



Employee Handbook



"Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people."

- Henry Clay.

Henry Clay, Sr. (April 12, 1777 – June 29, 1852) was a nineteenth-century American statesman and orator who represented Kentucky in both the House of Representatives and Senate. He served as Secretary of State from 1825 to 1829.

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**A WARM WELCOME
TO EXISTING AND NEW EMPLOYEES OF
THE CITY OF DENISON**

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

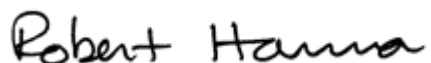
We are pleased to provide you with this Employee Handbook, which outlines the personnel policies and practices in effect at the City. The handbook will be a helpful reference during your association with the City. We encourage you to freely ask questions of your supervisor, manager and department head regarding the policies and procedures contained within this handbook.

Our responsibility as representatives of the City of Denison is to provide our citizens, business community and others with service that is courteous, dependable, efficient and economical. Your role in accomplishing these objectives is very important, and you were selected for your position based on the knowledge, skills and abilities you possess for performing your job. We take pride in our reputation for delivering excellent customer service and we trust that you will always do your best to help us maintain this high standard.

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

By working together in this way and by remembering that our first duty is to serve the citizen and the customer, we are confident that the future will be both productive and prosperous for all of us.

Our best wishes for your success.



Robert Hanna
City Manager
City of Denison

EMPLOYEE ACKNOWLEDGEMENT FORM

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

With the exception of the City’s employment-at-will policy, all of the information, policies, and benefits described in the Employee Handbook are subject to change. I understand that revised information may supersede, modify, or eliminate existing policies. In the event of a conflict, I understand that the Employee Handbook supersedes all department policies. I agree that any conflicts or ambiguities in City policies and procedures will be decided by the City Manager.

Fire and Police department civil service employees shall be administered by the Texas Fire and Police Local Government Code 143, Local Civil Service Commission Rules, and Departmental Standard Operating Procedures. Whenever these rules are silent on an issue, the Employee Handbook will apply.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document, nor is it a waiver by the City of the employment at-will status of my relationship with the City. I understand that only the City Council has the authority to authorize an employment agreement or contract, and that any such agreement must be an express written employment contract, approved by the City Council in open session at a council meeting, and signed by both the City Manager and the affected employee.

I have received the Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Employee Handbook supersede all prior written and/or oral City policies.

EMPLOYEE’S SIGNATURE

DATE

EMPLOYEE’S NAME (TYPED OR PRINTED)

SECTION I

GOVERNING PRINCIPLES OF EMPLOYMENT

1.1 INTRODUCTION

This Employee Handbook is designed to acquaint you with the City of Denison (the “City”) and provide you with information about working conditions, employee benefits, and some of the other policies affecting your employment. You are expected to read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines many of the programs provided by the City to benefit employees.

The policies set forth in this Employee Handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. Furthermore, nothing herein may be construed to constitute a waiver of employment at-will and the City Council specifically expresses its intent to continue its status as an at-will employer. The provisions of the Employee Handbook have been developed at the discretion of City officials and, except for its policy of employment at will, may be amended or canceled at any time, at the City's sole discretion. The policies in this Employee Handbook supersede all prior written and/or oral City policies. If you have any questions about any of the City's policies, please ask your supervisor, your Department Head, or the City Manager.

The policies in this Handbook are established by the Denison City Council and any amended, revised, or new policies must be approved by the City Council. These policies apply to all City employees unless specified otherwise by the policy itself, by State or Federal law, or official City Council action.

A copy of the Employee Handbook shall be issued to each full-time City employee. Part-time, temporary, and seasonal employees are not eligible for full-time benefits or classified pay plan status. All employees are required to be knowledgeable and familiar with the policies contained in this Handbook. This Handbook shall supersede all previous publications of the Denison Personnel Policy Manual. Each employee shall sign a form acknowledging receipt of this policy and the signed form shall be retained in the employee's personnel file.

1.2 MANAGEMENT AUTHORITY

It is the policy of the City, pursuant to Article V, Section I of the City Charter that the general and final authority for personnel administration rests with the City Manager as the Chief Administrative and Executive Officer of the City, with the exception of matters reserved to the

City Council by State law. In matters of ambiguity within this policy, the City Manager is given the authority to interpret said ambiguities, or to implement policy alternatives until such time as the City Council may act. The City Manager may, at his or her sole discretion, delegate authority to appropriate staff members to act on his or her behalf.

At the discretion of the Department Head, in consultation with the Human Resources Director, and with approval from the City Manager, each department may develop and implement departmental policies, procedures, rules, regulations and/or practices which apply to that department only and which are separate from and in addition to the policies, procedures and regulations contained in the Employee Handbook. Departmental policies, procedures, rules, regulations and/or practices shall be consistent with those contained in the Employee Handbook. No such departmental rule or policy is effective until approved in writing by the City Manager. A copy of all departmental rules and policies will be filed with the City Clerk. In the event of any conflict between department rules and policies and this Employee Handbook, the policies in this Handbook shall control. If a conflict arises between these rules and Police and Fire Civil Service Chapter 143 of the Texas Local Government Code, Chapter 143 controls and shall determine the outcome. In all other cases for Civil Service employees, this Handbook shall prevail.

1.3 CITY GOVERNMENT

The City of Denison is a home rule city. The Chief Administrative and Executive Officer is the City Manager. The Council is the City's legislative body and is composed of a Mayor and six Council Members, each elected for a term of three years. The Mayor and each of the Council Members have a vote in decisions related to City affairs.

The City Manager attends all Council meetings and may offer advice on matters before the Council but has no vote on actions taken. The City Manager is responsible for carrying out the decisions of the Council, enforcing ordinances and the hiring of all City employees. All Department Heads report to the City Manager. By charter, Department Heads are subject to appointment and removal by the City Manager.

City Council meetings are held on the first and third Monday of each month in the Council Chambers at City Hall beginning at 6:00 p.m. The agenda for each meeting is made available to all employees in advance of the meeting via the City's local area network. Employees will periodically be invited to attend City Council meetings and all City Council meetings are open to the public.

1.4 EMPLOYMENT AT WILL

Employees who do not have a written, individual employment contract, approved by the City Council and filed with the City Clerk are employed at will. This means that no individual supervisor has the authority to enter into an employment contract with any employee. As an

at-will employee, either the employee or the City may terminate the employment relationship at any time, for any reason, without notice or cause.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's at-will 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 or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason.

1.5 POLITICAL ACTIVITY

City of Denison employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- Publicly endorse or campaign in any manner for any person seeking public office for the City of Denison while on duty.
- Use his or her position or office to coerce political support from employees or citizens.
- Use his or her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate while providing services in course of scope of their duties. This includes federal and state political activity and campaigning. Nothing herein is intended to infringe upon the constitutional rights of an employee to express his opinions and to cast his vote.
- Use working hours or City of Denison property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City of Denison election purposes.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City of Denison employment, *e.g.* City of Denison City Council or Grayson County governmental office. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be terminated upon failure to do so.

1.6 CONFLICT OF INTEREST

No employee of the City may:

- Have 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;
- Use City equipment, authority, or influence in any manner for his or her personal betterment, financial or otherwise;
- Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- Have discussions or participate in decisions of City Council, any City department, or any board, commission or instrumentality, if 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;
- Accept other employment or engage 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 (See Section 2.6 – Other Employment); or
- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Violations of this policy may result in disciplinary action up to and including termination of employment. Questions regarding the prohibitions imposed by this policy shall be referred to the City Manager's Office.

