and records. No one may knowingly enter false information on a document. No one without the authority to do so may alter, destroy, or expunge information on any record or document.
16. A City official or employee shall be familiar with and conform to the City of Bryan's policy on Reporting Fraudulent and/or Illegal Activities.
17. A City official or employee shall immediately report any suspected violation of this policy in accordance with the complaint procedure outlined herein.

Complaint Procedure

Any person who believes a violation of this Policy has occurred should immediately report the matter to one of the following:

- Immediate Supervisor and/or Department Manager/Director
- Fraud Hotline 979-209-5465
- Human Resources Director 979-209-5063 or mcaballero@bryantx.gov
- City Attorney 979-209-5152 or mcosentino@bryantx.gov
- City Manager 979-209-5100 or mmoore@bryantx.gov

Persons who call the Fraud Hotline may remain anonymous. Information provided by the caller will be treated as confidential and privileged to the extent permitted by law.

Reports of suspected violations should contain as much detail as possible, since facts and documentation will aid in the investigation.

Investigation

Reported complaints will be investigated by one or more of the following: Internal Auditor, Audit Committee, Human Resources Department, Legal Department, City Manager, Mayor and/or City Council. The appropriate personnel shall conduct and/or direct a timely and impartial investigation. If necessary, outside investigators may be utilized. Relevant evidence shall be gathered and evaluated, and a recommendation made regarding the appropriate remedy and/or disciplinary action.

Retaliation

Retaliation against employees or officials who make a good faith charge or report of conduct prohibited by this policy is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action

Misconduct under this policy will be dealt with appropriately. Discipline, up to and including, termination of employment will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were false, fabricated or exaggerated. Misconduct by officials and/or commission and board members will be handled in accordance with appropriate laws, procedures and/or provisions for the specific board or commission.

REPORTING FRAUDULENT AND/OR ILLEGAL ACTIVITIES

This policy provides a process for employees, officials and other persons to report complaints regarding allegations of fraudulent and/or illegal activities.

Fraudulent Activity Reports

Fraud is defined as acts characterized by deceit, concealment, or violations of trust that are perpetrated by individuals or organizations to obtain money, property, services, avoid payment, or secure personal or business advantage.

It is the responsibility of every employee to immediately report activities of fraud by the City of Bryan or other employees to his immediate supervisor. If the employee believes that the supervisor is involved in the fraudulent activities, the employee must report the violation to the highest level within his chain of command that he believes is not involved. The employee is not responsible for investigating the activity or for determining fault or corrective measures.

Supervisors/managers, when made aware of such potential activities, must immediately notify their management chain of command, the City Manager and Internal Auditor. If the suspected fraudulent activities are within the scope of authority of the supervisor/manager, he is responsible for the initial review, investigation and determination process. The determination made by the supervisor must be reported to his management chain of command, the City Manager and Internal Auditor. If the suspected fraudulent activities are outside of the supervisor/manager's scope of authority, the Internal Auditor shall be responsible for the review and determination process.

An employee shall not be retaliated against for reporting fraudulent activities, or for participating or assisting in an investigation.

An employee who intentionally files a false report of fraudulent activities will be subject to disciplinary action, up to and including termination.

Whistleblower Reports

A whistleblower is defined as an employee of the City of Bryan who, in good faith, reports a violation of law to an appropriate law enforcement authority. Law means a state or federal statute, City ordinance or a rule adopted under a statute or ordinance. An appropriate law enforcement authority is a state, federal, or City of Bryan official or entity that an employee, in good faith, believes is authorized to regulate or enforce the law alleged to be violated or to investigate or prosecute a violation of the law.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures.

If an employee has knowledge of violations of the law by the City of Bryan or other employees, the employee shall immediately report the violation to his supervisor. If the employee believes that the supervisor is involved in the violation of the law, the employee must report the violation to the highest level within his chain of command that he believes is not involved.

Supervisors and managers who receive a whistleblower report shall immediately notify the City Manager and Internal Auditor, and they may also suggest a proposed solution.

The City of Bryan will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action, such as termination, compensation decreases, or poor work assignments and threats of physical harm. The protection against retaliation does not include immunity for the reporting employee's personal wrongdoing that is alleged and investigated.

An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action, up to and including termination

Non-Fraud/Non-Whistleblower Reports

Identification or allegations of acts outside the scope of this policy, such as personal improprieties or irregularities, safety or work environment related, complaints of discrimination or sexual harassment, or any other acts that do not constitute fraud or whistleblower as defined in this policy, must be reported to, investigated and resolved by the respective area's management (chain of command) in conjunction with or by Human Resources, Risk Management, or other appropriate departments.

Fraud Hotline

A telephone hotline to the City's Internal Auditor provides 24-hour access through a voice mail system for the purpose of reporting allegations of fraudulent and/or illegal activities.

The fraud hotline number is [979-209-5465](tel:979-209-5465).

Additionally, reports of allegations of fraudulent and/or illegal activities may be made by writing a letter to the Internal Auditor at: City of Bryan, Attn: Internal Auditor, P.O. Box 1000, Bryan, TX 77805.

Complaints may be submitted anonymously if the employee chooses.

Internal Auditor Review and Determination Process

Complaints submitted through the fraud hotline and/or those the employee feels management has not properly addressed through the chain-of-command review and investigative process will be evaluated and analyzed by the Internal Auditor.

It is the responsibility of the Internal Auditor to immediately notify the City Manager of complaints received, unless the complaint directly involves allegations concerning fraudulent and/or illegal activities of the City Manager.

The Internal Auditor will make one of the following determinations:

- ***No Action Necessary or Required***
Either there was not enough information provided to support the allegations or the nature of the complaint is not relevant to this policy.

- ***Refer to Another Appropriate Authority***
The nature of the complaint based on information provided would be more appropriately handled by another authority (police department, City management, external authority, etc.).
- ***Investigate***
The investigation will be conducted and/or coordinated by the Internal Auditor. Investigative findings will be supported by independent audit evidence compiled during the review process, separate and apart from the source (anonymous or otherwise) of the allegations. If the investigation substantiates that illegal and/or fraudulent acts appear to have occurred, the Internal Auditor will report the findings to the City Manager, the appropriate Executive Management Director, and the Internal Audit Committee. If the investigation does not substantiate that illegal and/or fraudulent acts have occurred, the Internal Auditor will report the findings to the City Manager, who will determine if the results should be shared with other appropriate parties.

Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the City Manager after consulting with the Internal Auditor and City Attorney.

Confidentiality

To the extent allowed by Texas law and/or federal statutes, all information received shall be treated as confidential. This is important in order to avoid damaging the reputations of persons suspected, but subsequently found innocent of wrongful acts and to protect persons that report suspected activities from reprisals. Additionally, in order to conduct an appropriate and thorough investigation, confidentiality can not be guaranteed.

GROUNDS FOR DISCIPLINARY ACTION/TERMINATION

Disciplinary action will be imposed for violations of City and/or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of employees, citizens or other third parties at risk may also result in disciplinary action.

Solely as a guide for employee conduct, the following are examples of conduct that will likely result in disciplinary action, up to and including termination of employment. For the purposes of this policy, "supervisor" includes any employee designated to exercise authority in a given situation.

Attendance

- Abuse of approved leave.
- Tardiness.
- Failure to report to work and/or provide timely notice of absence or tardiness to the appropriate supervisor/manager.
- Failure to follow procedures for requesting and/or using leave.
- Unauthorized absence from work site.
- Job abandonment (absence for 2 consecutive days without providing appropriate notice and/or obtaining appropriate supervisory approval).
- Failure to provide satisfactory documentation for absence as requested.
- Other actions that constitute unsatisfactory attendance.

Regular attendance and punctuality are essential requirements for all City of Bryan positions. Absences designated as leave under the Family & Medical Leave Act (FMLA) will not be taken into consideration when evaluating attendance for purposes of possible disciplinary action, including termination. (Reference "Attendance & Punctuality" policy – Chapter 4)

Job Performance/Competence

- Failure to achieve and maintain acceptable job proficiency.
- Failure to accept and execute duties, responsibilities, instructions, and orders with minimal supervision.
- Inability or unwillingness to perform the duties of the job.
- Neglect of duty; inefficient or unproductive behavior.
- Unsatisfactory quality or quantity of work.
- Lack of initiative.
- Inability or unwillingness to work effectively with others.
- Discourteous treatment of the public or other employees.
- Interfering with work of others.
- Violation of departmental work rules.
- Inability to adjust or adapt to changing work requirements.
- Failure to remain at work station or work site.
- Sleeping or otherwise being inactive during working hours.
- Performing or conducting personal business during working hours.
- Abuse of meal and/or rest periods.

- Repeated adverse counseling reports and/or evaluations reflecting the need for improvement, or indicating performance inadequacies.
- Record of repeated disciplinary action for infractions of policies, rules, regulations, procedures and/or directives.
- Incurring an expense or liability for the City without proper authorization.
- Failure to exercise appropriate judgment relevant to the conduct and performance of duty.
- Other acts reflecting unsatisfactory job performance or incompetence.

Failing to Respond and Follow Instructions/Orders (Insubordination)

- Failure or refusal to perform assigned work or fully comply with instructions or orders as requested by appropriate supervisors and authorities.
- Failure or refusal to fully cooperate with official internal investigations.
- Failure to submit to any medical, drug, alcohol, or other examinations as required and authorizing the release of information to the City.
- Acts of defiance towards a supervisor including, but not limited to: arguing about assignments, talking back, walking away from or ignoring the supervisor while being addressed, or deliberate attempts to undermine or put the supervisor in a false light.
- Failure or refusal to furnish name, job title, or department to any person requesting that information as a result of actions taken by the employee in the performance of official City business.
- Failure to respond timely to any official calls for service, dispatched calls, notices of assignments, or any other method of direction to perform duties at a designated place or by a designated time.
- Other acts that reflect the failure to follow instructions or orders or the act of insubordination.

Supervision

Failure by a supervisor at any level to:

- Demonstrate qualities of leadership necessary for the position.
- Exercise appropriate supervision of subordinates and responsibilities.
- Effectively plan, develop and coordinate supervision and training of subordinates.
- Conduct timely and effective performance reviews of subordinates.
- Observe and appropriately counsel subordinates.
- Take appropriate action when a subordinate fails to perform.
- Encourage and maintain a healthy, productive atmosphere in the workplace and display a positive attitude towards subordinates, superiors, the City and its customers.
- Maintain appropriate level of professional development for own position.
- Properly account for all funds and property under his control.
- Keep subordinates and supervisors appropriately informed.
- Give appropriate praise and recognition for the efforts and achievements of subordinates.
- Ensure the safety of subordinates at all times in the workplace.
- Conduct himself in a professional manner and be responsible and accountable for his own decisions and actions, as well as the decisions and actions of his subordinates.

Dishonesty/Untruthfulness

- Failure to be truthful at all times, whether under oath or not.

- Knowingly enter, or cause to be entered, any inaccurate, false, or improper information, or misrepresent, omit or cause to be omitted, any facts in any City records or reports, whether such reports are oral or written.
- Pretend to be ill or injured, falsely report to be ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of his personal health, or that of his dependents in those situations where benefits are applicable.
- At any time, intentionally manufacture, falsify, destroy, or withhold evidence or information, or knowingly or intentionally make any false accusation or criminal charge.
- Make a false report or statement (oral or written), or by any means induce another person to do so.
- Procure or maintain employment in the City by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment or physical condition.
- Misuse funds, steal or take City property or property of other employees or persons without prior authorization.
- Other acts reflecting dishonesty.

Conduct Prejudicial to Good Order

- Fighting in any form and/or participating in horseplay/rough play, inappropriate practical jokes, or disorderly conduct of any kind during work hours or while in any City facility or work site.
- Discourteous or abusive conduct, including the use of coarse, profane, abusive, threatening or harassing language that can be perceived as unprofessional, inappropriate, or of a harassing nature.
- Carelessness, negligence or intentional behavior which results in the destruction or damage of property not belonging to the employee, or endangering life or property.
- Malicious gossip or false accusation.
- Voicing any discriminatory attitude or prejudice concerning personal characteristics, including but not limited to, racial, religious, sexist or ethnic slurs or remarks.
- Gambling, in any form, on work premises or while on duty, or in violation of any law or regulation.
- Tampering with or using equipment for purposes other than its intended use.
- Possession of unauthorized weapons or explosive materials on City premises, in City vehicles, or while on duty.
- Other acts reflecting conduct prejudicial to good order.

Alcohol and Drugs

- Possession or being under the influence of controlled substances or intoxicating beverages while on duty, on City premises, or while on standby or call out status.
- Any other violation of the City's "Drugs and Alcohol Use" policy.

Unlawful Conduct

- Any felony convictions.
- Any misdemeanor convictions involving violence, theft, drugs, or sexual misconduct.
- Any other arrest and/or conviction, including probation or deferred adjudication, for any crime that may be deemed unsuitable for City employment.
- Engaging in any unlawful activity or actions.

- Entering, visiting or frequenting, while on duty or in uniform, an establishment wherein the laws of the U.S. or Texas are violated (e.g. house of prostitution, gambling house, etc.), or a place whose primary purpose is the sale of alcoholic beverages for consumption on premises, except in the performance of duties as directed by the Department Director.
- Indecent, provocative, or offensive behavior or any such unlawful activities, whether or not an arrest, charge or conviction is made.
- Other acts of unlawful conduct, whether or not an arrest, charge or conviction is made.

Conduct Inconsistent with Interests of the City of Bryan

- Any violation of the City Charter, Personnel and Administrative Policies and Procedures, Civil Service Rules and Regulations, and any departmental policies and directives.
- Actions which demonstrate disloyalty to the goals and objectives of the City.
- Other acts inconsistent with the interests of the City of Bryan.

Solicitation

- Any violation of the City's "Solicitation, Distribution and Notice Posting" policy.
- Solicitation of other employees for membership in employee organizations during work hours.
- Using the City's name or position to promote personal business.
- Other acts of solicitation not consistent with the performance of work-related duties.

Harassment

Any violation of the City's "Sexual and Other Prohibited Harassment" policy.

Dereliction of Duty

- Performance of job duties in a negligent manner or with inappropriate/deliberate slowness.
- Failure to demonstrate appropriate initiative and dependability in the quality, volume, and prioritizing of job duties.
- Failure of an employee to immediately report to the supervisor when a violation by either employees or citizens of laws, policies, rules or regulations comes to the employee's attention.
- Failure of a supervisor to immediately take action when a violation by employees or citizens of laws, policies, rules or regulations comes to the supervisor's attention, regardless of the supervisor's or violator's assignment or position in the City.
- Failure to observe and follow the policies, rules or standard operating procedures of the employee's department or the City.
- Failure to secure or report the loss of City property.

Some of the above actions are subject to criminal prosecution pursuant to applicable sections of the Texas Penal Code. The City may, at its discretion, pursue criminal charges in addition to disciplinary action.

It is not possible to list all rules of conduct, and the prohibited conduct listed in these policies does not necessarily contain all of the reasons for which an employee may be disciplined or discharged. Additionally, some of the above rules are more specifically addressed and

detailed within this Manual. The City of Bryan reserves the right to determine the degree of violation and take appropriate action to maintain the functions and order of the organization.

CONFLICTS OF INTEREST

City of Bryan employees should avoid any situation which involves or may involve a conflict between their personal interest and the interest of the City. As in all other facets of their duties, employees dealing with customers, suppliers, contractors, or any person doing or seeking to do business with the City of Bryan, are to act in the best interest of the City. Each employee shall make prompt and full disclosure in writing to his manager of any potential situation that may involve a conflict of interest. Such conflicts include:

- Ownership by employee or by a member of their family of a significant interest in any outside enterprise which does or seeks to do business with the City of Bryan;
- Having any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City;
- Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise that does or is seeking to do business with the City of Bryan. Exceptions can be approved by the City Manager;
- Using City employment authority, or influence in any manner for personal betterment, financial or otherwise;
- Having any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- Having discussions or participating in discussions of any City agency, board, commission or instrumentality where the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- Employment or engagement in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City;
- Acceptance of remuneration or providing services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City; and
- Any other arrangements or circumstances, including family or other personal relationships which might dissuade the employee from acting in the best interest of the City of Bryan.