1.7 SOLICITATION OF FUNDS

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

1.8 GIFTS

The City strives to treat all employees, citizens and individuals conducting business with the City in a fair and equitable manner. An employee (and his relatives and significant others) may not

receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his job with the City. Individual City employees are prohibited from accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, seeks to do business with the City or is regulated by the City.

An employee who accepts the following will not be in violation of this policy:

- an award presented in recognition of public service;
- an occasional meal where public business is discussed;
- t-shirts, caps and other similar promotional material;
- any gift which would have been offered or given to the employee even if the employee were not a City employee;
- any item under \$25 in value.

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her Department Head to see if the item should be returned or, in the alternative, turned over to the City.

City employees are allowed to accept nominal gifts where the gratuity can be shared by a significant number of City employees (e.g., all employees of a particular department or building sharing a holiday gift basket; City employees participating in events sponsored by vendors, such as receptions held during the TML Conference).

Employees may not give their supervisor or anyone else in City management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.

The City takes this policy very seriously and violations may result in disciplinary action up to and including termination of employment. If an employee receives a prohibited gift, the gift shall be immediately returned with a letter stating that City policy does not permit employees to accept such gifts. Copies of all letters shall be sent to the Director of Human Resources.

Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Director of Human Resources.

1.9 DEFINITIONS

For the purposes of this Employee Handbook the following terms shall have the following meanings:

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

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

AMERICANS WITH DISABILITIES ACT OF 1990 means Title 42 U.S.C. §12101, *et seq.*, as amended.

APPLICANT Any individual who fully completes a City of Denison employment application for a position that is currently open and who meets the qualifications for the position. Any individual who informally or orally expresses interest in an open position will not be considered an applicant.

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

BLOG is a type of website, usually maintained by an individual, that features personal postings of commentary, information or multimedia materials. Blogs can, but do not necessarily, allow public response to postings.

BULLETIN is any sort of posting or notice that is created by a site moderator for sharing with users and/or connections. Bulletins can be static postings that are visited by users, or outbound messages that are sent to opt-in Connections.

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

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

(A) under 18 years of age; or

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

CITY means the City of Denison, Texas.

CITY ADMINISTERED SITE is any website, or portion of a website, with content controlled by City representatives as an official communication outlet of the City.

CITY MANAGER means the City Manager of the City of Denison, Texas or the City Manager's designee.

COMMENT is a message posted by site visitors, either in response to an existing topic or introducing a new topic. In general, the content of comments is controlled solely by the user, but often can be accepted or rejected prior to posting by the site administrator.

CONNECTION is any deliberate link between a user and a Social Networking page, whether it is initiated by the individual or by the page moderator. Terms used by various sites to describe a Connection include friend, fan, follower or subscriber.

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

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

DEPARTMENT HEAD means a person appointed by the City Manager who is responsible for the administration of a department, or the Department Head's designee.

DIRECTOR OF HUMAN RESOURCES means an employee, designated by the City Manager, to handle the administrative duties of Human Resources Management. This includes, but is not limited to, benefits coordination, employment applications and processing, payroll, personnel files management, and keeping updated with federal, state, and local laws pertaining to Human Resources Management.

DISMISSAL or **DISCHARGE** means involuntary termination of employment with the City.

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

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

EMPLOYEE means a person employed and paid a salary by the City and includes a person working full-time or part-time, but does not include an independent contractor, volunteer, or City Council member.

EXEMPT EMPLOYEE means an employee who performs a function as defined in the Fair Labor Standards Act.

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

FMLA means the Family and Medical Leave Act of 1993.

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

HEALTH CARE PROVIDER means:

- (A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;
- (B) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State of Texas and performing within the scope of their practice;
- (C) Nurse practitioners, nurse-mid-wives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice;
- (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- (E) any health care provider from whom the City or the City's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

ILLEGAL DRUG means a controlled substance, as defined in Chapter 481 of the Texas Health and Safety Code, or inhalant, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

IMMEDIATE FAMILY means the employee's spouse, child, brother, sister, mother, father, grandparents, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, and shall include the spouse's immediate family. A legal guardian or ward may be considered as immediate family, and so may the primary caregiver for these relationships. The above includes "step" relations.

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

INTERIM ASSIGNMENT means a temporary assignment of a fulltime employee to another position or duties other than those of their current regular position.

INTERMITTENT LEAVE is FMLA leave taken in separate blocks of time due to a single qualifying reason.

JOB (see POSITION)

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

MESSAGE BOARDS (sometimes called a Forum) are on-line discussion sites allowing static postings and responses by the public on a range of topics, typically under the oversight of a third-party moderator.

NON-EXEMPT EMPLOYEE means an employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

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

PAY PERIOD is an internal accounting term which refers to a semi-monthly pay period for all employees. Each employee is issued an individual pay check, including any overtime earnings, if applicable, for each pay period.

POSITION means a collection of tasks, duties, and responsibilities regularly assigned to and performed by one person. The term "job" is synonymous with "position" when it is performed by one person.

PROFILE refers to a self-description page, viewable by the public, that is set up when creating an account with a Social Networking Outlet.

PROMOTION means the change of an employee from a lower classification to a higher classification with a resulting increase in salary. A temporary or interim assignment to a higher classification, even with a temporary increase in salary, does not constitute a promotion.

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

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

REINSTATEMENT means the reappointment of an employee who was reduced in classification or separated from employment as a result of a position being vacated or abolished by the City council.

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

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

SEPARATION means any termination of employment with the City.

SERIOUS HEALTH CONDITION means an illness, injury, impairment, or physical or mental condition that involves:

(A) in-patient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider, including one or more of the following:

1. a period of incapacity of more than three consecutive calendar days that requires:
 - a. treatment two or more times by a health care provider or by a provider of health care services under the orders of a health care provider; or
 - i. treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
 - ii. any period of incapacity due to pregnancy or for prenatal care even if no treatment is received during the absence;
 - b. any period of incapacity or treatment for an incapacity due to a chronic serious health condition even if no treatment is received during the absence;

- c. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
- d. 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.

(C) Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

SOCIAL NETWORKING OUTLETS are technology-based mass communication tools, most often accessed through the Internet or similar means, that encourage information-sharing among individuals or groups with a common interest.

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

SUSPENSION means an involuntary absence without pay imposed by an appointing authority for disciplinary purposes.

SWORN EMPLOYEE means an employee of the Police Department who is certified by the State Commission on Law Enforcement Officer Standards and Education or the State Commission.

TERMINATION means cessation of employment with the City.

TRANSFER means a change from one position to another in which departmental or classification lines, or both, may be crossed, but which does not result in either promotion or demotion.

UNDULY DISRUPTIVE means that to grant an employee leave would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time requested. Inconvenience is insufficient as a basis for determining that leave would be unduly disruptive.

WORKDAY A work day is defined as a period of 24 hours, beginning at 12:00:01 a.m. and ending at 12:00 midnight.

For calculating the number of hours granted for leave that is usually defined in days, i.e., holidays or bereavement leave, a work day is defined as eight hours for all forty hour per week employees. A work day for police officers who work 80 hours in a two week period is also eight hours. A work day is twelve hours for shift employees of the Fire Department.

WORKING HOURS is defined as all time the City requires, suffers, or permits any employee to be on duty, whether on the work site, on other City premises, or at any other prescribed place that work is performed.

WORK WEEK A work week is the time span of seven consecutive 24 hour periods, beginning at 12:00:01 a.m. on Monday and ending at 12:00 midnight on Sunday.