The revelation or use of any confidential information, data on decisions, plans, or any other information which might be contrary to the interest of the City of Bryan without prior authorization, is prohibited.

Any violation of this policy will subject an employee to disciplinary action, up to and including termination.

Any City employee having knowledge of any violation of this policy shall promptly report such violation to the appropriate manager.

GIFTS & GRATUITIES

The City of Bryan strives to treat employees, citizens, and individuals conducting business with the City in a fair and equitable manner. Employees shall not seek or accept for themselves or others any gift, whether it be money, services, loan, travel, entertainment, hospitality, promise or any other form, from any persons and/or any business organizations that do or seek to do business with the City of Bryan.

Employees may accept unsolicited non-monetary gifts only if they are items of de minimus value (less than \$50) as long as the acceptance of such gift is not intended to serve as a reward for any official action on their part or could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties. Gifts valued in excess of \$50 that meet the standards of this policy may be accepted when approved by the City Manager. Examples of common courtesies that **may** be acceptable:

- Luncheons, dinners, and similar gatherings sponsored by professional, industrial, or technical associations for the discussion of matters of mutual interest to the City;
- Unsolicited advertising products or promotional materials, such as pens, pencils, note pads, calendars, and other items under nominal value;
- Gifts of perishable items such as cookies, hams, fruits, flowers, etc.;
- An award or gift for a meritorious public contribution or achievement from an organization (i.e., professional, social, charitable, civic, educational, etc.);
- Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business;
- Gifts or gratuity extended to the entire City or an entire department, approved by the City Manager;
- Gifts, including but not limited to, services, furniture, equipment and materials intended for use by the City or a department, approved by the City Manager;
- Benefits, food, drink, lodging, transportation, or entertainment not otherwise permitted under this Chapter, but specifically authorized in writing by the City Manager or designee for an employee's group as incident to the normal course of and in furtherance of City business.

If an item is non-routine, or of more than minimal value, the employee must check with his Executive Management Director to see if the item should be returned, or alternatively, turned over to the City.

It is never permissible to accept a gift in cash or cash equivalent such as stocks or other forms of marketable securities of any amount.

Management employees should not accept from, or provide, any gifts, favors, loans or payments to employees under their supervision of more than the \$50 limit. Employees may not give their supervisor or anyone else in City management any gift or other item of more than the minimal value. The giving and accepting of cards, food items, or token gifts for special occasions, such as birthdays, holidays, bereavement, or similar events is not a violation of this policy.

SOLICITATION

Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of, or by, City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his employment according to his response to a solicitation.

No employee shall accept or solicit any money, property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member.

No employee shall accept or solicit any money, property, service or other thing of value for the benefit of the City, or any employee, or department of the City, unless approved in advance by the City Manager.

Solicitation shall not be permitted of or by City of Bryan employees during work or business hours, other than for the following exceptions:

- Solicitation of funds for the purpose of parties, gifts, flowers, cards, or events for a City of Bryan employee for special recognition events;
- Solicitation of funds for City sponsored functions and events, which may include, but are not limited to the Employee Celebration, Health & Wellness Fair, and/or certain charitable purposes, such as United Way Campaign;
- Solicitation of funds for local, not-for-profit youth-sponsored events (i.e., school, band, little league, etc.). Solicitation of funds for these purposes shall be limited to placing order forms or products in the break room area(s) for employees to view at their leisure, during breaks and/or lunch periods. Distribution of purchased goods shall only be permitted during lunch, or before or after work hours.

Employees engaged in non-authorized solicitation efforts shall be instructed to cease such activity and further engagement in such activities may result in disciplinary action.

This policy does not limit or restrict salespersons and vendors from conducting City-related business with the City of Bryan. Salespersons and vendors attempting to conduct unsolicited business with employees should contact the Purchasing Department.

POLITICAL ACTIVITY

City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. While in uniform or on active duty, an employee may not take an active part in another person's political campaign for an elective position of the City of Bryan. For the purposes of this policy, an employee takes an active part in a political campaign if the employee:

- makes a political speech;
- distributes a card or other political literature;
- writes a letter;
- signs a petition;
- actively and openly solicits votes; or
- makes public remarks about a candidate for an elective position of the City of Bryan.

An employee is not otherwise prohibited from taking an active part in a political campaign.

An employee may not be required to contribute to a political fund or to render a political service to a person or party. An employee may not be removed, reduced in classification or salary, or otherwise prejudiced for refusing to contribute to a political fund or to render a political service.

MISUSE OF CITY PROPERTY

As a public employer and as public employees who are entrusted with the responsibility of administering public funds efficiently, the City of Bryan and its employees must ensure that City property and facilities are utilized for the sole purpose of providing services to the citizens of Bryan.

An employee shall not steal, sell, willfully or negligently damage, destroy, misuse, lose, or have unauthorized possession of owned or leased City property, or use any City property, services, or information in an unauthorized manner for personal business or monetary gain.

No employee may fail to promptly deliver any evidence, abandoned property, or confiscated property to the proper authority as designated by department procedure or City regulation. An employee may not convert to personal use, destroy, or remove, except in accordance with established department procedure, any property found in connection with official business. No employee is authorized to keep or claim such evidence or property.

SEXUAL & OTHER PROHIBITED HARASSMENT

The City of Bryan is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City of Bryan expects all relationships among persons in the workplace to be business-like and free of bias, prejudice and harassment.

It is the policy of the City to ensure equal employment opportunity, without discrimination or harassment on the basis of race, color, religion, sex, age, disability, national origin, or any other characteristic protected by law. The City prohibits any such discrimination or harassment.

The City requires reporting of all incidents or perceived incidents of discrimination or harassment and it is the policy of the City to investigate such reports. The City of Bryan prohibits retaliation against any individual who reports discrimination or harassment, or participates in an investigation of such reports.

General Provisions

- These policies apply to all City employees, officials, applicants, citizens, vendors and other visitors to the workplace.
- Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

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

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

Other Prohibited Harassment

In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone

because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, etc. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including, but not limited to, via facsimile, e-mail, and/or the Internet.

Harassment of any nature, when based on race, religion, color, national origin, age, disability, or any other characteristic protected by law will not be tolerated.

Mandatory Reporting

The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he has been subjected to conduct prohibited by this policy must report it immediately to his Department Director, the Human Resources Director or the City Manager.

Any supervisor, manager or department director who becomes aware of possible conduct prohibited by this policy must immediately advise his department director and/or the Human Resources Director.

Under this policy, an employee may report to and/or contact the Human Resources Director directly, without regard to the employee's normal chain of command. Voice messages and/or e-mails may be left at any time.

Melanie Caballero
Human Resources Director
P.O. Box 1000
Bryan, TX 77805
(979) 209-5063
mcaballero@bryantx.gov

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

Investigation

All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

Retaliation Prohibited

Retaliation against an individual who makes a good faith charge or report of prohibited conduct, or who assists in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including, termination of employment will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

HIV/AIDS

The City of Bryan shall not illegally discriminate in its employment or personnel practices against persons who have Acquired Immune Deficiency Syndrome (AIDS), are infected with the Human Immunodeficiency Virus (HIV), or are perceived to have any of the above conditions.

Employees with HIV/AIDS shall be provided the same rights and equal employment opportunities as other employees with respect to placement, upgrading, transfer, demotion, promotion, terms and conditions of employment, benefits, pay, training, layoff, termination or reinstatement, except for compelling medical and/or public health reasons based upon accurate scientific information.

All supervisors, managers, and employees are expected to perform their duties and carry out their responsibilities without regard to a person's HIV/AIDS status, except when there are compelling medical and/or public health reasons which shall be based upon accurate scientific information. Supervisors, managers, and employees shall have no valid basis upon which to refuse to work or withhold their services solely for fear of contracting HIV/AIDS by working with or near an HIV/AIDS infected person. Therefore, employees who engage in such refusals to work or withholding of services, or who harass or otherwise illegally discriminate against an HIV/AIDS infected employee shall be subject to disciplinary action, up to and including termination.

In the event that an employee has, or is believed to have had, an on-the-job or occupational exposure to blood or body fluids, the employee is to promptly inform his supervisor and Risk Management. The facts related to such reported exposure will be reviewed and handled in accordance with Risk Management procedures.

Any medical documentation or information provided by an HIV/AIDS infected employee to management personnel, the Risk Management Department, and/or the Human Resources Department will be considered confidential and private information. The City is prohibited by law to disclose this information without the employee's knowledge and consent, except as required by public health laws.

Because it is recognized that some employees may have concerns about HIV/AIDS, the City shall make available pertinent education materials and counseling about HIV/AIDS, as well as contact information of community resources.

This policy will be consistent with current information from public health authorities, such as the Centers for Disease Control of the United States Public Health Service, and with federal and state laws and regulations.

DRUGS & ALCOHOL USE

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

Alcohol and Illegal and Unauthorized Drugs

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

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his own personal vehicle while under the influence of alcohol. No employee in his work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises and may not store or transport alcohol in a City-owned or leased vehicle.

Illegal and Unauthorized Drug-Related Paraphernalia

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

Prescribed and Over-the-Counter Drugs

The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property, or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Fire and Police Department Employees

Certain City of Bryan Fire and Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be

exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Fire and Police Department operating procedures.

Mandatory Disclosure by Employees

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

On-Call and Standby Employees

An employee designated to be on-call or in standby status is expected to be fit for duty upon reporting to work. Any employee scheduled to be on call or in standby status who is called out is governed by this policy. Sometimes, an employee who is not scheduled to be on-call or in standby status, may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty.

Off-Duty Conduct

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

Testing

All employees of the City of Bryan may be subject to drug and/or alcohol testing under the following conditions:

- Prior to employment, including the promotion/transfer to another position;
- After a motor vehicle accident, regardless of who was at fault;
- After a workplace injury;
- As a condition of continued employment following any required treatment or rehabilitation, an arrest and/or conviction for illegal drug possession or D.U.I./D.W.I. (Testing for this purpose may be on a periodic and/or random basis.);
- Upon reasonable suspicion. Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy and must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may also include indications of the chronic and withdrawal effects of alcohol or controlled substances.

Tests shall be administered as soon as practicable, but preferably within two (2) hours to eight (8) hours. If testing does not occur within that time frame, the supervisor must prepare a written record stating the reasons the tests were not promptly administered.

The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Refer to the City's "Drugs and Alcohol for DOT Employees" policy within this Chapter.

If driving is part of the employee's job function, the employee subject to testing shall be placed in a non-driving position pending the results of the test. Additional precautions (job restrictions, paid administrative leave, etc.) may also be taken as deemed necessary by the Department Manager, Risk Management, and/or Human Resources.

An employee's voluntary disclosure of a chemical dependency problem may result in required participation in the employee assistance program. However, an employee's voluntary disclosure will not excuse an employee from submitting to a drug or alcohol test.

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

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor or trained designated person to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing) and submit the written report within 24 hours to the Human Resources Director.

Tests will be paid for by the City of Bryan. To the extent possible, testing will normally be done during the employee's normal work time. All testing must normally be authorized in advance by both the employee's Department Director and the Human Resources Director. If either is unavailable within a reasonable period of time, either may solely authorize the testing of an employee. In all cases, the employee will be provided with transportation to the testing facility and arrangements made to have the employee transported home after the testing.

The City may, in its discretion, reassign the employee or put him on administrative leave with pay until the test results are received.

All drug and alcohol tests shall be performed by an approved laboratory or healthcare provider chosen by the City of Bryan. All positive tests will be subject to confirmation testing.

Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by Human Resources, supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and

any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order, or as otherwise legally mandated; and as necessary to protect the interests of the City.

The City has a “no tolerance” policy regarding the illegal use of drugs, on or off duty, whereby employees who attempt to alter or tamper with a sample or any other part of the testing process, who refuse to submit to a drug and/or alcohol test, or who test positive as a result of a drug and/or alcohol test shall be terminated. Further, employees who are terminated as a result of testing positive for drugs or alcohol or refusing to submit to the test shall not be eligible for future employment with the City of Bryan.

DRUGS & ALCOHOL USE FOR DOT EMPLOYEES

City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration as outlined in this policy. Employees who perform safety-sensitive functions and are covered by this policy include:

- All positions requiring a CDL as part of their job duties;
- Any employee who has obtained a CDL license and is training to become a driver or drives on occasions; and/or
- Any supervisor or foreman who has obtained a CDL for the purpose of driver training or emergency relief.

Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

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

Prohibited Alcohol Use

- ***On-Duty and Pre-Duty Use***

Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within four (4) hours after using alcohol.

- ***Use Following an Accident***

An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for eight (8) hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use

Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when he uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his ability to safely operate a commercial motor vehicle. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol & Drug Tests

DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol and/or drug test is required by DOT regulations.

- ***Pre-employment Testing***

Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

- ***Post-Accident Testing***

Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation), for all fatal accidents even if the driver is not cited for a moving traffic violation, as well as for accidents in which the driver is not cited. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a commercial motor vehicle operating on a public road in commerce, as follows:

- When one or more of the vehicles involved is disabled and must be towed from the scene (regardless of who was at fault);
- When any person involved in the accident is injured to the extent that he requires and receives immediate medical treatment away from the scene of the accident (regardless of who was at fault); or
- In an accident involving a fatality (regardless of who was at fault).

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

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

- ***Post-Accident Alcohol Testing***

If alcohol testing cannot be administered within two (2) hours of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to Risk Management by the appropriate supervisor. If alcohol testing cannot be administered within eight (8) hours after the occurrence, the City will cease attempts to administer an alcohol test and

document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Risk Management Department.

- ***Post Accident Drug Testing***

A driver will be drug tested as soon as practicable, but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Risk Management Department.

- ***Reasonable Suspicion Testing***

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

- ***Reasonable Suspicion Alcohol Testing***

Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before he is to perform, or just after he stopped performing safety sensitive functions. If alcohol testing cannot be administered within two (2) hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be provided to the Risk Management Department. If alcohol testing cannot be administered within eight (8) hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered. This report must be promptly forwarded to the Risk Management Department.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- a. An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- b. 24 hours have elapsed since the reasonable suspicion observation was made.

- ***Reasonable Suspicion Drug Testing***

A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Risk Management Department.

- ***Random Testing***

Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's social security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification. If, however, the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing safety sensitive functions. Random testing for drugs does not have to be conducted in immediate proximity to performing safety-sensitive functions.

Refusal to Test

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

Additional Information – Alcohol Testing

- ***Alcohol Testing Procedures***

A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken.

Any result of less than 0.02 alcohol concentration is considered a "negative" test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

- ***Consequences of a Positive Alcohol Test***

An employee who is tested and has an alcohol concentration of 0.02 or greater will be removed from safety-sensitive functions and will be terminated.

Additional Information – Drug Testing

- ***Drug Testing Procedures***

Drug testing is conducted by analyzing a driver's urine specimen at a lab certified by the U.S. Department of Health and Human Services. The employee provides a specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. "Split" urine specimens provide employees with an opportunity for a second test, if needed. If the employee challenges the validity of the test, he has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City. The second test will be at the employee's own expense.

- ***Drugs Tested For***

DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms "drug", "drugs", or "controlled substances" are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this specific policy. The City may, however, test for other controlled substances pursuant to its general "Drug and Alcohol Use" policy within this Chapter.

- ***Review of Drug Test Results***

All drug test results are reviewed and interpreted by a physical medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the employee (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the employee's specimen. If the employee provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

- ***Consequences of a Positive Drug Test***

An employee will be removed from safety sensitive duties and placed on paid administrative leave if he tests positive for drugs. The removal cannot take place until the MRO has interviewed the employee and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug test result will result in termination of employment.

Confidentiality

Test results may be released only to the employee, designated City officials, a substance abuse professional, laboratory officials or a MRO. Records will also be made available to subsequent employer or other identified person upon the employee's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on the behalf of the employee and arising from a positive DOT drug or alcohol test or refusal to test; including workers' compensation and unemployment proceedings).

All test results as a result of this specific policy will be kept in a confidential file by the Risk Management Department. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, may result in disciplinary action, up to and including termination of employment.

Information from Prior Employers

For new hires, promotions and transferred employees seeking to perform safety-sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violations of DOT drug and alcohol testing regulations within the two (2) years prior to the date of the applicant's or employee's application, promotion or transfer.

The City will obtain and review the information before allowing the person to perform safety-sensitive functions. If the City receives any such information about an applicant, they will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driving position and may also receive disciplinary action, up to and including termination of employment.

The City will maintain a written, confidential record of the information it obtains and/or the good faith effort it made to obtain the information. This information will be retained for a minimum of three (3) years.

The City will also ask the person if he has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety-sensitive transportation work covered by a DOT agency's drug and alcohol testing rules during the past two (2) years. If the person admits to such

conduct, the person will not be allowed to perform safety-sensitive functions for the City. If the person refuses to provide the City with the required written consent, he will not be permitted to perform safety-sensitive functions and will likely be disciplined (up to and including termination) if employed, or not hired if applying for employment.

Employee Admission of Alcohol/Drug Use

An employee may not self-identify alcohol misuse and/or drug use in order to avoid the testing requirements of this DOT policy.

Transportation To and From Testing Site

With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor or Safety Officer. The supervisor or Safety Officer will remain with the employee during the testing process. Arrangements will be made to have the employee transported back to his home after the testing is complete.

WORKPLACE VIOLENCE & WEAPONS BAN

The City of Bryan strives to provide a safe and secure working environment for its employees. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty is prohibited.

Workplace violence is an act or threat of aggression causing or placing another in fear of emotional and/or physical harm. Workplace violence can take many forms. The following list of behaviors, while not inclusive, provides examples of conduct that are prohibited.

- Causing physical injury to another person;
- Making threatening remarks (direct or indirect);
- Aggressive or hostile behavior that creates a reasonable fear of injury or harm to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on City property or while conducting City business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

The workplace is any location where an employee performs work (office, public building, grounds, vehicle, private residence, or any location associated with travel for the City, etc.)

City's Response to Threats or Acts of Violence

The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the Risk Management and Human Resources Departments, and where applicable, the City's Police Department or other appropriate law enforcement agency. The Risk Management Director and Human Resources Director will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, EMS) to minimize risk and further violence, and will work with the appropriate department manager(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and/or terminate the employment relationship, reassign job duties, mandate a referral to the Employee Assistance Program, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.

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

Weapons Banned

Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. The City prohibits employees from carrying or using any weapons, concealed or otherwise, on City property. This ban includes keeping or transporting a weapon in any vehicle in a City-

provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5-1/2" includes, switchblades, etc.

A license or permit to carry the weapon does not supersede City policy.

The City reserves the right at any time and at its discretion to search all City-owned or leased vehicles and all packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering or on its property or worksites, for the purpose of determining whether any weapon has been brought onto its property or worksites in violation of this policy. Employees who fail or refuse to promptly permit a search under this policy may be subject to disciplinary action, up to and including termination.

Mandatory Reporting

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

Protective Orders

An employee who applies for or obtains a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resources Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their department director and Human Resources Director of any protective or restraining order issued against them.

Confidentiality

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

City Property

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

Documentation

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

Violations

Any violation of this policy may lead to disciplinary action, up to and including, termination of employment, and may also result in arrest and prosecution.

SAFETY & SECURITY

The City of Bryan is committed to providing a safe and secure environment for all employees, visitors and customers. Specific policies and procedures are set forth in the City of Bryan Safety Procedures Manual. Any employee who disregards the rules established in the manual shall be subject to disciplinary action.

For additional information, contact the Risk Management Department.

CRIMINAL ARRESTS, CHARGES & CONVICTIONS

An employee must notify his supervisor and/or Department Director within 24 hours if he is arrested, charged, indicted, convicted, or received deferred adjudication or probation, or pled nolo contendere to any misdemeanor or felony.

An employee who may drive as part of his job duties must immediately notify his supervisor and/or Department Manager of any charges, arrests, or convictions relating to minor traffic offenses or traffic offenses which may result in the suspension or loss of his driver's license (e.g. DWI, DUI, etc.).

In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without a trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Executive Management Director, the Human Resources Director and the City Manager. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

FITNESS FOR DUTY

It is the employee's responsibility to remain physically and mentally fit to perform the essential functions of his job.

When a question arises as to whether or not an employee is sufficiently physically or mentally fit to continue his duties and/or constitutes a hazard to individuals or property, the employee may be required to submit a report from the employee's personal physician, psychiatrist, or psychologist, as appropriate. The employee is responsible for the costs of the services of the personal physician, psychiatrist, or psychologist, as appropriate.

If the report is questioned by a member of the employee's management chain of command, Risk Management Director and/or Human Resources Director, the employee may be required to submit to an examination/evaluation of health and/or mental fitness for duty. The evaluation shall be conducted by a licensed physician, psychiatrist, or psychologist, as appropriate, selected by the City. The City shall be responsible for the costs of this examination/evaluation. The employee will be required, as a condition of continued employment, to submit to the examination/evaluation and authorize the disclosure of the results to the Human Resources Director or Risk Management Director.

The employee shall be granted administrative leave with pay for the time required for such examinations, and in some cases, until such time the results of the examination are received and evaluated.

The results of the report(s) shall be reviewed by the employee's Executive Management Director, Human Resources Director and Risk Management Director and a determination made as to whether the employee is to remain in his position, be granted paid leave or leave without pay, undergo periodic special examinations and/or undergo a program of treatment, be transferred and/or terminated. In all cases, any conditions determined to be a disability will be handled in accordance with the Americans with Disabilities Act (ADA) and medical information shall be handled in accordance with applicable privacy and confidentiality laws and procedures.

SMOKING & OTHER TOBACCO USE

The City of Bryan is committed to providing a smoke-free environment for all employees and visitors. This policy covers the smoking of any tobacco product and the use of smokeless tobacco and applies to employees, volunteers, clients, contractors, vendors and visitors of the City of Bryan.

Tobacco use of any kind is prohibited by any employee while conducting City business and/or interacting with the public in any official capacity whether on or off City premises.

Smoking is prohibited in all City owned, leased, controlled or operated facilities, as well as City vehicles, or while using City owned, leased, or controlled equipment. Smoking is only permitted outside of City facilities in designated smoking areas. The decision to provide or not provide designated smoking areas outside of City facilities will be at the discretion of management. All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. If the designated smoking area is not properly maintained (i.e., cigarette butts found on the ground, etc.) it can be eliminated at the discretion of management.

Supervisors will determine and develop effective solutions/policies for smoking breaks for their staff that do not interfere with the productivity of the department.

Employees who smoke and would like to participate in a smoking cessation program are encouraged to contact the Risk Management Department.

The success of this policy depends upon the thoughtfulness, consideration and cooperation of all employees. Problems should be brought to the attention of the appropriate supervisor and reviewed through the normal chain of command.

OUTSIDE OR SELF-EMPLOYMENT

The City recognizes that employees may seek additional employment during their off hours to earn additional income or to develop new skills and experience. Despite any outside employment, the job with the City of Bryan is considered the primary employment responsibility for all full-time employees, including civil service employees. The City does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or for refusal to work overtime or travel when required by the City. Outside employment can also cause conflict of interest issues in some cases. For these reasons, the City of Bryan restricts outside employment of full-time employees as specified in this section.

Definition

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City of Bryan. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, American Heart Association, faith based activities or other similar activities where compensation is neither expected nor paid in the ordinary course of operations. However, volunteer activities that might similarly distract from an employee's ability to perform his job with the City are also prohibited.

General Guidelines

Subject to written approval of the Executive Management Director and City Manager, a City employee is permitted to engage in any business, trade, occupation, or profession that does not:

- Bring the City of Bryan into disrepute;
- Reflect discredit upon the employee as an employee of a department or the City;
- Interfere with the performance of the employee's duties for the City of Bryan;
- Present a conflict of interest;
- Result in misuse of City property or funds;
- Result in use of the City position for personal gain; or
- Violate any department policy or procedure.

Executive Management Directors are prohibited from engaging in any form of outside employment except as may be specifically approved in writing by the City Manager.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed.

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in any outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Executive Management Director.

Approval Process

An employee must obtain permission in writing from his appropriate management chain of command through the Executive Management Director before accepting any other employment or engaging in any other business. Permission granted is subject to revocation in the event of a subsequent known or occurring conflict with this policy.

The request for permission to engage in outside employment must include the place where the work will be performed, a description of the type of business, the work to be performed, and the hours and days of work.

An employee who is working another job at the time of hire and who intends to continue the other employment must so advise and receive approval to continue the outside employment.

A copy of the written request and approval must be submitted to Human Resources for inclusion in the employee's personnel file.

RELATIONSHIPS

Employment of relatives can present the potential for conflict of interest problems, charges of favoritism by other employees, exposure to family discord that may impair the productivity of the related employees or other employees, problems in scheduling if related employees want to take time off together, unauthorized disclosure of confidential information, and pressure exerted on hiring supervisors by other employees, particularly higher-level employees, to hire persons related to those employees. Therefore, the City of Bryan places restrictions on employees who become related to each other as specified in this chapter.

Romantic and/or sexual relationships between employees can also create conflicts of interest, potential for or actual charges of sexual harassment, and/or discord or distractions that interfere with other employees' productivity. The City strongly discourages such relationships between employees.

Nepotism in Current Employment

Employment of certain related persons by the City or within designated City units is not allowed. The provisions of this section apply to current City employees. Restrictions on persons who are applying for employment with the City are specified in the "Nepotism in Hiring" policy (Chapter 3).

For the purposes of determining a relative relationship only, employee includes all regular employees (full-time or part-time), temporary/seasonal, temporary agency workers, volunteers (as defined in this manual) and reserve police officers.

- ***Relative***

A relative is defined in the "Nepotism in Hiring" policy (Chapter 3).

- ***Required Disclosure***

All employees are required to disclose a relative relationship as follows:

- All employees are required to disclose the name and assignment of any relative (as defined in the "Nepotism in Hiring" policy) who is employed by the City during the application process for another City position or, if no formal application process is involved, to the hiring supervisor before selection is made.
- Employees must disclose becoming a relative (as defined in the "Nepotism in Hiring" policy) to the Mayor, a City Council member, or any other City employee, to their department manager within 30 working days of creation of the relationship.

Supervisors may consult with the Human Resources Department to determine if a restriction specified in this Chapter exists and coordinate any further actions, if necessary. Failure to make the required disclosure will render the employees ineligible for transfer, promotion or re-assignment and may also be subject to disciplinary action, up to and including termination of employment.

- ***Prohibitions***

- **Relative of an Elected Official**

- An employee who is or becomes related within the third degree by blood or within the second degree by marriage to a person who is elected as mayor or council member may lose eligibility for continued employment. Any such employee shall contact the Human Resources Department for evaluation of the situation in accordance to the provisions of the Texas Government Code, Section 573.062.

- ***Relative of a Council Appointed Employee or Executive Management Director***

- If an employee becomes a relative of a Council-appointed employee or an Executive Management Director, one of the related employees must agree to tender his written resignation or be dismissed within 90 days from the date the employees become related. If no resignation is tendered within that time frame, the Human Resources Director, in coordination with the City Manager and the appropriate Executive Management Director, will determine which of the employees who are related will be dismissed. In the case of a council appointee, the City Manager will advise the Mayor and City Council of the violation, and if the Mayor and City Council fail to dismiss the council appointee, the non council appointed related employee will be dismissed.

- ***Relative of a Supervisor/Manager***

- Employees who become relatives of each other may not be placed in a position which places one within the direct chain of command, permits them to supervise, review or process the work of the other, conduct a performance review, or causes them to otherwise serve in a position where one may have significant influence in determining the other's advancement, compensation, or other terms and conditions of employment.

- ***Relatives in the Same Department***

- Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the Executive Management Director and the City Manager.

- ***Condition of Conflict***

- Employees who become relatives of each other may not be placed in a position where a condition of conflict would exist. There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

- ***Options for Related Employees***

- If any of the prohibitions above are applicable, and timely disclosure of the relationship was made, an appropriate decision must be made within 90 days of the employees becoming related by:

- Voluntary movement of either or both employees to another open and available City position for which the employee is qualified;
 - Involuntary re-assignment of one of the related employees to an available position of equivalent pay in another department; or
 - Resignation or dismissal of one of the related employees.

The positions to which an employee may voluntarily move, or be involuntarily re-assigned are subject to position availability and employee qualifications.

If involuntary re-assignment or dismissal is required, the Executive Management Director will make the final decision as to which employee will be reassigned or dismissed if only one department is involved. If more than one department is involved, the final decision will be made by the managers of the departments where the relatives are employed, with coordination by the Human Resources Director.

Personal Relationships – Supervisors and Subordinates

City employees who are engaged in a romantic and/or sexual relationship shall not be permitted to occupy a position, whether regular or temporary, which places them within the chain of command, permits them to supervise, review or process the work of the other, conduct a performance review of, or otherwise serve in a position where one may have significant influence in determining the advancement, compensation, or other terms and conditions of employment of the other City employee with whom he is engaged in such a relationship.

The term "romantic" and "sexual relationship" includes, but is not limited to, casual dating, serious dating, casual sexual involvement, and any other conduct or behavior normally associated with romantic or sexual relationships. The restrictions on romantic and/or sexual relationships apply regardless of the sexual orientation of the employees involved.

Where such relationships occur between a supervisor and his subordinate, the City may attempt to accommodate the relationship, where practical, by a) altering the reporting structure so that the subordinate reports to someone else; or b) transferring or reassigning one or both of the employees so that neither reports to the other. If the City determines there are no suitable positions remedying violation of this policy, the City Manager will make the final decision as to which employee will be dismissed.

PROFESSIONAL DRESS & APPEARANCE

As a representative of the City of Bryan, employees are expected to present a positive professional image. All clothing and accessories must be clean, in good condition and consistent with this policy. All employees must also maintain good personal hygiene and grooming habits.

This policy establishes "business casual" as the foundation of the professional dress policy. This means that, on normal business days, an employee will wear "business casual" attire. The need to dress more formally in "business attire" may be required based on job assignments & duties. At times, it may also be necessary to adjust the style of clothing depending on the change of seasons, degree of customer contact, the nature of work, etc.

Applicability

This policy applies to all City of Bryan employees, whether full-time, part-time or temporary, as well as, interns and volunteers.

Business Dress and Appearance Examples

The following examples are provided to help assist employees, supervisors and managers in making decisions concerning what the City of Bryan considers appropriate and inappropriate business clothing and appearance for the workplace.

- **Business Casual Examples**

Business casual is the foundation of the professional dress and appearance policy and is allowed on normal workdays.

Appropriate Examples

- Slacks (twill and khaki style)
- Blazers or Sport Coat
- Sweaters, cardigans
- Knit shirts, polo shirts, City logo shirts
- City t-shirts (on Fridays only)
- Sports shirts with collar (short or long sleeve)
- Banded collar shirts
- Vests
- Skirts
- Suit-style skorts (appropriate only if accompanied with a coat jacket)
- Cropped pants, defined as ending just above the ankle, or Capri pants, defined as ending mid-calf (appropriate only if "dressy" or professional style worn with appropriate top and shoes)
- Dresses
- Jeans (ONLY on Fridays, unless in a field environment or as the assignment dictates, and only if jeans are in good condition and appropriate)

Inappropriate Examples

- Shirts with slogans, messages, or emblems that may be deemed inappropriate by citizens/customers and/or the supervisor/manager
- T-shirts (except for COB t-shirts, which can be worn on Fridays or for special

- designated City events, such as health fair, blood-drive, etc.)
- Strapless shirts
 - Shirts or dresses with spaghetti straps and/or that reveal bare backs or midriffs
 - Tank tops
 - Sweat suits
 - Wind suits
 - Shorts (unless specifically approved uniform)
 - Short skirts (more than four inches above the top of knee)
 - Skirts with revealing splits or slits
 - Capri pants (or any type similar, except for suit (business) style)
 - Leggings
 - Floppy shoes (i.e., "flip flops" or thongs)
 - Overalls
 - Skorts (except for suit-style usually accompanied with a coat jacket)
 - Provocative or revealing attire
 - Nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry
 - Visible tattoos which could be deemed offensive
 - Lapel pins that may be deemed inappropriate by citizens/customers and/or the supervisor
 - Wrinkled, ripped and tattered clothing
 - Shoes not in good repair and/or inappropriate for safety environments
 - Tennis shoes (unless in a field environment or as the assignment dictates)
- **Business Formal Examples**

Business formal attire is to be worn when there is a need to present a more formal professional appearance for meetings or special events, or if an employee's job duties and/or assignments have a high degree of citizen/customer contact. For example, such attire should be worn to City Council meetings, meetings with outside businesses, and in any similar situation where an employee represents the City of Bryan.