SECTION 2

OPERATIONAL POLICIES

2.1 JOB DESCRIPTIONS

Each Department Head is responsible for creating and updating written job descriptions for each position within the Department, and providing a copy of each job description to the Director of Human Resources. All job description must be written in a standard format adopted and approved by the City Manager. The City Manager will periodically review the duties and responsibilities of each position within the City and set pay levels commensurate with the duties and responsibilities, skill and educational requirements and experience level associated with each position.

2.2 BASIC EMPLOYMENT QUALIFICATIONS

In addition to the qualifications applicable to each position, an applicant for employment with the City must:

- Full time employees must have at least a high school diploma/G.E.D. Part-time, temporary, seasonal positions must meet the requirements under any federal and state child labor laws.
- Provide authorization for pre employment background and criminal history checks;
- Consent to conditional pre employment physical evaluation and drug testing
- Be at least 18 years of age or meet special age requirements for the police department;
- Be of good moral character;
- Have a social security number;
- Be a citizen of the United States or possess a valid resident alien work card;
- Agree to be fingerprinted when applicable to the position;
- Not be addicted to the use of narcotics or alcohol;

2.3 PROOF OF EMPLOYMENT ELIGIBILITY AND IDENTITY

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

2.4 EMPLOYMENT OF RELATIVES / NEPOTISM POLICY

No member of the same household of a City Council Member, the Mayor, the City Manager or a current Department Head will be employed by the City. No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, any member of the City Council, the City Manager or Department Heads may be appointed to any office, position, or other service of the City. (See Texas Nepotism Chart in Appendix) Relatives of employees other than City Council, City Manager, or Department Heads within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) may be employed by the City as long as there is no direct supervisory relationship. Any conflicts of interest shall be determined by the City Manager.

2.5 PERSONNEL RECORDS

Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file. Performance reviews, change of status records, commendations, disciplinary actions, and educational and professional attainment records are examples of records maintained in your file.

Employees must promptly inform the Human Resource Coordinator of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation), and name and address of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful

omissions in any of this information may result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Personnel files of employees are the property of the City and access to the information they contain is restricted. However, access to the information in an employee's personnel file may be subject to disclosure in accordance with the Texas Public Information Act.

2.6 OTHER EMPLOYMENT

City of Denison employees may engage in outside or self-employment provided they receive prior written approval from their Department Head. Department Heads and others who report directly to the City Manager must receive written approval from the City Manager prior to engaging in outside or self-employment. Police and Fire Department personnel will follow approval guidelines as established by their departmental policy.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee's duties with the City, or conflicts in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly detract from an employee's ability to perform his or her job with the City are also prohibited.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed. This includes employees who volunteer to work in a similar capacity as their paid job duties with the City of Denison, such as a volunteer firefighter, EMT, Paramedic or Security Officer.

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 outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Head and the Director of Human Resources.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Boy Scouts, Girl Scouts, American Heart Association, faith based activities or similar activities, which do not interfere with an employee's performance of his or her job duties and where compensation is neither expected nor paid in the ordinary course of operations.

2.7 EMERGENCY CLOSING

Except for extraordinary circumstances City offices do not close because of bad weather or other emergency. In the event of inclement weather, employees are expected to use their good judgment and are asked not to take unnecessary risks. If you feel that you are unable to drive due to weather conditions or are otherwise unable to get to work because of the weather, you must call your supervisor. (You must make this call no later than the time you would normally leave home for your commute to work, or as otherwise directed by your Department Head.) The City may then make arrangements to provide you with alternate transportation to transport you to and from work.

Under certain circumstances, the City Manager may close certain departments, or various operations within a department. If the City Manager makes the decision to close City offices, affected employees will have an excused absence with pay. If the employee's department is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time for the day(s) missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time at a later date. If a nonexempt employee has no accrued vacation or compensatory time available during the pay period, he or she will not be paid for the time missed.

Many City departments provide essential services and employees are required to report to work regardless of adverse weather or other conditions. Essential personnel are designated by the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action, up to and including termination of employment. Police, Fire and other essential personnel will be required to report to work when other City departments are officially closed due to weather or other types of extraordinary circumstances.

2.8 TRAINING

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

Time Spent in Training. Time spent by nonexempt employees attending mandatory training will be considered work time and employees will be compensated. Attendance at training, lectures, meetings, etc., will not be counted as working time if:

- (A) Attendance is voluntary, or;

(B) The employee's Department Head did not approve the training, prior to the employee's attendance;

Prior Authorization. All requests for outside training must be approved in advance by your Department Head.

2.9 PURCHASING PROCEDURES

When an employee's position requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for each expenditure. City funds and all assets are for City purposes only and are not for personal benefit. For example, this includes but is not limited to the personal use of the City's assets such as tools, equipment and computers.

Employees authorized to make purchases on behalf of the City must follow the procedures outlined in the City Purchasing Manual or as approved by the City Manager.

2.10 TRAVEL AND TRAVEL RELATED REIMBURSEMENT

It is the City's policy to pay for, or reimburse all reasonable and necessary expenses incurred by an employee when traveling on City related business in accordance with this policy, except for meals and incidental expenses (M & IE). Meals and Incidental Expenses shall only be paid on a per diem basis and in accordance with the rates established by the U.S. General Services Administration for the current fiscal year (www.gsa.gov). If neither the city nor the county is listed, then the standard CONUS destination rate will apply. Itemized receipts are required for all expenses, except for meals and incidental expenses. Receipts must be an itemized copy from the vendor and not just the credit slip or balance due. Employees should use the most economical means of travel available when expending City funds.

Request to Travel. When an employee travels on behalf of the City, a Travel Request Form must be completed by the employee and submitted for approval to the Department Head; Department Heads must obtain approval for their own travel from the City Manager. The travel request must be submitted as soon as the need for travel is known. All travel on behalf of the City must be approved prior to any expenses being incurred.

Request for Advance Funds. Employees are typically provided with a City issued purchasing card to pay for expenses associated with City travel. In instances where a purchasing card is not made available, an employee needing an advance of funds must, except under emergency circumstances, complete and submit a written request to the Finance Department for an advance of funds at least ten business days before the advance is needed. All advancement of fund requests and deviations from the above policy must be approved by the City Manager.

Employee Expense Report Form. An Employee Expense Report must be completed for all travel, even when a procurement card is used to pay for expenses. The form must include the purpose of the trip, the destination (city and state), and the departure/return dates and times. All receipts and supporting documents must be attached to the Employee Expense Report. Receipts should be affixed in date order and attached to the Employee Expense Report, and then forwarded to Accounts Payable after being reviewed and signed by the Department Head.

Approving Authority. All travel and meeting documents, requests for travel, requests for advance of funds, and requests for reimbursements (with supporting receipts), must be approved as follows:

- (A) The Department Head shall be responsible for approving their employees' travel. The City Manager is the final approving authority for a Department Head's travel.
- (B) All travel documents must be submitted to the employee's Department Head or the City Manager, as applicable.
- (C) All spouse and/or family member's travel expenses must be paid by the employee.
- (D) Only the actual cost of reasonable and necessary business related expenses incurred by the employee on behalf of the City will be reimbursed.

Transportation. The City has the option of requiring that travel be made in a City-owned vehicle. When a City vehicle is not furnished, the City will reimburse the employee at the current allowable IRS reimbursement rate per mile or the cost of a round-trip coach/economy airline ticket, whichever is appropriate, plus other stated costs (*i.e.*, parking at airport and ground transportation at destination). A receipt(s) is required for reimbursement. Employees receiving a vehicle allowance are not eligible for mileage reimbursement.

Hotel/Motel Reimbursement. Employees will be reimbursed for the actual cost of lodging in a hotel/motel that is appropriate for the particular meeting or purpose of the trip. A receipt(s) is required for reimbursement. The room rate must be pre-approved by the employee's Department Head, or in the case of a Department Head, approved by the City Manager. Overnight stays will only be authorized for travel to destinations in excess of 60 miles from the City, unless otherwise approved in writing by the Department Head or City Manager.

Meal Reimbursement. The City of Denison provides a per diem for meals and incidental expenses. The per diem rate is the rate published by the U.S. General Services Administration for the current fiscal year.

Use of Personal Vehicle. It is the policy of the City Council of the City of Denison, Texas that all employees are eligible for the reimbursement of the use of a personal vehicle for City related business as follows:

- (1) The use of a personal vehicle must be approved in writing by the employee's supervisor in order to be eligible for reimbursement, and when possible, such request should be obtained before the use of the personal vehicle is required; and
- (2) An employee is not entitled to the use of their personal vehicle for the conduct of City business, and the City may require the use of a City owned vehicle if available; and
- (3) If authorized, an employee may be reimbursed at the current IRS mileage reimbursement rate in effect at the time the personal vehicle was used for City business.
 - a. Employees who regularly receive mileage reimbursements are required to submit their mileage for reimbursement on a monthly basis.
 - b. Employees who do not regularly receive mileage reimbursements may submit their mileage for reimbursement as it occurs.
 - c. Regardless of the submittal frequency, all mileage reimbursement for the use of a personal vehicle for City business must be submitted within thirty (30) days of the actual use, or the mileage will not be reimbursable. In the event of an extraordinary event prohibiting the submittal of mileage for reimbursement, City Manager approval is required.
- (4) Depending on the needs of the organization and for fiscal considerations as determined by the City Manager, the City Manager may suspend the reimbursement of mileage for certain employees, or all employees as business needs may dictate.
- (5) Employees receiving a vehicle allowance are not eligible for mileage reimbursement unless traveling outside of Grayson County, Texas.

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

2.11 BACKGROUND CHECKS

The City will perform background checks on applicants and employees to the extent necessary to determine their eligibility for employment or ongoing employment, as the case may be. Background checks may include, but are not necessarily limited to, review of criminal conviction record; verification of educational degree, license, or certificate required for the position;

review of driving record; drug testing; outstanding warrant check; and credit history. The extent of the background check will be consistent with the employee's position and duties. The City may also conduct periodic background checks on existing employees. As a condition of employment or continued employment, applicants and employees are required to give the City the necessary authorization to perform such checks.

2.12 PERSONAL APPEARANCE

The professional culture and image of our organization are maintained, in part, by the appearance that employees present to business contacts, residents, visitors, vendors and others. Employees represent a marketing tool for the City. Our appearance should reflect pride in our work and in ourselves.

Employees must, at all times, dress appropriately and present a clean and neat appearance while at work and while representing the City or conducting City business. Employees are expected to report to work well groomed and dressed in casual or professional business attire appropriate for the job. Clothing must be clean, pressed and in good repair. All employees are expected to practice common sense in rules of good taste and to dress in a manner that promotes a safe, productive, non-hostile work environment that discourages harassment of any kind.

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

Dress Standards. The following guidelines shall be used in establishing individual department attire:

- (A) **Field Personnel.** Department Heads are responsible for determining appropriate uniforms (including headwear) for employees which must have final approval of the City Manager.

Employees are responsible for ensuring that uniforms that are provided by the City to the employee are neat and clean on a daily basis.

- (B) **Office and Administrative Personnel.** Casual business attire is the foundation for office and administrative personnel, except when attending any City Council or Board Meeting's during which, professional business attire may be required by the City Manager.

1. Casual Business Attire shall include items such as:

- Khaki pants

- Dress Slacks
- Sweaters
- Blouses
- Cardigans
- Skirts
- Collared Polo or Golf shirts
- Collared Dress Shirts

2. Professional Business Attire shall include items such as:

- Traditional business suit
- Dress slack, sport coat, shirt and tie

Changes to the Dress Code. The City Manager may approve changes to the dress code for special events, occasions, fund raising events, or as he/she deems necessary.

Tattoos and Facial Jewelry. Employees may not have visible tattoos. Also prohibited are nose rings/studs, eyebrow rings/studs, tongue studs or similar types of facial jewelry.

Hair. Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. Hair, including facial hair, must be clean and neatly groomed at all times. Sideburns may not extend below the ear lobe.

Enforcement. Department Heads, managers and supervisors are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling an employee whose appearance is inappropriate. Issues that cannot be resolved by the Department Head may be addressed with the Director of Human Resources.

The Police and Fire Department Heads may require additional dress and grooming standards beyond those stated in this policy in their Standard Operating Guidelines or Procedures, based upon business necessity. Department Heads may not impose less restrictive standards than those stated in this policy, unless approved by the City Manager or his designee.

The City also reserves the right to send home an employee whose attire is considered unacceptable for work. Under these circumstances, non-exempt employees will not be paid for

work time missed and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

2.13 ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE

The City of Denison provides computer networks, Internet access, email, telephones, pagers, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.”

These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work related communication and sharing of information resources within the City. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

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 affiliates who use the City’s electronic communications systems.

Internet and Email Access. A comprehensive document detailing all conditions and responsibilities of using the City’s electronic communications systems must be signed by all new employees, during the orientation process, acknowledging their compliance. In addition, users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet and/or email access account. Failure to adhere to this policy and related guidelines may result in suspending or revoking the employee’s privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use of Electronic Communications Systems. Acceptable uses of the City’s electronic communications systems are limited to those activities that support reference, research, internal/external communication and conducting City business in conjunction with the user’s job responsibilities. The City prohibits connections 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, racially offensive material, material that makes fun of others based on political or religious beliefs, gender, sexuality or cultural practices.

Employees shall understand that use of any City-provided, publicly-accessible computer network such as the Internet and email is a privilege. Minimal personal use of the Internet, email or other electronic communications systems is allowed under this policy as long as such use does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications system,

however any personal use of the City's electronic communication system may be subject to the Texas Open Records Act.

Unacceptable Use of Electronic Communications Systems. Users of the City's electronic communications systems are prohibited from the following:

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

Filtering. The City may use software to filter Internet content for all employees. These filters are designed to prevent the viewing or sending of any of the following types of content:

- Violence

- Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The Information Technology Department reviews this filtering on a periodic basis and may modify the list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager, or designee, may grant exceptions and exemptions to Internet filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his or her job duties.

Responsibility. The Director of Information Technology, in whose name a City provided Internet, email or other electronic communications systems account is issued, is responsible at all times for its proper use, regardless of the user's location.

Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communications of the City and held to the same level of professional standards.

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its communications systems, the City will monitor all use. Management staff has the ability and will, with or without advance notice, monitor and view usage to ensure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Such monitoring shall include, but not be limited to:

- Employee email
- Voice mail
- Information and material transmitted, received or stored using City systems
- User Internet access and usage patterns

Copyright Restriction. Prior written authorization from the Director or Information Technology is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software, either related or unrelated to their work, without the written permission of the Director of Information Technology. Any software or other material, including music, downloaded into a City computer may be used only as consistent with the licenses and copyrights of the vendor, author or owner of the material.

2.14 WIRELESS COMMUNICATIONS POLICY

It is the policy of the City of Denison to provide wireless communication devices in a manner most cost effective to the City of Denison to designated employees in order to improve productivity, enhance customer service to our citizens and customers, and to enhance public safety services.