Appropriate Examples

- Traditional 2 or 3 piece suits with tie
- Slacks and sports coat, dress shirt with collar
- Dress shoes, leather boots
- Business dresses, coat dresses
- Pant suits
- Blouses
- Shells (that are not revealing)
- Skirts

Inappropriate Examples

- Anything listed as inappropriate for business casual
- Shoes without appropriate hosiery or socks

Uniforms

Employees assigned to certain departments within the City of Bryan shall be provided uniforms for use during work hours. A uniform may include shirt(s), pant(s), shoes, boots, cap(s), hat(s), raincoat, jacket(s), and/or reflective vest.

Employees are expected to exercise due care in the maintenance of all uniform items. Uniforms shall be neat and clean when the employee reports to work. Employees in some departments will be unable to keep the uniform clean while working, but should strive to remain as neat in appearance as possible (i.e., shirt tucked in, etc.). When uniform items become unserviceable or unsightly, employees shall report such to their supervisor to authorize replacement. Replacement of uniforms may be issued in accordance with individual departmental policies and guidelines.

Employees issued a uniform shall wear the uniform while on duty and in accordance with departmental rules. Uniforms are to be worn for work only, and shall not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior approval.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition. The cost of lost or damaged City property and unreturned uniforms is the responsibility of the employee.

Enforcement

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

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

The Department Director may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

CHILDREN IN THE WORKPLACE

The presence of children in the workplace with the employee parent during the employee's workday is inappropriate and is to be avoided except in emergency situations. This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce property liability, and help maintain the City's professional work environment.

If bringing a child to work with the employee is unavoidable, the employee must contact his supervisor as soon as possible to discuss the situation and obtain permission to have the child accompany the employee while working. Factors the supervisors will consider are the age of the child, how long the child needs to be present, the frequency of occurrences, the work environment in the employee's area, potential safety hazards, and any possible disruption to the employee's and co-worker's work. Consideration will not be given for allowing a child with an illness to come to work with the employee.

A child brought to the workplace in unavoidable situations will be the responsibility of the employee parent and must be accompanied and be under the direct supervision of the employee parent at all times.



CHAPTER 9

Discipline, Appeals & Grievances

DISCIPLINARY ACTION

The City of Bryan is an at-will employer; however, to ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

Progressive Discipline

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

- Oral warning
- Letter of counseling
- Written reprimand
- Probation
- Suspension without pay
- Demotion
- Termination

Employees covered by civil service law will be covered by disciplinary procedures provided in Chapter 143 of the Texas Local Government Code, to the extent civil service is different from these rules.

Employee Assistance Program (EAP)

Supervisors may refer employees to the EAP in lieu of or in addition to disciplinary action. This process must be coordinated through the Human Resources Department.

Documentation

All forms of discipline, other than oral warnings, must be documented in a timely manner and forwarded to the Human Resources Department where it will be placed in the employee's personnel file. Employee signatures should be obtained on documents to indicate the employee received the documentation and the signature does not necessarily imply agreement with the disciplinary action.

Supervisors may log or document oral warnings given to employees, but these logs should be maintained by the supervisor.

Disciplinary actions for civil service employees shall be placed in either the Civil Service file or in the Departmental file, as specified in Chapter 143 of the Texas Local Government Code.

Supervisory Responsibility

All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority;

document their subordinate's job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under departmental and/or City policies and procedures, as well as address appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by HR

Any proposed disciplinary action in excess of a written reprimand must be reviewed by the Human Resources Department prior to being given to the employee. In some instances, a review by the Legal Department may also be required.

Disciplinary Conference

For regular employees, a disciplinary conference with the Department Director and/or Executive Management Director will be scheduled for the employee prior to the imposition of a suspension without pay, demotion and/or termination. Managers are not required to hold a disciplinary conference with temporary/seasonal employees.

Administrative Leave

During an investigation into alleged offenses or violations of City policies, the Department Manager may, at his sole discretion, place an employee on administrative leave with pay pending the outcome of said investigation. The leave may be charged to available accrued leave or without pay only if authorized by the City Manager.

Appeals to Disciplinary Action

Where a disciplinary action involves a suspension without pay, demotion, and/or termination, a regular employee may be given an opportunity to appeal the disciplinary action to the City Manager in accordance with the Disciplinary Appeal procedures.

Positions classified at the Executive Management level have no right of internal appeal for any type of disciplinary action, including termination.

Appeal rights for civil service employees shall be in accordance with Chapter 143 of the Texas Local Government Code, unless the employee is in the probationary period and/or the action taken against the employee is not covered by the provisions of Chapter 143.

DISCIPLINARY APPEAL

A regular employee who is terminated, demoted, or suspended without pay may be given a right to appeal that decision to the City Manager. The employee must file a written request with the Human Resources Director within three (3) working days of the date of the disciplinary action. Should an employee decide to be represented by an attorney or another individual during any portion of the appeal process, he must provide the name and contact information of that attorney or individual in his written request for appeal.

If an employee fails to appeal an action within the time limits specified, fails to comply with the guidelines and procedures promulgated by the Human Resources Department, fails to cooperate in the scheduling or preparation of the appeal meeting, and/or fails to appear at any scheduled meetings, the disciplinary action shall be final and non-appealable.

Any time limits specified in this policy may be extended by written mutual agreement of the parties involved.

City Manager's Review and Determination

At the discretion of the City Manager, a review committee may be appointed to review any disciplinary appeal and recommend a decision. The City Manager may also determine whether or not further investigation or information is needed, and who may or may not attend any meetings to consider the appeal. The Human Resources Department will coordinate any such review committees and/or meetings at the direction of the City Manager.

The decision of the City Manager is final and non-appealable.

Inapplicability

Actions which are not appealable under this process are:

- Verbal and written reprimands;
- Performance evaluations;
- Performance improvement plans;
- Reductions in force;
- Resignations (including resignations for failure to show, retirement, etc.);
- Voluntary demotions;
- Failure of an employee to obtain and/or maintain minimum position requirements, such as required licenses, certificates, education level, etc.;
- Positive drug and/or alcohol test results;
- Convictions of a crime of a violent nature, unlawful use of a weapon, or any other conviction that would be unsuitable for City employment or deemed inappropriate by the Human Resources Department, City Manager, and/or City Attorney; and
- Disciplinary actions taken against temporary/seasonal employees.

GRIEVANCES

A grievance is defined in this policy as unequal and/or unlawful treatment, interpretation and/or application of City or departmental policies, procedures, practices; and retaliation. This does not include:

- the substance of a policy or procedure;
- action taken that does not directly involve the employee;
- changes in job duties and/or job descriptions;
- failure of an employee to obtain and/or maintain minimum position requirements, such as required licenses, certificates, education level, etc.;
- positive drug and/or alcohol test results;
- action taken as a result of a conviction that would be unsuitable for City employment or bring discredit to the department and/or the City;
- voluntary resignations, retirements, or demotions;
- reductions in force;
- staffing levels; and
- organization changes (reorganizations, position reclassifications, job transfers, reassignments, etc.).

An employee wishing to submit a complaint or grievance must first discuss the grievance with his immediate supervisor. If the matter is not resolved to the employee's satisfaction, or if the grievance is with the immediate supervisor, the employee may take the grievance to his next level of management, up to the Executive Management Director. For each of these levels within the employee's chain of command, the employee must submit his grievance in writing within five (5) business days after receiving the supervisor/manager's response.

An employee failing to gain satisfaction after taking his grievance to his Executive Management Director may present his grievance to the Human Resources Director for consideration by the City Manager. The employee must provide this written request within five (5) business days after receiving the response from the Executive Management Director.

At the discretion of the City Manager, a person and/or committee may be appointed to investigate any grievance and/or recommend solutions. The decision of the City Manager is final.

Failure to Comply and/or Cooperate

If an employee fails to appeal an action or fails to file a grievance within the time limits specified, fails to follow guidelines and/or procedures promulgated by this policy, fails to cooperate in the scheduling or preparation of meetings, or fails to appear at any scheduled meetings, the employee's grievance is considered void and non-appealable.

Nature of Complaint

Complaints regarding allegations of discrimination and harassment shall be handled in accordance with the "Discrimination and Harassment" policy and illegal or fraudulent activities, and/or financial, internal control or auditing matters shall be handled in accordance with the "Reporting Illegal and/or Fraudulent Activities" policy.



CHAPTER 10

Separation from Employment

RESIGNATION

While not required, voluntary resignations should be in writing, signed by the employee, and preferably submitted at least two (2) weeks before the effective date. A brief, signed statement identifying the effective date of the resignation is adequate. The reason(s) for resigning may be included in the written statement, but is not necessary. The employee may use the City's Notice of Resignation form instead, if desired.

Resignation Pending Investigation and/or Disciplinary Action

No resignation or retirement will be accepted pending the outcome of an investigation, after disciplinary action has been initiated against an employee, or in lieu of termination, unless acceptance is agreed to and coordinated among the Executive Management Director, Human Resources Department, and the City Attorney's Office. An employee whose resignation or retirement notice is tendered and accepted in these instances forfeits the opportunity to respond and to appeal the disciplinary action. If the resignation or retirement notice is not accepted, the employee's opportunity to respond and appeal the disciplinary action, including termination, is maintained.

Withdrawal of Resignation/Retirement

A person who wants to withdraw his resignation/retirement must submit a written request through his chain of command to the Executive Management Director, stating his reason(s) for withdrawal. The decision to accept the withdrawal of resignation/retirement is at the discretion of the Executive Management Director.

Requests for withdrawal after the effective date of resignation/retirement will not be honored.

Eligibility for Rehire

An employee who resigns in good standing is eligible to be rehired. An employee who resigns in lieu of termination, or prior to the completion of an investigation of which he is the subject, will not be eligible for rehire with the City at any time.

Return of Property

All records, property, or other instruments belonging to the City of Bryan in the possession of the separated employee shall be returned to the appropriate supervisor before the last day of employment.

SERVICE RETIREMENT

Employees who have attained the specified age and/or years of credited service, as outlined in the provisions of the Texas Municipal Retirement System or other applicable retirement system, may retire from employment with the City of Bryan.

An employee who meets the applicable retirement criteria and has chosen to retire should notify their supervisor in writing, and contact Risk Management at least thirty (30) days prior to the anticipated retirement date to ensure an appropriate time for arranging retirement processing.

Service retirements taken in lieu of discharge and/or pending the outcome of an investigation the employee is a subject of, are considered taken not in good standing; therefore, the employee is not eligible for the payment of accrued vacation or eligible for rehire with the City.

JOB ABANDONMENT

As stated in the "Attendance & Punctuality" policy (Chapter 4), an employee who fails to provide appropriate notice and/or obtain appropriate supervisory approval of an absence of two (2) consecutive days or more will be presumed to have voluntarily resigned his employment with the City.

There is no appeal rights under these circumstances and the employee is considered to have left the City not in good standing; therefore, he is not eligible for the payment of accrued vacation leave and is not eligible for rehire with the City.

TERMINATION

The City may terminate an employee's employment as a result of unsatisfactory performance or conduct, violation of City policies or procedures, or for any reason and at any time, with or without notice.

Employees who are terminated are not eligible for rehire in accordance with the City's "Re-employment & Reinstatement" policy (Chapter 3).

REDUCTION IN FORCE/LAY-OFF

An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. This policy does not apply to part-time regular or temporary/seasonal employees.

No reduction in force shall occur without it first being discussed and coordinated with the Human Resources Department and Legal Department.

Notice of Layoff

An employee will be notified as soon as possible regarding a pending lay-off so he will have an opportunity to find employment before the effective date of the lay-off. Written notification of lay-off must be provided from the Executive Management Director to an employee at least thirty (30) days in advance of the effective date. A copy must be provided to the Human Resources Department.

Separation Date

The effective date of lay-off will be the last day the employee is physically on the job. It is not permissible to delay the effective date by any amount of accumulated paid leave time. Pay for unused accumulated leave time will be handled in accordance with those specific policies contained in this Manual.

If an employee is on approved sick leave, injury leave, workers' compensation or leave without pay when the lay-off occurs, the effective date will be the actual day of lay-off as provided to the employee, which may not necessarily be the last day the employee was physically on the job.

Final Payment

An employee who is laid off shall receive his final paycheck on the next regularly scheduled pay date after the effective day of lay-off. An employee who is laid off may receive a lump sum payment of 80 hours of administrative paid leave, which will be included in his final paycheck. Appropriate deductions and taxes will apply.

Assistance Services

An employee effected by a reduction in force or layoff may request assistance from the Human Resources Department in locating employment with the City and other sources.

Re-employment Benefits

If a laid-off employee is rehired with the City within six (6) months after the effective date of lay-off, he will be reinstated with the same level benefits he had at the time of lay-off. If the employee is placed into a position substantially similar to the position he previously held, he will be placed in the same salary range to minimize his loss in salary, if any. Pay rates or salaries of employees placed into positions substantially dissimilar to their previous positions will be at the Department Manager's discretion in conjunction with the Human Resources Director.

DEATH

If an employee dies while employed with the City of Bryan, his beneficiary or estate will be paid all appropriate earned pay and payable benefits. This process is handled by the Risk Management Department.

SEPARATION PROCESSING**Notification**

The department shall submit a notification e-mail upon receipt of resignation or notice of termination and submit the appropriate paperwork to the Human Resources Department.

Outstanding Property

Departments are responsible for obtaining all City-issued property (e.g., ID card, keys, tools, pagers, cell phones, uniforms, etc.) prior to the employee's last day of employment.

Final Paycheck

Final paychecks will be mailed to the employee on the next regular pay day following the effective date of separation. If the employee desires alternative arrangements, he must complete the Final Paycheck Form and submit it to Payroll.

Benefits Information

The employee is responsible for contacting Risk Management regarding continuation of benefits and other related information.

Exit Interview

Human Resources will send an exit interview questionnaire to separated employees a few weeks after the effective date of separation. If an employee desires a meeting to personally express his views about employment with the City and/or his answers to the questionnaire, he must contact Human Resources to schedule an appointment.



CHAPTER 11

City Property & Equipment

CITY PROPERTY

The City of Bryan attempts to provide employees with adequate tools, equipment, vehicles, and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times as required.

From time to time, the City may issue various equipment or other property to employees (e.g., keys, tools, procurement cards, security passes, manuals, written materials, uniforms, cell phones, computers and computer-related equipment). Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control, or used by them in the performance of their duties. It is the responsibility of each employee to maintain his work environment in an orderly fashion and follow all City guidelines to ensure its proper use and maintenance. Should any employee have knowledge of any misuse of, or of any vehicle, equipment, machine, tool, etc. that appears to be damaged or defective, or in need of repair, he must notify his supervisor immediately. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job.

An employee shall not, regardless of value, take City property without proper authorization.

Employees are prohibited from using City property for personal use unless specific permission has been granted by his supervisor/manager. This includes, but is not limited to, computers, pagers, telephones, cellular phones, copiers, faxes, internet services, printers, tools, facilities, etc. The theft or borrowing of tools or any other equipment, removing property from a City work site, including new, used, or discarded materials, office supplies, photocopy machines, mailing services, long distance telephone service, or any other service under City control for personal business or gain, or for other than official City related use, or unauthorized use of City equipment or vehicles is also prohibited.

An employee who causes or permits loss or damage to City property or equipment to occur through an act of unauthorized use, or through an act of omission that constitutes misconduct or negligence may be required to repay the City for part or all of the loss or damage.

The City may take any action it deems appropriate or necessary to recover and/or protect its property.

Additionally, any employee found to neglect or misuse City property may be subject to disciplinary action, up to and including termination, as well as possible legal prosecution.

CITY VEHICLES

Any City employee for whom driving is an essential job function must be authorized and approved to drive each type of City owned or leased vehicle by his manager. City vehicles may only be used for official City business, and may not be used for personal reasons without express written authorization by the Executive Management Director or City Manager.

Maintenance

It is the direct responsibility of the employee to ensure the vehicle is in full operational condition before each use. Furthermore, the employee will properly notify his supervisor of any exceptions to the condition of the vehicle in accordance with departmental rules. Any vehicle found to be unsafe will be removed from the operational fleet until corrective actions are taken.

The Fleet Department is responsible for scheduling periodic maintenance and servicing of all City vehicles. Further, prior to the purchase or replacement of a vehicle, the specifications and request should be reviewed and approved by the Fleet Department Manager.

Driver's License and Record

A City employee who may drive a City vehicle or who may drive a privately owned vehicle while carrying out job duties, must maintain a valid Texas driver's license and an acceptable driving record as determined by the City, as well as have completed the required driver training as determined by the Risk Management Department.

Temporary employees or employees contracted by an outside agency are not allowed to drive a City vehicle, unless specifically authorized by the Risk Management Director.

Driving records of employees who operate City vehicles and/or whose position requires driving for City-related business, will be examined on an annual basis by the Risk Management Department. It is the employee's responsibility to report all citations received on or off the job to his supervisor or to Risk Management. Also, if the employee receives a traffic citation or is involved in a collision while operating a City owned or controlled vehicle, an evaluation will be conducted and a review by the Collision Review Board will determine whether the collision was preventable or non-preventable.

Pool Vehicles

Vehicles assigned to departments are to be pooled within the department to ensure economy and to obtain the most efficient utilization possible. The City Manager will annually review the number and use of vehicles assigned to departments or individuals to ensure efficient utilization and compliance with applicable policies and practices.

Assignment & Use of City Vehicles Located at Employee's Residence

Employees in specified positions requiring stand-by duty and/or immediate availability may be assigned a City-owned vehicle, as authorized by the Department Director. The employee will be designated the primary user of the vehicle and will be authorized to drive to and from his residence when it is necessary to conduct official City business. The vehicle must be stored at the employee's place of residence when not in service.

Personal Use

City vehicles will not be used to transport family members or other passengers not engaged in City business without prior approval of the Executive Management Director.

No City vehicle or piece of equipment used in normal operation or emergency vehicle housed at an employee's home is to be used for personal business, unless specifically authorized by the Executive Management Director, or through a department policy (e.g., Police take-home car program).

The IRS considers personal use of an employer's vehicle, which includes the commute between home and workplace, to be a taxable fringe benefit. The only definite exceptions to this rule are clearly marked police or fire vehicles, unmarked police cars (if they meet certain requirements), ambulances, and certain large trucks. In order to comply with IRS regulations, any City employee who drives a City-owned vehicle to and from his home, either on a regular basis or sporadically, must report his mileage to the Payroll Office on a monthly basis. It is the manager's responsibility to ensure the Payroll Office is notified of all employees using City-owned vehicles for personal use and that the employee is properly reporting his personal usage in a timely manner.

TOWING OF VEHICLES

The City of Bryan contracts with a local business to address all the City's towing service needs. Employees are to check with Purchasing Services for the current business being used. In order to properly administrate the contract, receive all applicable prompt payment discounts, and save the City's financial resources, it is necessary to implement the following procedures:

Non-Emergency Dispatch

In the event that towing service is deemed necessary, Fleet Services shall be contacted directly by appropriate department personnel, preferably the vehicle/equipment operator, in order to provide all relevant information as to location, vehicle and details of failure. Fleet Services will then initiate the appropriate course of action based on the most effective resolution for each situation. In some non-emergency cases, it may be more efficient for Fleet Services to perform a Field Service Repair in lieu of towing, thereby eliminating the added expense of towing and reducing vehicle downtime. When towing is determined to be the best option, Fleet Services will then contact the vendor and provide all necessary information to dispatch towing service with the proper equipment needed for the situation.

Emergency Dispatch

In rare cases, such as collision accidents, failures that occur on public streets where the vehicle is impeding the flow of traffic or potentially compromising public/employee safety, or after normal business hours, failures will be considered an emergency situation and the vehicle operator or department is encouraged to contact the vendor directly to expedite the tow service. The operator should be prepared to provide all the necessary information, including the exact location, type of vehicle and description of failure to allow for the dispatch of the correct type of tow vehicle closest to the location that will accommodate the situation. All vehicles should be towed directly to the MSC Fleet Facility, unless otherwise instructed by appropriate Fleet personnel.

Police Seized Dispatch

Towing service for all vehicles seized during the course of police business, including code enforcement and criminal investigations, will be dispatched directly by authorized Police Department personnel. All police seized vehicles will be towed directly to the MSC Fleet Impound Storage Lot or designated Crime Investigation Bay as deemed appropriate for the case.

Invoice Processing

A single Blanket Purchase Order has been issued for all towing services. Each department will be responsible for entering invoices utilizing their own account numbers towards this Blanket Purchase Order, verify that the service was rendered as invoiced and forward the invoice to Finance for payment. All invoices should be processed immediately to procure all available prompt payment discounts and avoid any late payment charges.

MODIFICATION OF FACILITIES & RELATED EQUIPMENT

All additions, demolition, alterations and new purchases or new construction of City-owned facilities or related equipment shall require the City Manager's approval.

Any department desiring to modify a facility or related equipment as described above shall inform the appropriate Department Manager, who will submit a Work Order Request to the Facility Department or Fleet Department. The request must be approved by the appropriate Executive Management Director.

If the request is determined to be feasible and is approved by the City Manager, the requesting department shall provide the funding source and any other pertinent information to the Facility or Fleet Departments to specify and coordinate the modification.

All requests should be submitted as early as possible in the planning stages to ensure timely completion and accurate budget estimates.

Related equipment is defined as items such as heaters, air conditioners, humidifiers, stationary supply or exhaust fans, ice machines, refrigerators, stationary air compressors or any other apparatus requiring utility service from a City-owned facility. It excludes items such as computers, copiers, fax machines, etc.

SPACE HEATERS, APPLIANCES & OPEN FLAMES

The City has a commitment to provide a safe and healthy environment at all City locations.

The following requirements must be adhered to regarding the use of space heaters, appliances and open flames (i.e., candles) in all City of Bryan facilities.

- Electric and fuel fired space heaters shall not be used by employees in any City of Bryan offices and facilities, unless specific approval has been obtained by the Fire Marshal or the Building Official.
- All appliances used by City employees must be listed by an approved testing agency, such as Factory Mutual or Underwriters Laboratory. These appliances include, but are not limited to, microwave ovens, coffee pots and refrigerators.
- No open flame devices, such as candles, are allowed in any City of Bryan offices or facilities.

The Fire Marshal or Building Official may inspect offices and facilities and take appropriate action as deemed necessary to ensure immediate compliance with this policy. Violations will be reported to the appropriate manager who will take appropriate corrective action.

ELECTRONIC COMMUNICATIONS & SYSTEMS USE

The City provides computer networks, Internet access, e-mail, telephones, pagers, voice mail, fax communication and other electronic communication systems, etc. for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems" or "systems". These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work related communication and sharing of information resources within the City.

This policy governs user behavior pertaining to access and usage of the City's electronic communications systems and applies to all City employees, contractors, volunteers and other persons who use the City's electronic communications systems. Access to the City's electronic communications systems must be used in a professional, responsible, efficient, ethical and legal manner.

Access

Access to the City's electronic communication systems is available to employees with approval of the appropriate Department Manager. The systems are designed with security controls that are intended to only allow access to the systems and information by those specifically authorized. Unauthorized access is prohibited and may result in disciplinary action, up to and including termination.

Access may be granted to those individuals with a specific need to know or who require use of the information in the conduct of his job with the City. The IT Department is responsible for evaluating each request for access to determine the systems, terminals, screens, etc. the individual must access in order to retrieve the needed information. When necessary, authorized access information will be forwarded to the user department assigned the responsibility for a particular information system, such as a department with the authority to update a system's files and responsibility for the accuracy of the files.

Acceptable Uses

Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication, and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network function.

The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

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

Unacceptable Uses

Unacceptable uses of the City's electronic communications systems include, but are not limited to:

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

Filtering

The City may, at its discretion, use software to filter Internet and e-mail content for all employees. These filters are typically designed to prevent the viewing, or sending of offensive, inappropriate and/or illegal content. The City will review this filtering on a periodic basis and may modify the list of prohibited content without notification to City employees and users of the electronic communications systems.

Passwords

All personnel are responsible for security access to computing systems and data. Passwords are key to preventing unauthorized access to data and programs, and thereby, ensure their integrity and reliability. Each employee is responsible for anything done under his user ID and sign on.

All passwords should be changed immediately upon prompting. The City's IT Department may establish and require specific criteria and time frames for passwords.

Passwords are not to be posted on monitors, keyboards, or anywhere they may be easily accessible. Passwords are considered to be private and confidential and should not be given to any other person. Employees are not to leave an active terminal session unattended and should always log off of all sessions and password protect the system.

No Right to Privacy & Monitoring

Employees should be aware that information that passes through, or is stored on any City electronic communications systems is considered public record per the requirements of the Texas Public Information Act (Texas Government Code 552), as amended. As a public record, the public can request copies of documents, spreadsheets, electronic mail messages or electronic schedules, etc. The electronic messaging and scheduling systems implemented by the City do not permit personal messages and personal appointments to be segregated from City related business. Therefore, all messages and appointments will be kept as part of the public record.

Further, the City's Internet hosts are traceable to the City, therefore, employees using City provided Internet accounts should not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality.

To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without notice, monitor and view usage, including but not limited to: e-mail, voice mail, instant messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure the City's resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Transferring Files and Use of Software

Because of the impact to the City's internal network and the degree of virus infection on the Internet, all files coming into the City from the Internet must be transferred by the IT Department. The requested files must be business related.

All software that is on City owned computers must be approved by IT. Copying commercial software is expressly prohibited, as it is a violation of copyright law. Illegal use of technology will result in disciplinary action, up to and including termination and/or criminal investigation.

Retention

Any incidental, or personal e-mail should be deleted daily from all files, including the "trash" or "deleted items" file. Files which are not deleted daily are backed up and may be retained on tape. Any internal e-mail messages with multiple recipients, which are duplicates, should be deleted daily, if possible. The sender should maintain the original.

Retention periods for records are established by the City Secretary's Office in accordance with State law. The retention period for electronic records is the same as for paper and microfilm records of the same type. Additionally, storage space on the City's computer system is limited and the long-term reliability of electronic storage is unproven. Employees should make paper copies of internal e-mail that must be retained and delete it from the system as soon as it is feasible to do so.

CONVERGENT DEVICES

Convergent devices, such as BlackBerry devices, are a useful and applicable technology in the City of Bryan. The IT Department will support and help train users on these devices, assuming the policy is adhered to.

Blackberry usage is subject to all existing computer use policies, including those pertaining to offensive or inappropriate material. Limited personal use, under these guidelines, is acceptable as approved by the employee's department manager. The City of Bryan maintains a contract with a chosen approved provider and the associated data service for these devices. The IT Department will not support devices or data services from any other vendor.

All purchases of BlackBerry devices must be made by the IT Department, with appropriate charge account numbers provided from the requesting department. The IT Department will acquire the device, as well as the additionally required server license to integrate the device with the City's infrastructure, and arrange for delivery to the end-user to ensure proper set-up is handled.

If an employee desires to personally purchase a BlackBerry device, the IT Department can provide contact assistance with the appropriate vendor. Any purchase via these means will not obligate the City to any contract associated with these devices and the device will remain the property of the employee. Assuming proper budgetary approval is acquired, IT will proceed with acquiring the appropriate server license to enable this device within the City's network. The City retains the rights to this server license upon the termination of the employee's employment. This license will then be available for another City employee who acquires a BlackBerry device by appropriate means.

All requests for purchases of a device, server license, or monthly service must be submitted with appropriate approval from the Department Director.

Monthly Fees

The associated monthly fees for the BlackBerry wireless service will be subject to the following:

- If used as a data only device, the City can be billed directly for the service. The IT Department will process the bill in accordance with established City procedures for similar services. Upon initial written request, IT will be provided the appropriate account information.
- An employee who qualifies for a cell phone exception as provided for in the "Cell Phones" policy within this Chapter, will have the option of combining the BlackBerry and cell phone service, and billed jointly to the same account, paid for by the employee's department.
- An employee may elect to have the BlackBerry monthly service billed directly to them at a personal address. The City does not provide a separate allowance for data service in any case. The employee may apply for a cellular phone allowance in accordance with that policy.

TELEPHONES & VOICE MAIL

City of Bryan telephones are intended to be used for business purposes. While it is permissible to make phone calls for personal matters that must be taken care of during normal working hours, these types of calls are discouraged and must be kept to an absolute minimum. Employees are not allowed to receive personal calls from creditors or other similar type contacts on City of Bryan telephones.

Employees must, at all times, answer the telephones in a prompt and professional manner. Voice mail may only be used in accordance with the guidelines provided in this policy.

If the person who the caller requests is not available, the employee should offer to take a message and ensure that the appropriate person receives the message.

If an employee receives a call that he is unable to handle or would more appropriately be handled by another employee or department, he should make an attempt to successfully transfer the caller. If a transfer is unsuccessful, the employee should make every attempt to either provide the caller with the appropriate person's contact information or offer to take a message for them.

Voice Mail

The City of Bryan uses voice mail to enhance and improve communications with customers, both internal and external. To achieve this, the voice mail system must be used with these guidelines.

- The City requires a professional personal greeting versus the system's standard recorded greeting. Personal greetings should be updated on a regular basis and should clearly communicate to each caller the following information:
 - Whose mailbox the caller has reached;
 - Information on the employee's availability;
 - Approximately when the employee will check or return calls; and
 - An option on how the caller can reach a "real" person.
- All voice mailboxes are to be activated after hours.
- The City's voice mail system is not to be used for non-City related business.
- There should be no expectation of privacy. Voice mail, like electronic mail, belongs to the City, not to the employee. The City of Bryan reserves the right to monitor an employee's use of voice mail at any time, with or without notice.
- Voice mail, like e-mail, is subject to the Public Information Act. Confidential messages should not be left on voice mail, and all messages should be erased promptly.
- Employees are not to forward a City telephone to voice mail just to avoid answering the phone. Voice mail is an aid to communications and is not a substitute for answering the phone.
- Phone calls should be returned promptly after receiving a message, at least within 24 hours.
- Every effort should be made to limit support personnel (i.e., receptionists, admin assistants, etc.) from forwarding phones to voice mail to ensure departments have a person to whom calls can be referred.

- Voice mailboxes are limited in size and an employee should be conscientious in keeping his mailbox cleaned up.

Long Distance Use

Long distance calls necessary for the conduct of City business are permitted and may be charged to the appropriate City department, with the authorization of the appropriate department manager. Authorized employees will be issued a long distance access code. An employee is not to allow other persons, whether City employees or not, to use his long distance access code. An employee will be held responsible for any unauthorized use of his long distance access code and may also be subject to disciplinary action, up to and including termination.

CELL PHONES

City Issued Cell Phones

The assignment of a City-issued cell phone is based on an employee's need for immediate two-way communication with his office, other City departments, outside organizations, and/or City of Bryan citizens. Such assignments must be fully justified and approved by the Department Manager prior to an employee acquiring a cell phone. The assignment of cell phones should not be considered a benefit to City employees, but rather necessary tools in service delivery. The Department Manager should not assign cell phones when a less costly alternative is safe and effective (i.e., pager, two-way radio, normal landline telephone, etc.).

Examples of justified use may include, but are not limited to:

- City staff who are frequently in a vehicle, must conduct City business by telephone while in the field, and it can be shown that cost savings and customer service efficiency will be realized through the use of such devices;
- City staff who are on-call and/or operate a 24/7 operation and require a means of two-way communication after regular hours;
- City staff who have a critical need to maintain accessibility with other department employees or public officials in order to ensure uninterrupted customer service and/or the integrity of the organization;
- City staff who hold a public safety position and need to provide immediate and direct telephone communications with citizens, outside agencies cooperating in operations, or other resource entities outside of City government and City staff who may be involved in emergency response activities.

Once an employee has been approved, the completed justification form must be returned to the IT Department for processing. The IT Department shall maintain the master list of all staff who have a City-issued cell phone. In addition, all cell telephones will be acquired through the City's contract provider. It shall be the responsibility of the Department Manager to ensure that sufficient funds are budgeted for the monthly operational costs associated with cellular equipment prior to assigning a cellular telephone to an employee.