Decisions regarding the use of City wireless communication devices, which are not explicitly stated herein shall be left to the discretion of the City Manager or his or her designee.

Privacy. The City of Denison maintains the right of access and the right to disclose any and all messages communicated through electronic means when City owned equipment is used. Regardless of the intent of the message (business or personal), an employee has no right to privacy, or to the expectation of privacy concerning the content of any message or the intended destination of any message on City owned equipment.

If an employee uses a personal phone for city related business, that phone may be subject to search and disclosure under the Open Records Act of the State of Texas. The City therefore discourages personal cell phone use for City related business.

Applicability. This Policy and Procedure applies to all City employees, departments, and organizations. Departments which use a pool system for cellular telephones, or which have cellular telephones assigned to vehicles or positions instead of to individuals, may develop departmental policies and procedures and/or regulations which provide greater direction to their employees, as long as that direction is consistent with this policy.

This policy includes City-owned cellular telephones, electronic paging devices, and other wireless personal communications devices, which are not directly connected to a telephone line. It does not apply to direct wired landline telephones.

Throughout this policy, the terms cellular phone, pager, wireless device or other expressions are used to describe the use of City-owned wireless devices. For the purposes of this policy, unless otherwise specifically identified, all terms are interchangeable with each other.

Eligibility for City-owned Wireless Device. The City of Denison finds it necessary and in furtherance of the effective and efficient administration of the public's business to require a City-owned cellular phone with voice and data functionality to all Department Head and above positions. In addition, the City may provide a cellular phone with voice, or with voice and data to those employees required to be available at all times and if necessary and critical to the operations of the department as determined by the Department Head.

Authorized Usage. Employees eligible to receive a city-owned phone must elect one of the following three options:

- (A) Option 1 - Employees who are eligible to receive a city-owned phone may elect to use the phone for personal calls provided that they share fifty (50%) percent of the monthly service charge associated with the cellular phone. This charge shall be deducted from their paycheck every pay period through automated payroll deductions.
- (B) Option 2 - Employees who are eligible to receive a city-owned phone may elect not to use the device for personal business. Except in situations of an emergency, there are no exceptions to this requirement. In cases of emergency, the employee may use the phone for limited use, provided that the City is reimbursed one hundred (100%) percent of the costs associated with the personal use. Abuse of this option may result in the employee being required to share in the cost of the phone as outlined in Option 1 above, or disciplinary action up to and including termination.
- (C) Option 3 – On a case-by-case basis and dependent upon the needs of the organization as determined solely by the City Manager, employees who are eligible to receive a city-owned phone may petition to use their personal phone for City business. Employees authorized to use this option will receive a monthly stipend not to exceed the dollar amount the City would pay for a cellular phone had the employee selected Option 1.

Responsibilities of Department Heads. Department Heads are responsible for:

- (A) Recommending requests for cellular telephones, electronic paging devices, and other wireless personal communications devices for their respective subordinates;
- (B) Insuring that requests are in conformance with the procedures outlined herein, or that exceptions are justified;
- (C) Insuring that all persons within their department assigned a City-owned wireless device are provided access to a copy of this policy, and that the individual is in compliance with it;
- (D) Conducting annual reviews of assigned devices to determine if such assignments continue to be justified; and

- (E) Informing appropriate employees responsible for City communications of all reassignments of cellular telephones, electronic paging devices, and other wireless personal communications devices.

Responsibilities of Employees. Employees who are assigned the use of City-owned wireless device are responsible for the following:

- (A) Insuring the physical security of such devices;
- (B) Insuring that all communications on such devices are kept to the briefest duration possible;
- (C) Insuring that any personal use does not detract from the employee's availability for completion of assigned duties; and
- (D) Depending on the employee's selected authorized usage option, reimbursing the city for any personal calls sent or received at the rate established by the City Manager or his or her designee.

Use of Motorized Vehicles and Wireless Devices. Employees who operate motor vehicles and use wireless devices shall exercise the utmost care and caution while using the device and operating a motor vehicle.

Employees shall adhere to the following policies while operating a motor vehicle and using a wireless device:

- (A) Employees shall refrain from text messaging while operating a motor vehicle;
- (B) Employees shall obey all traffic laws while operating a motor vehicle, including the use of cellular phones in school zones;
- (C) Employees shall exercise extreme caution while dialing the cellular phone while operating the motor vehicle, and shall seek opportunities to dial the cellular phone when the vehicle is stopped either by pulling over, or waiting for a stop sign or traffic signal to dial the cellular phone;
- (D) Employees are encouraged to use "hands free" and "voice dialing" when available.

Employees are responsible for and will be held accountable for safe driving at all times.

Monitoring of Wireless Communications. Supervisory reviews of wireless communications may be conducted for business reasons. Supervisors may review the communications of their employees to determine if there have been:

- (A) Breaches of security;
- (B) Violations of City policy; and/or
- (C) Misuse by an employee.

Disclosure of Information. The City will disclose the contents of retrievable wireless communications messages, upon receipt of a valid court order or legal request, including Public Information (open records) requests. The City may disclose the contents of retrievable wireless communication messages if the information will assist in official internal or criminal investigations.

2.15 CITY PROPERTY AND EQUIPMENT USE

General Rules for Property/Equipment Issuance and Use. The City shall provide employees with adequate tools, equipment, vehicles and facilities for the job being performed. The City also 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.

Depending upon the situation, the City may issue other equipment or property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment, and their agreement to pay for any lost or unreturned property through payroll deduction. The City may take such action as it deems appropriate or necessary to recover and/or protect its property, including payroll deduction to cover the cost of lost, stolen or unreturned items.

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

The City may, at any time, check the driving record of a City employee who may drive as part of his job duties to determine that he maintains the necessary qualifications as a City driver. All driving records must meet the criteria in the City of Denison Safety Program Manual for entry level and current full time employees. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose.

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

Tobacco Use Prohibited. The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City owned vehicles and/or equipment.

Alcohol Use Prohibited. No alcoholic beverages are allowed in City owned vehicles, with the exception of alcoholic beverages seized by the Police Department in the course of an arrest or investigation, and City management authorizing an employee to pick up and deliver alcohol for City functions.

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

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

- **AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.**
- **EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT HEAD, AND/OR CITY MANAGER. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT HEAD AND THE DIRECTOR OF HUMAN RESOURCES.**

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

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

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

Personal Property. All employees shall be solely responsible for their personal property at all times.

SECTION 3

EMPLOYMENT STATUS POLICIES

3.1 EQUAL EMPLOYMENT OPPORTUNITY

The City of Denison is firmly committed to providing employees with a work environment where all individuals are treated with respect and dignity. No officer or employee of the City shall discriminate in employment practices based on race, creed, color, religion, veteran status, national origin, sex, age, sexual orientation, or the existence of a physical or mental disability. This equal opportunity policy of the City applies to all areas of employment, including, but not limited to recruitment, hiring, job assignments, pay, training, promotions, privileges, and conditions of employment.

3.2 RECRUITMENT PROCESS

Vacancy Identification. All recruitment activity will be initiated by the appropriate Department Head and coordinated by the Director of Human Resources. Only those vacancies allocated in the annual budget and specifically authorized by the City Manager may be filled.

Announcement of Vacancies. Except for promotions from within, an employment vacancy will typically be advertised as widely as possible to assure the availability of an adequate range of qualified candidates for the position. Job openings may be advertised in local and regional newspapers, on the City website, trade journals and magazines, and professional journals/websites when and where appropriate. Where there are highly skilled and trained internal candidates for any vacant position, the City Manager may approve an internal only posting process.