- ***Use of City-Issued Cell Phones***

Cell phones are to be used for the conduct of municipal business and should not be used for personal communication. Cell phones should not be used when a less costly alternative is safe, convenient, and readily accessible (i.e., two-way radio, normal landline phone, etc.).

Employees are strongly discouraged from using a cell phone while operating a motor vehicle.

Cellular transmissions are not secure; therefore, employees should use discretion in relaying confidential information. Employees should take reasonable precautions to prevent equipment theft and vandalism.

- ***Personal Use of City-Issued Cell Phones***

All City-owned cell phones are a public resource and should not be misused for personal telephone calls. The City recognizes that unforeseen circumstances develop in which

personal calls may need to be made or received on a City-issued cell phone. Such calls must be infrequent and brief.

Examples of justified personal calls may include calls to alert household members about working late or other scheduled changes, or for extremely urgent calls to doctors, hospital staff, or child care providers. In the event that necessary personal calls are placed and/or received from a City-issued cell phone, the employee shall:

- Review the monthly cellular phone bill;
- Identify and highlight any personal calls on the phone bill;
- Sign and date the billing statement verifying that all information is correct, attach payment for their portion of the bill, and forward all documents to the appropriate manager for signature approval.

Failure to provide reimbursement to the Accounting Department, with the appropriate manager's signature, within ten business days of statement receipt, may result in disciplinary action.

- ***Misuse of City-Issued Cell Phone***

Any misuse or abuse of a City-issued cell phone which indicates inordinate use will be considered misconduct and neglect of duty, subject to removal of cell phone usage and/or disciplinary action, up to and including termination.

Personal Cell Phones

The City recognizes that many employees have personal cell phones they bring to work. The use of personal cell phones, including those with a camera, at work must not interfere with the employee's job duties or performance and must be kept to a minimum. An employee must also not allow personal cell phone use to become disruptive or interfere with a co-worker's ability to do their jobs.

An employee who uses personal cell phones in violation of City policies, including the City's "Sexual and Other Unlawful Harassment" policy (Chapter 8), will be subject to disciplinary action, up to and including termination of employment.

EMPLOYEE IDENTIFICATION BADGES

All City of Bryan employees are required to wear photo identification (ID) badges, issued by the Human Resources Department, while conducting City business in and around all City facilities, buildings and work sites. In cases where the badge may become a hindrance to job performance, temporary removal of the badge is allowed; however, an employee shall have his ID badge on him at all times. Police Officers, Firefighters and City Marshals are excluded from this requirement while in official uniforms.

ID badges will be assigned and provided to employees on or about the first day of employment or during the New Employee Orientation. Immediately upon separation from the City, the employee must return his ID badge to his supervisor or to the Human Resources Department.

If an employee is observed without his ID badge while conducting City business, he may be questioned and his supervisor may be notified.

If an employee loses or misplaces his ID badge, he must notify Human Resources immediately to obtain a replacement. A fee may be assessed to the employee for a replacement badge.

RECORDING DEVICES

The City of Bryan prohibits the use of cameras, camera phones, tape recorders or other recording devices in the workplace as a preventative step believed necessary to secure employee privacy and City related security issues and business, unless specific authorization has been obtained.

Authorization may be granted:

- When a specific business purpose will be served by the use of such a device;
- When its use will not violate employee privacy or jeopardize security related issues; or
- For legitimate City-sanctioned events, such as employee picnic.

In no case shall a recording device be allowed or authorized in restricted-access areas and areas where privacy would be expected (e.g., restrooms, locker rooms, etc.).

Additionally, the unauthorized transmission of confidential company information and images via electronic recording devices is prohibited unless specific authorization has been granted by the department director, City Manager or Legal Services. Permission to record information and images does not automatically grant permission and consent for publication.

An employee who wishes to record conversations or meetings must inform at its onset that he is recording the conversation to all parties involved.

FACILITY USE

To ensure building security and data/document integrity, some City of Bryan facilities have restricted use. Many City facilities, especially buildings, require a City employee to monitor use after hours.

Examples of facilities with restricted use include: the Municipal Office Building, the Police Building, Fire Stations, the Park/Purchasing/Facility Building, the Municipal Court, Water and Wastewater Treatment Plants, and the Municipal Service Center. These facilities contain information and data pertinent to the operations of the City of Bryan, and require the integrity of such material be protected. These types of facilities are not available to the public after normal business hours.

Examples of facilities available for public use include the Library, City Parks, and Neal Recreation Center. However, these facilities may require reservations and fees for use. For more information about the availability of these types of facilities, please consult the responsible department.



CITY OF BRYAN
The Good Life, Texas Style.™

CHAPTER 12

Records & Public Information

RECORDS MANAGEMENT

The City of Bryan Records Management Plan provides an orderly approach to managing municipal records throughout the City. It is the intent of the Records Management Plan to meet the following objectives:

- The elimination of duplicate and/or superfluous records.
- The identification and protection of vital records and archival records.
- The rapid retrieval of information.
- The maximum use of space, equipment, personnel and other resources.
- The use of a Records Retention Manual to maintain important records for the appropriate periods of time.
- The timely transfer and/or destruction of inactive or unnecessary records.
- Economical, efficient and productive use of those records necessary for efficient day-to-day operations.
- The protection of the public trust.

The City Secretary is designated as the Records Management Officer of the City of Bryan with duties and responsibilities as indicated in the provisions of the Texas Local Government Records Act. All City departments are involved in the Records Management Program through a designated records coordinator and are required by law and City ordinance to follow the policies and guidelines specified under the plan.

The Records Management Plan and related forms are accessible via the U: drive or from the City Secretary's office.

THE PUBLIC INFORMATION ACT & OPEN RECORDS

Open Records Requests

All information collected, assembled or maintained by the City is subject to the Texas Public Information Act. The Act expressly provides that such information is public, unless it falls within one of the Act's exceptions. It is important to remember the City must either release the information, request an Attorney General decision, provide a written estimate of costs, or provide written notification of when the records will be provided, on or before the tenth business day (weekends and holidays excluded) after receiving the request. The Act also requires that readily available information that is clearly open to the public be provided to the requestor as soon as possible and not arbitrarily held for ten (10) days.

All requests for information received by the City of Bryan, other than for Police Department records, Municipal Court records and routinely requested items such as ordinances, board minutes and copies of items processed and released by a department during the course of daily business, must be in writing and received by the City Secretary's Office. Requests should be mailed to P.O. Box 1000, Bryan, TX 77805, Attn: Office of the City Secretary, emailed to citysecretaryweb@bryantx.gov, faxed to 979-209-5003 or delivered in person to the City Secretary's Office. Any city employee who fails to forward a written request within twenty-four (24) hours of receipt could be subject to disciplinary action (for routinely released items, see below).

After receiving a request for information, the City Secretary's Office shall contact all departments that may have responsive information. An Open Records Response Form will accompany each request for information and should be completed by the department and returned to the City Secretary's Office whether or not there are responsive records. If legal review is necessary, it is the responsibility of the submitting department to provide the information to the Legal Department in a timely manner that will allow the above stated deadlines to be met. Departments submitting records to the Legal Department for legal review should notify the City Secretary's Office that the records have been submitted for legal review.

If a request is clearly a matter of public record, every attempt shall be made to provide the information within a reasonable amount of time. If there is a question as to whether the information is a matter of public record and should be released, the responder is to consult the Legal Department.

The Act provides an individual with a limited special right of access to information about himself. The situation may arise where the City can give information to a requestor without fear that it must then be released to the general public. This applies only if the sole reason for otherwise denying access to the general public is to protect the requestor's private interests. If there are other laws that make the information confidential or laws which do not relate to the requestor's privacy, the information cannot be released to the requestor. As in every case in which staff feels an exception applies and information may be withheld, a marked copy of the information should be provided to the Legal Department for a preliminary determination as to confidentiality.

Each office should keep a log of all items routinely requested and released during daily operations.

Categories of Public Information

Section 552.022 of the Public Information Act provides that "without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law...." Section 552.022(a) then lists eighteen categories of information. Section 552.022(a) is not an exhaustive list of the types of information subject to the Public Information Act. Rather, it is a list of information that generally may be withheld only if it is expressly confidential under "other law". Thus, the Act's exceptions to disclosure generally do not apply to the categories of information contained in section 552.022.

1. A completed report, audit, evaluation, or investigation made of, for, or by the City;
2. The name, sex, ethnicity, salary, title, and date of employment of each employee and officer of the City;
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by the City, if the information is not otherwise made confidential by law;
4. The name of each official and the final voting record on all proceedings in the City;
5. All working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by the City, on completion of the estimate;
6. The name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person reporting or paying sales and use taxes under Chapter 151, Tax Code;
7. A description of the City's central and field organization, including:
 - a. The established places at which the public may obtain information, submit information or requests, or obtain decisions;
 - b. The employees from whom the public may obtain information, submit information or requests, or obtain decisions;
 - c. In the case of a uniformed service, the members from whom the public may obtain information, submit information or requests, or obtain decisions;
 - d. The methods by which the public may obtain information, submit information or requests, or obtain decisions.
8. A statement of the general course and method by which the City's functions are channeled and determined, including the nature and requirements of all formal and informal procedures;
9. A rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;
10. A substantive rule of general applicability adopted by the City as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by the City;
11. Each amendment, revision, or repeal of information described by Subdivisions (7)-(10);
12. Final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases, including those before the City's Boards and Commissions;
13. A policy statement or interpretation that has been adopted by the City;

14. Administrative staff manuals and instructions to staff that affect a member of the public;
15. Information regarded as open to the public under the City's policies;
16. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;
17. Information that is also contained in a public court record; and
18. A settlement agreement to which the City is a party.

Categories of Public Information Excepted from Public Disclosure

(For a complete listing, see Chapter 552 of the Texas Government Code)

Sec 552.101 – Confidential Information

Information considered confidential by law, either constitutional, statutory, or by judicial decision.

Sec. 552.102 – Personnel Information

- a) Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Note, however, that all information in the personnel file of a City employee is to be made available to that employee or the employee's designated representative as public information is made available under the Act. (See Act for exceptions.)

Sec. 552.103 – Litigation or Settlement Negotiations Involving the State of Political Subdivision

- a) Information: (1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party to or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and (2) that the Attorney General or City Attorney has determined should be withheld from public inspection.
- b) For purposes of this section, the City is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and post-conviction remedies in state and federal court.
- c) Information relating to litigation involving the City or an officer or employee of the City is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Sec. 552.104 – Information Related to Competition or Bidding

Information that, if released, would give advantage to a competitor or bidder.

Sec. 552.105 – Information Related to Location or Price of Property

Information relating to:

- 1) the location of real or personal property for a public purpose prior to public announcement of the project: or
- 2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Sec. 552.106 – Certain Legislative Documents

A draft or working paper involved in the preparation of proposed legislation.

Sec 552.107 – Certain Legal Matters

Information:

- 1) that the Attorney General or the City Attorney is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct; or
- 2) which a court by order has prohibited disclosure of.

Sec. 552.108 – Certain Law Enforcement and Prosecution Records

- a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation or prosecution of crime.
- b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.
(See Act for more details on this Section.)

Sec. 552.109 – Certain Private Communications of an Elected Office Holder

Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy.

Sec. 552.110 – Trade Secrets; Certain Commercial or Financial Information

A trade secret, or commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.

Sec. 552.111 – Agency Memoranda

An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the City.

Section 552.115 – Birth and Death Records

A birth or death record maintained by the Bureau of Vital Statistics of the Texas Department of Health or local registration official except that:

- 1) a birth record is public information and available to the public on and after the 75th anniversary of the date on which the record is filed with the Bureau of Vital Statistics or local registration official; and
- 2) A death record is public information and available to the public on and after the 25th anniversary of the date on which the record is filed with the Bureau of Vital Statistics or local registration official.
- 3) A general birth index or a general death index established or maintained by the Bureau of Vital Statistics or local registration official is public information and available to the public to the extent the index related to a birth record or death record that is public information.
- 4) A summary birth index or a summary death index prepared or maintained by the Bureau of Vital Statistics or local registration official is available to the public.

Section 552.116 – Audit Working Papers

An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, or a municipality is excepted from required public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of Section 552.021 by this section. (See Act for more details.)

Section 552.117 – Certain Addresses, Telephone Numbers, Social Security Numbers and Personal Family Information

Information that relates to the home address, home telephone number or social security number, or that reveals whether the following person has family members:

- 1) a current or former official or employee of the City, who elects not to allow public access to such information as provided by Section 552.024 of the Act; or
- 2) a peace officer as defined by Article 2.12, Code of Criminal Procedure.

Section 552.119 – Photograph of Peace Officer or Certain Security Guards

- a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, the release of which would endanger the life or physical safety of the officer, unless:
 - 1) the officer is under indictment or charged with an offense by information;
 - 2) the officer is a party in a fire or police civil service hearing or a case in arbitration; or
 - 3) the photograph is introduced as evidence in a judicial proceeding.
- b) A photograph exempt from disclosure under Subsection (a) may be made public only if the peace officer gives written consent to the disclosure.

Section 552.131 – Information Relating to Economic Development Negotiations

- a) Economic development negotiations involving a governmental body and a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and the information relates to:
 - 1) a trade secret of the business prospect; or
 - 2) commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.
- b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted.

Section 552.133 – Public Power Utility Competitive Matters

- a) In this section:
 - 1) "Public power utility" means an entity providing electric or gas utility services that is subject to the provisions of this chapter;
 - 2) "Public power utility government body" means the board of trustees or other applicable governing body, including a city council, of a public power utility;
 - 3) "Competitive matter" means a utility-related matter that the public power utility governing body in good faith determines by a vote under this section is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors but may not be deemed to include the following categories of information:
 - A. information relating to the provision of distribution access service, including the terms and conditions of the service and the rates charged for the service, but not including information concerning utility-related services or products that are competitive;
 - B. information relating to the provision of transmission service that is required to be filed with the Public Utility Commission of Texas, subject

- to any confidentiality provided for under the rules of the commission;
 - C. information for the distribution system pertaining to reliability and continuity of service, to the extent no security-sensitive, that relates to emergency management, identification of critical loads such as hospitals and police, records of interruption, and distribution feeder standards;
 - D. any substantive rule of general applicability regarding service offerings, service regulation, customer protections, or customer service adopted by the public power utility as authorized by law;
 - E. aggregate information reflecting receipts or expenditures of funds of the public power utility, of the type that would be included in audited financial statements;
 - F. information relating to equal employment opportunities for minority groups, as filed with local, state, or federal agencies;
 - G. information relating to the public power utility's performance in contracting with minority business entities;
 - H. information relating to nuclear decommissioning trust agreements, of the type required to be included in financial statements;
 - I. information relating to the amount and timing of any transfer to an owning city's general fund;
 - J. information relating to environmental compliance as required to be filed with any local, state, or national environmental authority, subject to any confidentiality provided under the rules of those authorities;
 - K. names of public officers of the public power utility and the voting records of those officers for all matters other than those within the scope of a competitive resolution provide for by this section;
 - L. a description of the public power utility's central and field organization, including the established places at which the public may obtain information, submit information and requests, or obtain decisions and the identification of employees from whom the public may obtain information, submit information or requests, or obtain decision; or
 - M. information identifying the general course and method by which the public power utility's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
- b) Information or records are excepted from the requirements of Section 552.021 if the information or records are reasonably related to a competitive matter. Excepted information or records include the text of any resolution of the public power utility governing body determining which issues, activities, or matters constitute competitive matters. Information or records of a municipally owned utility that are reasonably related to a competitive matter are not subject to disclosure under this chapter, whether or not, under the Utilities Code, the municipally owned utility has adopted customer choice or serves in a multiply certificated service area. This section does not limit the right of a public power utility governing body to withhold from disclosure information deemed to be within the scope of any other exception provided for in this chapter, subject to the provisions of this chapter.
- c) In connection with any request for an opinion of the Attorney General under Section 552.301 with respect to information alleged to fall under this exception, in rendering a written opinion under Section 552.306 the Attorney General shall find the requested

information to be outside the scope of this exception only if the Attorney General determines, based on the information provided in connection with the request:

- 1) that the public power utility governing body has failed to act in good faith in making the determination that the issue, matter, or activity in question is a competitive matter; or
- 2) that the information or records sought to be withheld are not reasonably related to a competitive matter.

Section 552.136 – Confidentiality of Credit Card, Debit Card, Charge Card and Access Device Numbers

Credit cards, debit cards, charge cards and access device numbers collected or assembled by a governmental body are confidential.

Section 552.137 – Confidentiality of Certain Email Addresses

An email address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under the Act.

Section 773.091 – Texas Health and Safety Code – Bryan Ambulance Service Records

- b) Patient records are confidential and privileged and shall not be released unless the patient signs and presents an original written consent authorizing such release.

Section 143.089 – Texas Local Government Code – Certain Disciplinary Files of Police Officers and/or Firefighters

Prohibits the release of certain disciplinary files of police officers and/or firefighters.

Note: This is not a complete list of possible exceptions. For more detailed information please see the complete text of the Public Information Act by accessing the Attorney General of Texas' website at: www.oag.state.tx.us

Open Records Procedures Checklist for Non-Routine Requests (Office of the City Secretary)

1. The employee should supply the requestor with a "Request for Information" Form ("Request"), which is available on the intranet under the City Secretary tab, Open Records. The form is also available on the City's web page. The employee should ask the requestor to submit a completed form to the City Secretary's Office for processing, unless specifically asking for Police, Municipal Court, or personnel records routinely released during the daily operations of a department. The employee must not complete the form for the requestor unless they are physically incapable of doing so.

The employee MUST NOT ask the requestor why the information is being requested or for what purpose it is to be used.

If the requestor refuses to fill out a request form or provide another form of written request, the employee must continue to process the request; however, the employee should inform the requestor that, pursuant to Section 552.301 of the Texas Public Information Act, the ten (10) business day deadline for writing to the Attorney General prior to a denial does not begin to run until the City receives a written request for information. If the requestor still refuses to provide a written request, the employee should then fill out a request, documenting that a staff member, not the requestor, completed the form. This action provides a record of the requestor's refusal to submit a written request and documents the information being requested.

2. The employee should read the request back to the requestor before they leave the office. If the request is illegible or too vague, the employee may ask the requestor to clarify their request so that it is clearly understood what information is being sought.
3. If the requested information is clearly public information pursuant to the guidelines, the employee is to collect the copying cost and release the information. However, if the cost of copies will exceed \$40.00, or if labor is charged due to the request exceeding 50 pages, the City is required by law to submit a cost estimate to the requestor. The requestor has ten (10) business days from the date of the cost estimate to either accept the charges or modify the request. The request is considered automatically withdrawn if the requestor fails to respond prior to the due date. The City Secretary's Office is responsible for preparing all cost estimates.
4. If some of the requested information is public information and some of the information may be confidential, all information must be submitted to the City Attorney's Office for a determination as to whether the City will ask for a ruling from the Attorney General. Certain information may be withheld without the City Attorney's determination. City and personal credit card numbers, social security numbers, driver's license numbers, personal email addresses and certain personal information about an employee that the employee has elected to withhold from the public should be redacted (blacked-out) by each department prior to the release of information to the requestor. It is up to each department to ensure the redacted information cannot be read (from the front and the back of the page). Black china markers work extremely well for this task.

If information specific to an individual employee is requested, the Human Resources Department must be contacted to determine if that employee has elected to withhold certain personal information. All non-confidential information will be submitted to the requestor, along with a copy of any letters sent to the Attorney General's Office in response to the request. If an Attorney General ruling is requested, the City Attorney's Office and the requestor will be notified of the decision. Any information that must be released to the requestor as a result of the Attorney General's decision will be provided by the City Attorney's Office.

5. If requested information is clearly confidential, the person accepting the request must not refuse to allow the requestor to fill out the information form and must not summarily dismiss the requestor. The person accepting the request must take the request and inform the requestor that it will be forwarded to the City Attorney for a preliminary determination as to confidentiality. The City Attorney may ask for a ruling from the

Attorney General’s office within ten (10) business days of receiving the request. The Attorney General’s Office will notify the City Attorney and the requestor of its decision in writing. Any information that must be released to the requestor as a result of the Attorney General’s decision will be sent by the City Attorney’s Office.

Open Records Procedures Checklist for Routine Requests (All City Offices)

Each department should maintain a log to document records that are routinely released. This log also provides a means to document the amount charged and collected for these routine records. Some examples of records that would be released under this method include minutes of meetings, permits relative to the requestor’s own property, ordinances, resolutions, budgets, contracts, etc.

If a request for public information is expected to involve more than one department, exceed \$40.00 in costs, or possibly contain some confidential information, the requestor must complete the request form, which should be immediately submitted to the City Secretary’s Office for processing.

CHARGES FOR OPEN RECORDS

<i>Service Rendered</i>	<i>Charge</i>
<u>Copy charges:</u>	
(1) Standard-size paper copy (each side)	\$.10 per page
(2) Non-standard size paper copy	
(a) Diskette	\$1.00 each
(b) Magnetic tape	Actual cost
(c) Data cartridge	Actual cost
(d) Tape cartridge	Actual cost
(e) Rewritable CD (CD-RW)	\$1.00 each
(f) Non-rewritable CD (CD-r)	\$1.00 each
(g) Digital video disc (DVD)	\$3.00 each
(h) JAZ drive	Actual cost
(i) Other electronic media	Actual cost
(j) VHS video cassette	\$1.00 each
(k) Audio cassette	\$1.00 each
(l) Oversize paper copy (11x17, greenbar, bluebar, not including maps & photographs using speciality paper)	\$.50 each
(m) Speciality paper (Mylar, blueprint, map, photographic)	Actual cost
<u>Labor charges for Programming:</u>	
* For programming personnel	\$28.50 per hour
* For non-programming personnel	\$15.00 per hour
* Overhead charge	20% of total labor charge
<u>Microfiche or Microfilm Charges:</u>	
Paper copy	\$.10 per page
Fiche or film copy	Actual cost

Remote Document Retrieval Charge: Actual cost

Computer Resource Charges (execution only, no print-out time):

- (a) Mainframe \$10.00 per CPU minute
- (b) Midsize \$ 1.50 per CPU minute
- (c) Client Server \$ 2.20 per clock hour
- (d) PC or LAN \$ 1.00 per clock hour

Miscellaneous Supplies: Actual cost

Postal & Shipping Charges: Actual cost

Sales Tax: No sales tax shall be applied
To copies of public information

* Only charge if 50+ pages or if not readily available information.

Note: Employees are not to accept computer disks or CD's from requestors as this could subject the city's computer system to viruses. Requestors wishing to obtain records on one of these mediums must pay the cost for the City to provide the diskette or CD.

THIS IS NOT AN EXHAUSTIVE LISTING OF CHARGES. A complete listing is available at the City Secretary's intranet site, along with available forms.

PERSONNEL FILES & EMPLOYEE RECORDS

The Human Resources Director shall maintain the City's official personnel files and records for all City employees, both active and inactive, in accordance with the City's records management program and applicable state and federal laws, including the Texas Public Information Act.

Access to such records and information will be limited to designated persons. Use of records for improper or unauthorized purposes will result in disciplinary action, up to and including termination.

Collection, Retention and Use of Personnel Information

The City will use only legal and ethical methods to collect information about or from a job applicant or employee. The City reserves the right to use polygraph or other verification equipment and/or method under legally permissible circumstances.

The City will follow applicable requirements of equal employment opportunity laws with regard to collection of information about race, gender, national origin, religion, disability, etc. With these laws in mind, the City will gather such information about job applicants or employees as deemed necessary by the Human Resources Director. The following basic principles apply to collection and retention of personnel information:

- The Human Resources Department will maintain a complete file on each employee. This file will contain pertinent employment information as deemed necessary and will be considered as the official personnel file.
- Each department manager/director may maintain a limited "departmental" file on employees under his management. Information in this file will be considered necessary to properly administer and supervise employees within their work unit. This information may include, but is not limited to, performance evaluations, attendance records, notes, memos, letters, disciplinary actions and other information relating to the employee's job training, development and performance.
- Certain personal payroll data is maintained separately from the personnel file and departmental file, although each may contain information about an employee's attendance and salary record.
- The City will not collect or retain the following information in any personnel files and/or employee records, except as may be needed for matters relating to benefits administration or a required business need to know:
 - Names, birthdates, and other personal information of employee's family members.
 - Lists of hobbies, memberships in non-business related organizations, and outside activities.
 - Marriage certificates, birth certificates, divorce decrees or other personal documents.
 - Information on an employee's credit worthiness, financial standing or like information.
 - Medical information (NOTE: any medical information retained for a legitimate business purpose will be retained in a separate file as per federal legislation.)

Access to Personnel Files and Records

Under normal circumstances, the employee has a right to access his personnel file. The City will limit the internal availability of personnel information to those managers and officials with a specific need to know (i.e., an employee's manager, City Attorneys, City Manager, etc.). The City may refuse to release any information, except under the Texas Public Information Act, to outside sources without the employee's written consent. Exceptions are limited to simple employment verification and legal requirements as may be necessary.

An employee who wishes to view his personnel file should notify the Human Resources Department to schedule an appointment. An employee may review the file, take notes or request copies of documents (at employee's expense). No employee is allowed to remove any document from the file. An employee has the right to correct or request deletion of inaccurate information. Such request must be made in writing. Approval for correction or deletion of any material is at the discretion of the Human Resources Director. In cases of disagreement with information retained in the file, the employee may submit a written statement of disagreement to be added to the file.

Personnel Information Changes

To meet the reporting requirements of the State and Federal government and to properly conduct business, it is important that the City maintain current and accurate records regarding employees' personal information. Employees should notify the Human Resources Department immediately whenever changes occur in their address, telephone number and emergency contact information. Changes in marital status, dependent and beneficiary information should be reported immediately to the Risk Management Department.

Disclosure of Employee Information

All requests for information on applicants and employees (active or inactive) will be handled centrally by the Human Resources Department. This includes requests for verification of employment and requests for references for current or former employees.

In accordance with State law, all information contained in City employee personnel files is public with the exception of information that, by law, constitutes a clearly unwarranted invasion of personal privacy or falls under a specific statutory authorization of confidentiality. Examples of information that are a matter of public record and, upon official request, must be released for public inspection are: name, sex, ethnicity, age, dates of employment, position title, salary, and the department to which the employee is currently assigned.

Letters of Recommendation

The City does not encourage letters of recommendation for current, retired, or terminated employees, however, should a department manager make the decision to provide one, such letter must be approved in advance by the Human Resources Director and/or the City Attorney's office, if the manager is writing the letter in their official capacity with the City and/or on City letterhead. A copy of the letter shall become a portion of the employee's personnel file.

Civil Service Fire & Police Personnel

Information, files and records of civil service Fire and Police personnel shall be collected, retained, released and/or distributed in accordance with Chapter 143 of the Texas Local Government Code, Texas Open Records Act, and other applicable local, state, and federal laws.

MEDICAL INFORMATION

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. Medical information pertaining to employment and conditions of employment (fit for duty exams, promotional medical exams, etc.) are retained in Human Resources. Medical information pertaining to the employee's insurance coverage (medical, long-term disability, workers' comp, etc.) is retained in Risk Management.

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

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

PRIVACY & CONFIDENTIALITY OF CUSTOMER INFORMATION

The objective of this policy is to establish fair information principles for the City of Bryan in carrying out its responsibility to respect the privacy and confidentiality of its customers.

Use & Disclosure

The City uses and discloses identifiable information (such as social security numbers, addresses, telephone numbers, etc.) about customers in defined and responsible ways to carry out its operations. This section describes how identifiable information about customers may be used and disclosed.

- Records may be disclosed to affiliates or contractors hired by the City of Bryan to assist in carrying out operations, such as service, billing, and management functions to include legal, audit and collections.
- Customer information may be disclosed to and shared with commercial and consumer credit reporting agencies for credit related activities (e.g., the reporting of delinquent or bad debt).
- Records may be disclosed to government regulators and other government agencies when authorized by law.
- Records may also be compiled in aggregate form for the City of Bryan management activities.
- Records may be disclosed when required by law, such as in response to a search warrant, subpoena, or court order. The City may use and disclose records for investigations into employee misconduct or for law enforcement investigations. Disclosures may also be made when appropriate to protect the City's legal rights or during emergencies if physical safety is believed to be at risk. These events are unlikely, but they are possible. The City of Bryan will take reasonable steps to limit the scope and consequences of any of these disclosures.
- Records may be shared with other municipalities and utilities under shared service agreements or to meet operational requirements.
- Records about a customer may be disclosed at the request of or with the permission of the customer.
- Customer information may be shared with affiliates and partners of the City that offer products and services to customers.
- The City of Bryan does not sell, rent, loan, exchange, or otherwise release mailing lists or telephone lists of customers. The City does not disclose any information about a customer to non-affiliated third parties without the prior, written consent of the customer.

Disposal of Customer Information

Documents that meet retention guidelines, such as Customer Applications, will be stored within the City of Bryan prior to their destruction. Any documents that do not meet the criteria for retention will be shredded or otherwise destroyed by City personnel in a timely manner.

Responsibility

Any employee, contractor, or agent of the City who fails to comply with this policy may be subject to disciplinary action up to and including termination of employment or services, and may be subject to further legal action.



CHAPTER 13

Finance & Business Related Expenses

BUSINESS TRAVEL

The City recognizes the need for official representation at conferences, meetings, conventions, seminars, and other functions. This policy provides guidance to employees traveling on behalf of the City.

Employee travel expense, as with any other purchase, represents the expenditure of City funds. Employees are responsible for assuring expenditures are prudent and necessary. Managers are expected to counsel employees prior to travel.

Managers are also required to monitor and approve all travel expenses. Departments are expected to manage travel and training expenses within budgeted amounts.

All employees are expected to report any abuse and/or misuse of travel and travel funds to appropriate management.

Authorization for Travel

Written authorization to travel and to incur expenses incidental to such travel must be **approved in advance** by the appropriate Department Manager. To obtain this authorization, a Travel Authorization/Expense Form is to be completed and forwarded to the appropriate manager for approval. If a travel advance has been requested and approved, the original approved Travel Authorization/Expense Form must be forwarded to the Finance Department for processing. If no advance is approved, the original form may be retained in the originating department until the trip is complete; at which time, the form must be completed, approved and sent to Finance for processing.

Managers will verify that the Travel Authorization/Expense Form correctly states the inclusive dates and times of absence. Adequate travel time is to be allowed, but travel expenses are not to be paid for absences not required for authorized City business. Vacations or personal trips in conjunction with travel for City business require special authorization by the Department Manager and the expenses incurred in connection with such are not reimbursable.

While employees may pay for expenses of other City employees while conducting City business, this should be indicated on the Travel Authorization/Expense Form. The name(s) of the other employee(s) must be listed on the form.

Travel Advances

Employees may request an advance to defray expected travel expenses using a Travel Authorization/Expense Form. Travel advance payments shall not exceed estimated expenses. The request should be submitted to the Finance Department **two (2) weeks** prior to the date the advance is desired. Travel advances shall not be provided to the employee more than five (5) working days before actual travel begins. In many cases, hotel room reservations and/or air travel tickets must be paid in advance. If payment by credit card is not an option, Finance will send a check directly to the hotel upon receipt of a payment authorization accompanied by a completed hotel reservation card. Air travel may be arranged through a travel agency if necessary.

Compensation for Travel Time

Compensation for time spent traveling shall be handled in accordance with the "Travel & Training Time" policy (Chapter 4) of the City of Bryan Personnel & Administrative Policies and Procedures Manual.

Post-Trip Procedures

Upon completion of travel, employees shall complete the Travel Authorization/Expense Form to report expenses incurred and to request reimbursement, if appropriate. Documentation which substantiates the business purpose of the expenses is required. This includes: registration forms, course brochures, event announcements or similar materials. ***All receipts for which reimbursement is being requested must be attached. Itemized receipts for all expenses are preferred.*** If itemized receipts are unavailable, credit card receipts (or similar proof) will be accepted. Employees are expected to make a reasonable attempt to obtain receipts for all expenses. For expenses where receipts are not provided, such as tips to skycaps, bellhops, etc., a written explanation is required. The Travel Authorization/Expense form must be submitted to the respective manager for approval and forwarded to the Finance Department for processing based upon the following schedule:

- No later than **five (5) days** after the date the employee returns to work if the City is due a reimbursement of any funds advanced; or if City resources have been utilized to any extent.
- No later than **ten (10) days** after the date the employee returns to work if the employee is due a reimbursement.