Applications. Anyone seeking employment, promotion, transfer, or reinstatement with the City must complete and submit an application for the position desired. City applications officially received in the normal prescribed manner will be considered. All information set forth on an application is subject to verification. Applications will be considered until the positions are filled; or deadlines will be identified during the application process at the discretion of the Human Resource Director. At the time the position is filled, the applications will be retained for retention purposes only. Police and Fire Entry Level Examination applications will be kept on file for retention purposes as well.

Disqualification. Applicants will be disqualified from consideration for reasons including, but not limited to the following:

- (A) Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- (B) False statements or material omissions on the application or during the application process;
- (C) Committing or attempting to commit a fraudulent act at any stage of the selection process;
- (D) Not legally permitted to work in the United States;
- (E) Is unable to perform the essential functions of the job applied for with or without a reasonable accommodation.

Acceptance of Applications. Applications for employment will be accepted only when an employment vacancy exists, or during the initial application procedures for the entry level Police and Fire Civil Service Examinations.

3.3 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently, if their classification changes for any reason. The City Manager will receive written notification of any change in an employee's status as exempt or nonexempt.

Nonexempt Employees. Nonexempt employees are subject to the overtime provisions of the Fair Labor Standards Act. Nonexempt employees are entitled to overtime pay for all hours actually worked in excess of 40 in a 7- day work week, under the specific provisions of federal and state laws. Fire Department and Police Department personnel who are covered under FLSA 207(K) exemption will be paid overtime in accordance with their designated work period.

Exempt Employees. Exempt employees are those who are not covered by applicable wage and hour laws found in the Fair Labor Standards Act. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a work week. Exempt employees are expected to put in the number of hours necessary to complete their assignments in a timely and quality basis.

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

Full-Time Employees. Full-time employees are employees who are not in a temporary or part-time status, and who are regularly scheduled to work 40 hours or more per week in a classified or unclassified position and receive City benefits as approved by the City Council, and in accordance with the City of Denison Employee Handbook subject to the terms, conditions, limitations, and waiting periods of each benefit program. Full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

Part-Time Employees. Part-time employees are employees who are not assigned to a temporary status, and who are regularly scheduled to work less than 35 hours per week. Part-time employees are not entitled to benefits and do not accrue vacation or sick leave. If part-time employees are normally scheduled to work a holiday, they will receive holiday pay. Part-time employees who work at least 1000 hours in a year are required to participate in TMRS.

Temporary/Seasonal Employees. Temporary employees are employees whose employment is scheduled to last less than six months; who hold seasonal positions, even though the employment may last more than six months; hold a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force; or are in a position scheduled to work 40 hours per week but on a temporary basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing by the City Manager or his or her designee. While temporary employees who work directly for the City (as opposed to a temporary staffing agency) receive all legally mandated benefits (such as workers' compensation insurance coverage and Social Security), they are generally ineligible for the City's other benefit programs. In addition, temporary employees have no right to appeal disciplinary action. Temporary employees who are placed with the City, but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

Volunteers. Volunteers are not employed by the City in any capacity. Volunteers choose to donate their time and services for the benefit of the community without any expectation of compensation or benefits.

Use of Leave for New Hires An employee is eligible to use sick leave for qualifying illnesses or injuries, with the approval of his Department Head.

Paid vacation leave will not be authorized during the first 6 months of employment except for an absence due to illness or injury where all sick leave has been exhausted and only if approved by the employee's Department Head and the Director of Human Resources. All requests for unpaid leave during this period must first be approved by the Department Head, and should only be used for unplanned emergencies. If the employee leaves the City of Denison's employment for any reason during the first 6 months of employment, he or she will not be entitled to payment for accrued, unused vacation leave.

Employees will be allowed time off for holidays, as scheduling permits and as approved by their Department Head.

3.4 PROMOTION

It is the policy of the City of Denison to provide promotional opportunities whenever possible to qualified City employees. Positions available shall be filled with City employees currently on the payroll when possible. Promotions shall be made upon the recommendation of the Department Heads with the approval of the City Manager.

This policy shall not prohibit the City Manager or other management personnel from filling positions with persons not employed by the City. The City's objective is to attract, hire, develop and retain the most qualified personnel available. Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

Change in Pay. An employee promoted will receive an increase in salary at the time of promotion as per the procedures set forth in the City's Compensation and Classification Plan.

3.5 TRANSFER

An employee may apply for job openings within the City at any time after he or she meets the established minimum qualifications for the open position. Requests for transfers must be submitted to the Human Resources Department during the period in which applications are being considered for the open position. The request must be accompanied by an updated application form confirming qualifications for the position.

Transfers may be requested to other positions in the same classification level (lateral transfers) or to positions in a lower classification level. A lateral transfer will not affect the employee's salary. A transfer to a lower classification shall require an adjustment in salary if the employee's current salary is outside the salary range for the position being considered. If the employee's transfer affects his or her full-time or part-time status, both his or her salary and benefits shall be adjusted.

3.6 SEPARATION

The City of Denison designates all employee separations as one of the following types:

Resignation. An employee who intends to resign is requested to notify in writing his or her supervisor and/or the Director of Human Resources at least two weeks prior to the last day of work. Employees who fail to give a two week notice are typically not eligible for rehire. The

employee's Department Head is responsible for immediately notifying the Director of Human Resources when he or she is notified of a resignation.

Retirement. An employee who intends to retire is requested to notify in writing his or her Department Head, supervisor and the Director of Human Resources 30 days prior to the date of retirement to ensure that all required paperwork is timely prepared and submitted.

Reductions in Force/Reorganization. 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.

Termination. The City may terminate any employee for any reason and at any time, with or without cause. Any separation of employment that does not fall under one of the other defined categories in this policy will be considered a termination.

Reference Policy for Separated Individuals. In the absence of a signed release by the former employee, the City's policy is to provide neutral references for former employees, regardless of the reason for their departure. Neutral references consist of verification of hiring and termination dates, position held and salary. All inquiries concerning former employees shall be referred to the Human Resources Department.

Death. If a City of Denison employee dies, his or her designated beneficiary or estate will be paid all earned pay and payable benefits.

3.7 REAPPOINTMENT AND BRIDGING OF SERVICE

An employee in good standing who voluntarily resigns from employment with the City may be rehired at a later date. The rehired employee will have benefits exactly the same as those offered a new employee until such time as the employee is eligible for the bridging of former service.

Prior service from the employee's first employment period will be bridged after he or she has been back at work for a period of 12 consecutive months, provided that the employee receives a satisfactory performance review for the preceding 12 month period. At that time the total length of service from both periods of employment will be used to calculate longevity pay and vacation accrual rates. A break in service permanently cancels all sick leave accrued. In the event of rehire, sick leave shall be computed only from the rehire date.

3.8 REDUCTION IN FORCE

In circumstances where it becomes necessary to reduce the number of employees, such as budget constraints, elimination of certain responsibilities or for any other reason, every effort will be made to determine the positions to be eliminated in the most fair and equitable method

possible. Consideration will be given to a number of job related variables, including specific duties performed, anticipated staffing levels, job performance and attendance, and longevity. If a reduction in force is necessary, the Director of Human Resources will notify the affected employees if any severance will be provided and, if so, the amount of severance pay and benefits.

If an employee loses his position through no fault of his or her own, he or she may be eligible for consideration for another unfilled position for which he or she is qualified or he or she may be eligible for rehire at another date.

The City of Denison is an at-will employer which means the City maintains the right to terminate employment at any time, with or without notice, and with or without cause.

3.9 EXIT INTERVIEWS

The City of Denison provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide an explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation and solicit constructive feedback to improve the City's operations. Exit interviews are conducted confidentially by the Human Resources Department. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate.

The Department Head (or designee) is responsible for promptly notifying the Director of Human Resources of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

3.10 PROBATION

Disciplinary Probation. Employees may be placed on disciplinary probation for up to 180 days. In addition, employees who receive a below standards annual performance evaluation will be automatically placed on disciplinary probation for 90 days. Employees on disciplinary probation are ineligible for a pay increase and have no right of appeal.

Failure of Probation. An employee will fail probation if, in the judgment of the Department Head, the employee's performance is unacceptable. Failure of probation can occur at any time within the probationary period. Department Heads are responsible for ensuring adequate documentation of all cases of failure of probation as well as counseling, training and other efforts to help employees improve their performance during their probationary period.

Use of Leave During Probation. During a probationary period, an employee is eligible to use sick leave for qualifying illnesses or injuries, or bereavement leave. All such leave requests must be approved by his or her Department Director.

Paid vacation leave will not be authorized during the probationary period except for an absence due to illness or injury where all sick leave has been exhausted and only if approved by the employee's Department Director and the Director of Human Resources. All requests for unpaid leave during this period must first be approved by the Department Director, and should only be used for unplanned emergencies. If the employee leaves the City of Denison's employment for any reason during the probationary period, he or she will not be entitled to payment for accrued, unused vacation leave.

Probationary employees will be allowed time off for holidays, as scheduling permits and as approved by their Department Director.

SECTION 4

BENEFITS

4.1 SUMMARY OF BENEFITS

In general, full-time classified and unclassified employees as approved by the City Council are eligible for City benefits. Part-time, temporary, and seasonal are not eligible for City benefits. Part-time employees who would regularly work more than 1,000 hours in a year are required to participate in the Texas Municipal Retirement System (TMRS) benefits. Contact your supervisor, Department Head or the Director of Human Resources to obtain information regarding the benefits for which you may be eligible.

Benefit programs available to eligible employees include, but are not limited to the following:

- Paid Holidays
- Workers' Compensation
- Texas Municipal Retirement System
- Group Life, Long Term Disability, and Accident Insurance
- Group Medical Insurance
- Voluntary Dental Insurance
- Voluntary Vision Insurance
- Flexible Spending Plan
- Bereavement Leave
- Deferred Compensation
- Vacation/Sick Accruals

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

4.2 HOLIDAYS

It is the policy of the City of Denison to permit full-time employees to enjoy a day off without loss of pay on holidays. However, any or all employees may be required to work on a holiday.

Scheduling of Holidays. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Definition of Holiday Time. A holiday is a period of eight (8) hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is twelve (12) hours.

Official Holidays. The City observes the holidays listed below, plus one personal holiday. When a holiday falls on a Saturday or Sunday, the holiday will be observed on the day designated by the federal government (i.e., the Friday before or the Monday following.) The Annual Holiday Schedule shall be posted no later than the end of September for the following calendar year. Holiday leave does not carryover from year to year.

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving Day*	
Christmas Eve	December 24
Christmas Day	December 25
Personal Day	Floating – Credited on December 1 of each year

* Civil Service Firefighters may take September 11th as a holiday in lieu of the day after Thanksgiving.

Employees Scheduled to Work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay within thirty (30) days of the scheduled holiday or, at the employee's election receive pay for the holiday at his or her regular rate of pay, plus hours worked at his or her regular rate of pay.

Non-Exempt Employees Called in to Work on a Holiday. Non-exempt employees who are called in on an emergency basis to work a holiday for which they were not scheduled will be paid for the holiday at their regular rate of pay, plus payment for the number of hours worked. The holiday pay will be counted toward hours worked for the purpose of calculating overtime.

Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue one day of holiday leave to be taken within thirty (30) days of the scheduled holiday or, at the employee's election, receive pay for the holiday at his or her regular rate of pay.

Temporary and Seasonal Employees. Temporary and seasonal employees are not eligible for holiday pay. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on the holiday.

Ineligibility for Holiday Pay. Holiday pay will not be authorized in addition to any other paid leave an employee may receive for the same day. Employees on leave without pay are not eligible for holiday pay. Non-exempt employees who are absent without authorized leave on

the day immediately preceding or following a scheduled holiday will not be paid for the holiday. An employee who is on sick leave both the day before and the day after a holiday will be considered on sick leave and will not be paid for the holiday.

Holiday Occurring During Vacation Leave. A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

Holiday Occurring During Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay, unless otherwise allowed for in State statutes.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Head.

Separating employees will be paid for unused accrued holidays on the employee's final paycheck.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, paid personal leave, accrued holiday leave or time off without pay.

Civil Service Fire and Police Holiday Accrual. Civil Service Fire and Police personnel accrue holidays as per the City of Denison's local civil service rules as may be amended from time to time.

4.3 WORKER'S COMPENSATION

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

Report of Accidents and Injuries. All employees must comply with any initial reporting requirements established by the City. Supervisors, in turn, must complete the DWC-1 form and have it delivered to the Human Resources Coordinator within 24 hours of the time and date of the incident. Thereafter, an employee on worker's compensation leave must report to the City on a weekly basis, or as otherwise directed by their Department Head. An employee must immediately notify the City when released to return to work.

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

Salary Continuation Benefits. Temporary, part-time, and seasonal employees are ineligible for salary continuation benefits and will only receive the benefits afforded to them under the Texas workers compensation system. When a full-time employee incurs an on-the-job injury or illness that is covered by the City's workers' compensation carrier and requires the employee to take workers' compensation leave, the employee is eligible for salary continuation benefits until sick and/or vacation in lieu of sick leave is exhausted. Employees receiving temporary income benefit payments may use a combination of sick and/or vacation in lieu of sick leave to receive a full pay check. While using accrued leave to receive a full pay check, accrual balances will be adjusted accordingly. To receive salary continuation benefits, the injured employee is required to exchange his/her workers' compensation temporary income benefit payments for the employee's regular pay checks. Fire and Police Texas Local Government Code 143 provides guidelines for salary continuation for Civil Service employees.

Under no circumstances will an employee on workers' compensation leave receive paid benefits (e.g., workers' compensation, salary benefits, salary continuation benefits, disability insurance benefits, or paid leave time) in excess of the amount the employee would normally receive in base salary/wages (excluding overtime, shift differential, or any other type of extra compensation) if the employee was not injured and able to return to work.

Modified Duty. Every effort will be made to return injured employees to the workplace as soon as they are medically released. The Human Resources Department will coordinate the employee's return to work with that employee's Department Head. Modified duty will be offered if a work assignment exists within the City which meets the abilities documented by the employee's attending physician or the city physician; and a modified duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held before the injury or illness. A modified duty work assignment may last until the time that the attending physician or city physician has set as the expected date of return to the employee's previous work assignment, but not to exceed 90 days unless the City Manager gives written approval for a longer period. As a condition of continuing in a modified duty work assignment, an employee must adhere to prescribed treatment and make reasonable efforts toward rehabilitation; accept progressively more demanding assignments as the employee's condition improves; and make visible progress in returning to full performance capability.