REIMBURSABLE EXPENSES**• Transportation**

The City will pay reasonable and necessary transportation costs incurred while conducting City business. Air travel will be paid at the commercial coach fare rate only. Ground transportation, tolls and parking will be reimbursed. As a rule, car rentals are not encouraged, but will be allowed if the cost is more reasonable than alternate means of transportation. If circumstances require car rental, compact or economy size cars are to be used. An explanation of the need for the car rental is to be attached to the request for reimbursement. Public transportation or airport limousine/shuttle service is to be used whenever feasible in preference to taxis.

• City Owned Vehicles

The use of City-owned vehicles is encouraged for work-related travel. If a City-owned vehicle is not available, or use of that vehicle is not practical, employees must obtain authorization from their respective manager to use a personal vehicle. Fuel and other incidental operating costs for City owned vehicles will be reimbursed.

• Personal Car Mileage

Approved travel in a personal vehicle will be reimbursed for actual miles driven at the current Internal Revenue Service (IRS) rate per mile. Employees receiving a monthly car allowance are not eligible for mileage reimbursement. Employees holding positions which require substantial amounts of driving may elect to receive mileage reimbursement in lieu of a car allowance. This election must be made on an annual (calendar year) basis.

In either case, mileage reimbursement for out-of-town business travel shall not exceed the cost of a 21-day advance purchase round-trip coach airfare and related expenses. Any additional time required for the trip due to driving may be charged to vacation time depending on the circumstances surrounding the travel.

- **Lodging**

Reasonable and appropriate hotel or motel expenses including applicable taxes will be reimbursed at the single occupancy rate. An employee traveling with a spouse or guest will pay any additional charges for double occupancy. While the City expects employees to be comfortably lodged, luxury hotel and motel accommodations are to be avoided, if possible. For personal security or convenience, employees are allowed to stay at the conference hotel or motel.

- **Registration Fees**

Conference registration fees, training fees, etc. will be reimbursed. Optional events (such as those that include meals) may be reimbursed for the employee only with approval of the respective manager.

- **Meals**

Expenses for City business related meals and meal tips are reimbursable when approved by the respective manager or director. Employees will be reimbursed a daily maximum equivalent to the Meals & Incidental Expenses Rate (M&IE Rate) for the particular location as published by the IRS. M&IE rates may be found in IRS Publication 1542 or may be accessed on the Internet at www.qsa.gov. Meals & Incidental Expenses include meals, applicable taxes, and tips. An acceptable tip is 15% to 20% of the meal cost; tips exceeding 20% will not be reimbursed. Partial day meal reimbursement amounts will be monitored and approved by the manager or director. Reasonable allowances for meals based upon departure and return times will be determined by the manager or director.

Reimbursements for cost of meals and/or expenses for City guests must be approved in advance by the appropriate manager. Authority will only be granted when it is clearly in the best interest of the City to pay such costs. Expenses incurred by such guests must be noted on the Travel Authorization/Expense Form stating the reason for the guest expense. Meals consumed within the City of Bryan and the immediate surrounding area shall be reimbursed if the purpose of the meal is clearly in the best interest of the City. This includes, but is not limited to, meetings with State or Federal officials, dignitaries, or business representatives or meals at professional organization functions. The business purpose must be noted on the Travel Authorization/Expense form. Expenses must be approved by the department director, City Manager or designee.

Conference ticketed meal events will be considered part of the conference registration cost. However, further reimbursement for that meal will not be allowed. Alcohol costs or purchases will not be reimbursed.

Per IRS regulations, if an employee is reimbursed for a meal, the amount of the reimbursement is taxable income unless one of the following is true:

- The meal occurs while the employee is traveling out of town and that travel includes at least one night away from home. Meals during day trips which do not include an overnight stay are taxable income. For these trips, the employee may be reimbursed for the meal if he chooses and the manager approves the expense. However, the amount of the reimbursement will be included as "taxable wages" on the employee's next paycheck and taxed accordingly.
 - The meal qualifies as a "business meal". In order to be considered a business meal, it must be part of a substantial business discussion. When requesting reimbursement for a business meal, the employee must list the individuals present at the meal and the topic of discussion.
- **Other**

Reasonable and necessary business related phone calls, internet access charges, postage, etc. will be reimbursed if documented. The City may reimburse one personal phone call home per day when the charges are reasonable. Expectations must be discussed with and approved by the appropriate manager prior to travel. Personal expenses are not considered necessary to conduct City business and are not reimbursable. Included in this category, but not limited to personal expenses, are such nonessential expenses as entertainment, alcoholic beverages, hotel pay movie channels, clothing, and personal care items.

If a City of Bryan Purchase card is used to pay for any travel expenses, original receipts must be submitted to Finance with the weekly Transaction Detail Report generated in PaymentNet. Duplicates or copies of the original receipts must be submitted to Finance with each cardholder's Transaction Detail Report, printed by Transaction Date, and approved Travel Authorization/Expense form.

PHYSICAL CASH FUND

Any department provided working cash or checks through the course of business will be considered to have a working fund. Working funds will be issued by Finance to Department Managers or their designee. An issuance of a working fund from Finance to anyone other than the Department Manager should be supported by a memorandum giving the permission of and signed by the Department Manager. This is to be filed with the Physical/Working Cash Fund Form maintained by Finance. Department Managers are responsible for seeing that department and City physical cash fund policies are followed by those assigned custody of a cash drawer.

Cash Drawers

Working funds will be maintained in cash drawers and can be segregated into as many cash drawers deemed necessary and reasonable by the department manager. However, unreasonable levels of employee access to cash will be grounds for the department policy to not receive required approvals or to be rescinded in the future. Cash drawers are to be secured at all times and are never to be left unattended by the custodian of the drawer during his working hours. The drawer shall have a lock and key. The key to the drawer shall be in the custody of the custodian of the drawer. The locked cash drawer is to be secured overnight.

Record of Training

Prior to allowing an employee to be held accountable for a working cash drawer or to operate as a custodian of a fund, the employee must be trained to gain a clear understanding of the relevant departmental and city wide physical cash fund policies and procedures and he must be provided a copy of such documents. Within the department, there must be on record at all times a dated affidavit signed by the Department Manager and the employee, attesting to the above. Active affidavits must be on file at all times. Inactive affidavits shall be retained on file for a minimum of one year.

Record of Assignment

Each cash drawer is to be assigned to one employee. All entry to, maintenance of and reporting from the drawer shall be limited to the assigned employee. Assignment may be made for an indefinite period of time, or may be on a daily, weekly, etc. basis. A departmental record of this assignment must be maintained by the Department Manager and must also be kept on file for a minimum of one year. These records are to indicate a beginning date and time of responsibility, drawer identification and any working cash assigned to the drawer. The individual records shall be attested to by the Department Manager and the employee.

Relinquishment of Responsibility

Contained in the records of assignment there shall also be an appropriately identified area for the relinquishing of responsibility and the signature of the Department Manager. The exit from employment of a custodian of a fund will immediately relinquish this employee's responsibility but only upon proper notification of employee resignation and clearance through the above means.

Deposit Report

Daily cash deposits shall be made inclusive of all receipts within the 24-hour period immediately preceding the close-out and completion signed by the custodian of the cash drawer (excluding weekend or holiday hours). No money is to be held for longer than the above described time period. The deposit report, as identified for the individual's specific use, shall have all tapes attached. Tapes are to be clearly identified with the date, receipts or money (there should be a tape for each). Special circumstances may exist in which receipts are not feasible to be used. Individual consideration will be given to these as a result of approving departmental cash fund policies. The receipt acts as an independent verification of a cashier's activity. It is important to note that any procedure outside of receipt use must provide the same level of verification accomplished by function segregation.

Each individual responsible for a cash drawer is to prepare a deposit report, or upon departmental discretion, a cash report may be filed daily for the entire department. However, in the latter, internal means of recording individual custodian's daily receipts and cash must exist. The employee responsible for combining the drawers and preparing the deposit report must be evidenced in writing in department files.

Receipts

All receipts must be used in sequential order. Under no circumstances is receipted money to be returned to a customer. All voided receipts must have all copies of the voided receipt remaining in the book marked accordingly.

Outages

All outages are to be reported in the deposit reports. No outage is to be made up by personal money or removed from a deposit to accurately balance the report. Departmental policies and procedures must identify specifically the acceptable boundaries of outages over a given time period, not exceeding three months, and must identify specific corrective actions to be taken. Outages will be used for evaluation purposes and are to be monitored in record form. They will be added together, regardless of their direction. For example, a \$50.00 shortage on one day and a \$50.00 overage on another day will total to \$100.00 in outages. Intentional shortages or tampering with deposits will not be protected by the boundaries established by the departments and will not be subject to the same corrective actions as in the normal outage situation.

INTERNAL AUDITS

The City's Internal Auditor is responsible for performing independent, objective compliance audits to ensure the effectiveness of controls and accuracy of financial records. All employees are expected to fully cooperate with requests and inquiries from the Internal Auditor.



CHAPTER 14

Miscellaneous

SEARCHES

The City may conduct unannounced searches or inspections of the work site, including but not limited to, City property used by employees such as lockers, file cabinets, desks, offices, computer and electronic files, whether secured, unsecured, or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

The City's authority to conduct unannounced searches is not limited to situations involving reasonable suspicion of possession and/or use of drugs and/or alcohol.

All searches must be authorized and conducted under the direction of the Director of Human Resources, City Attorney, Deputy City Manager, and/or City Manager, unless the search is initiated by the Police Department. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination of employment.

CLAIMS MADE AGAINST THE CITY

The City of Bryan will take all necessary actions to fully assess any claims made against the City, determine the extent of the City's liability and determine what action, if any, should be taken in regard to the relevant employee(s) performance or non-performance which precipitated the claim. Final settlement authority on any law enforcement, public officials, E&O (Errors & Omissions) and automobile and general liability claims remain with the City.

Employees who witness an accident or property damage potentially involving the City should follow the procedures below in providing assistance to any citizen who may have been injured or who claims property damage.

Possible Injury Process

The employee should:

1. Ask the citizen if he is injured. If the answer is affirmative, the employee should then ask the citizen if he would like for an ambulance to be called;
2. Provide assistance and/or basic first aid. (First aid should only be provided by those persons with appropriate first aid training.);
3. Get a description of the injuries, if the citizen has any, as they relate them and as they appear;
4. Obtain the name, address and telephone number of the injured person and record the date and time of injury;
5. Get a description of the location and type of accident;
6. Describe, fully, how the accident happened and circumstances causing the accident;
7. **NOT** admit any liability on the City's part or make any statements that could lead the injured person to believe the "City will take care of the matter." If the citizen asks what steps the City plans to take, the citizen is to be advised that he needs to contact the City's Risk Management Department. The employee is not to make any comments or evaluations of the accident or anticipated action;
8. List anything that could have been done by the City to prevent the recurrence of a similar accident; and
9. Give this information to his Department Manager.

The Department Manager shall send this information to the Risk Management Department, retaining a copy for their department file for two (2) years. No information should be released by any employee, except as stated above, without the consent of the City Manager.

Possible Damage to Property Process

The employee shall:

1. Record the location, type of damage viewed, and the date and time viewed;
2. If possible, obtain the name, address and phone number of the owner of the property;
3. Describe what occurred and any circumstances causing the occurrence;
4. **NOT** admit any liability on the City's part or make any statements that could lead the person to believe the "City will take care of the matter." If the citizen asks what steps the City plans to take, the citizen should be advised to contact the City's Risk Management Department. The employee is not to make any comments or evaluations of the accident or anticipated action;

5. List anything that could have been done by the City to prevent the recurrence of a similar accident; and
6. Give this information to his Department Manager.

The Department Manager shall retain this information in his department file for two (2) years. No information should be released by any employee, except as stated above, without the consent of the City Manager.

Fatality or Injury

Immediate telephone notice shall be made to Risk Management if the instance involves a fatality or injury resulting directly from City operations.

Incident Report

The incident report is to be completed by the supervisor in charge at the time an incident occurs or was discovered which may result in a liability claim against the City. The incident report must be received in Risk Management within 24 hours after the incident.

CITY COUNCIL AGENDAS

Items requiring formal Council action shall be placed on the agenda for consideration by the City Council. Items must be submitted in the proper format as exemplified by the Bryan City Council Action Form. All additional documents submitted with the form must adhere to the required guidelines. The guidelines are located on the U: drive under City Council/Paperless Packet Guidelines.

All agenda topics should be placed on the Rolling Agenda, in advance of each City Council meeting, by contacting the Citizen Information Clerk in the City Secretary's Office.

Agenda Submission Process

- Items requiring City of Bryan funding are due to the Chief Financial Officer (CFO), from department directors, three (3) Mondays prior to the City Council meeting.
- All items are due to the City Attorney (from department directors when funding is NOT required, and from the CFO when funding IS required) two (2) Wednesdays prior to the City Council meeting.
- All items are due to the City Manager, from the City Attorney, two (2) Fridays prior to the City Council meeting.
- All items are due to the City Secretary, from the City Manager, two (2) Mondays prior to the City Council meeting.
- The draft agenda packet is distributed by the City Secretary's office the Tuesday prior to the City Council meeting.
- The draft agenda packet is discussed/modified during the Executive Management Team (EMT) meeting the Wednesday prior to the City Council meeting.
- The final agenda packet is distributed by the City Secretary's office the Thursday prior to the City Council meeting.

OPEN MEETINGS

The City Council and all boards and commissions of the City must comply with the Texas Open Meetings Law. With certain enumerated exceptions referenced in the law, closed meetings are prohibited.

Notice to City Secretary

Upon learning of the upcoming meeting, the appropriate City employee shall notify the City Secretary in sufficient time for the City Secretary to properly post notice to the public.

Notice to Public

Written notice of a meeting must be posted on the Municipal Building Legal Notices Board at least seventy-two (72) hours in advance of the scheduled meeting time. The notice must provide the date, hour, place and subject of the meeting. Each item for the agenda must be sufficiently specific to apprise the public, in general terms, of each subject to be discussed.

Emergency Meetings and Postings

An emergency posting for a meeting can be made no later than two (2) hours in advance of the scheduled time. The scope of the emergency is limited to issues of public health and safety and must be stated in the notice. All local news media must be contacted by the appropriate City employee.

Penalties for Violations

Actions taken which are not in compliance with the Texas Open Meetings Law are subject to invalidation. Criminal sanctions are provided for violation of the Law.

Meeting Cancellations

In terms of open meetings cancellations, the City Secretary's Office shall be notified immediately. After which, the City Secretary's Office will mark "CANCELLED" across the posting notice, including date and time of cancellation notification. The meeting notice marked "CANCELLED" will be retained on file for two (2) years.

MEDIA COMMUNICATIONS & RELATIONS

The purpose of this policy is to standardize the City's communications with the media and assure that information about the City and its policies, practices, programs and events are communicated properly and reported accurately to the media.

The City of Bryan seeks to inform its residents, businesses and visitors by engaging in proactive communications. The City is committed to maintaining an ongoing positive working relationship with the media. The City recognizes the time constraints facing the media and will strive to respond to information requests in an open, helpful and prompt manner.

Types of Media Communication

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

Media Relations

The Public Information Office will coordinate media relations activities for the City and act as the official news source and principal contact for communication between the City and media representatives.

Unless otherwise authorized, the City's spokespersons are:

- City Manager
- Deputy City Manager
- City Attorney
- Public Information Officer

Department Directors have the authority to communicate with the media within areas of their responsibility and expertise. Other staff should refer media requests to their department director or to one of the City's spokespersons.

Administrative Notifications

When major incidents or crises occur, administrative and/or legal procedures may be required to be initiated as soon as possible. In addition, department directors and City spokespersons who are likely to receive media or citizen inquiries and/or citizen complaints should be made aware of the incident. Such notifications are to be initiated to the appropriate department manager immediately.

Major incidents requiring notification are:

- Death or serious bodily injury of an employee, any person in a City facility, or any person alleging it to be caused by a City employee;
- Significant damage to City property;

- Significant damage to non-City property alleged to be caused by a City employee,
- Severe weather conditions or disasters;
- Events requiring significant deployment of City personnel and/or equipment; and
- Any other incident or event that is likely to generate significant media or citizen inquiries.