An employee's modified duty work assignment will be terminated immediately if:

- (A) the employee is found performing beyond the modified duty restrictions;
- (B) the work assignment is completed;
- (C) the employee performs unsatisfactorily in the position;

(D) budgetary constraints do not allow continuation of the position; or

(E) does not follow the prescribed treatment and/or follow up doctor appointments as required

An employee who does not agree or accept a bona fide offer of employment, including a modified duty work assignment that has been approved by his/her physician may be subject to disciplinary action (e.g., termination) and/or a reduction in income benefits, as allowed by the Texas Workers' Compensation Act. Medical certification will be required to support any leave that may meet the criteria under the Family Medical Leave Act (FMLA).

Use of Accrued Leave to Supplement Compensation Benefits. Employees who do not qualify for salary continuation benefits or who do not wish to be bound by the restrictions imposed for salary continuation benefits, may use any available paid leave time to supplement their worker's compensation salary benefits.

Temporary or Permanent Replacement While an employee is unable to work due to an on the job or off the job injury, a temporary employee may be hired or promoted to replace the injured employee if it is deemed necessary by the Department Head, subject to approval of the City Manager.

Regular duty is described as duty where the employee can perform all the essential functions of the position with no restrictions. After 90 calendar days from the original injury or date of leave the employee is still unable to return to regular duty, the employee may be placed on inactive status and a permanent replacement for the position may be made. If the injured employee reaches maximum medical improvement after 90 calendar days but before one calendar year, the City would consider the employee for employment in a capacity that the employee was qualified, should a position be available. After one calendar year from the original injury or date of leave, if the employee is unable to return to work, the employee will be terminated due to business necessity. FMLA leave will run concurrently as mandated by the federal Act. Any leave without pay must be approved by the City Manager.

TMRS. Employee contributions to TMRS made on the basis of temporary income benefits received through workers' compensation may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Department and completing the necessary paperwork.

4.4 GROUP INSURANCE BENEFITS

Group Life/Voluntary Optional Life Insurance. The City presently provides group life and voluntary optional life insurance coverage for all full-time employees. The City provides a

Group Life amount at no cost to the employee. Voluntary Optional Life coverage is provided and can be purchased at the employee's expense. Part-time, temporary, and seasonal employees are not eligible for participation. Employee dependents may also be eligible for participation under the City's Voluntary Optional Life insurance plan. Voluntary Optional Life and Dependent Life insurance must be paid for by the employee through payroll deduction.

Group Health, Voluntary Dental and Vision Insurance. Full-time employees are presently provided group health insurance at no cost to the employee. Voluntary Dental and vision insurance are offered at the employee's expense. Part-time, temporary, and seasonal employees are not eligible for participation. Coverage begins the 1st of month following the date of hire. Employees may elect to cover their current spouse and/or dependent children under the City's group health, dental, and vision plans, provided the premiums are paid for by the employee through payroll deduction.

Supplemental Insurance. Eligible employees may elect to purchase life, accident, and cancer insurance for themselves or their dependents from a company, which has made arrangements with the City, through payroll deduction. Additional information may be obtained in the Human Resources Department.

Additional Information. This is only a general description of available group insurance coverage. For additional information regarding the City's group insurance policies, you may review the appropriate Summary Plan Description and/or contact the Human Resources Department.

4.5 DEFERRED COMPENSATION PLAN

The optional deferred compensation plan (457) offered by the City affords full-time employees the opportunity to invest money for retirement and temporarily defer the payment of federal income taxes on a portion of his or her pay. The employee has a choice of investment options. This plan is offered in addition to the mandatory TMRS retirement program.

New employees may immediately begin authorizing deductions from semi-monthly pay to the deferred compensation plan. Funds are vested immediately. An employee may change his or her contribution level or cease contributions by contacting the Human Resources Department.

The annual maximum contribution to the deferred compensation plan is established by the Internal Revenue Service. Several provisions exist for making up contributions prior to retirement for years in which the employee did not contribute up to the maximum amount allowed.

Please contact the Human Resources Department for more information.

4.6 FLEXIBLE SPENDING PLAN

The flexible spending plan is authorized under Section 125 of the Internal Revenue Code and has been approved as an employee benefit by Council. Benefited employees may elect an annual amount, which will be deducted pro-rata on a pre-tax basis each payroll period, to pay for eligible health and child care expenses. Generally, qualifying health care expenses are those not reimbursable from any other source, which may include medical or dental insurance deductibles, co-payments and out-of-pocket costs.

Participation in the flexible spending plan is voluntary. Enrollment in the plan is allowed during the annual open enrollment period to become effective the following January 1. Unless the employee experiences a “qualifying event,” participation in the plan will continue until December 31.

In compliance with the IRS regulations on flexible spending plans, eligible expenses must be incurred between January 1 and December 31 of the enrollment year. Employees are allowed a three month grace period, until March 31, to submit the receipts and request reimbursement. Any balance remaining in the account at that time must be forfeited in accordance with federal regulations.

Please contact the Human Resources Department for additional information.

4.7 TUITION REIMBURSEMENT

The City of Denison strongly believes that a well education workforce results in higher performance, better service and efficiency and increases professionalism throughout the organization. As such, the City offers a progressive tuition reimbursement program to encourage employees to pursue higher education and job specific certifications.

This program is subject to availability of funds, approval of the employee’s Department Head and the business and operational needs of the City of Denison.

Eligibility. Full-time employees are eligible for tuition reimbursement for classes at any accredited college or university for which the employee earns a grade of “C” or better for undergraduate coursework or a grade of “B” or better for graduate coursework. Coursework must be part of a program that culminates in a degree or certificate being awarded. A degree plan must be submitted with the application for tuition reimbursement. Only coursework on the degree plan is eligible for reimbursement. The Director of each department and City Manager must approve all tuition reimbursement plans as being beneficial to the City and applicable to the employee’s current position. An application for tuition reimbursement must be submitted and approved BEFORE an employee enrolls in a program of study.

Textbook Reimbursement. Full-time employees enrolled in an approved tuition reimbursement plan shall receive a \$100 textbook reimbursement at the end of each semester upon submittal of satisfactory proof of completion for all coursework enrolled for the semester. If the employee fails to request the textbook reimbursement within sixty (60) days of conclusion of coursework for the semester, the employee forfeits the textbook portion of the tuition reimbursement benefit.

Coursework Reimbursement. Upon submittal of satisfactory proof of completion for all coursework enrolled for the semester, full-time employees are eligible for tuition reimbursement as follows:

<u>Grade Received</u>	<u>Percentage Reimbursed</u>
A	100%
B	75%
C	50%
Pass/Fail	50%

If the employee fails to submit a tuition reimbursement form within sixty (60) days of conclusion of coursework for the semester, the employee forfeits the tuition reimbursement benefit for that semester.

Maximum Benefit. Full-time employees may request reimbursement for up to twelve (12) semester hours per calendar year. Section 127 of the Internal Revenue Code of the IRS allows \$5,250 per year of tuition reimbursement before a tuition reimbursement is considered taxable income. The City of Denison has chosen to cap the annual amount an employee may receive in tuition reimbursement under this plan at this dollar amount. The City will only reimburse actual tuition and fee expenses. At no time shall the City be required to reimburse more than what the student actually paid for tuition and fees.

Service Requirement. As part of the tuition reimbursement application, employees agree to remain with the City for two years for every one year of tuition reimbursement. If this agreement is not satisfied, the City will deduct the actual dollar amount of any tuition reimbursement provided during the preceding twenty-four (24) month period before the date of termination or resignation from the employee's accrued, but unused leave balances normally payable upon separation.

Approval Required. Approval from the Department Director and City Manager is required prior to enrollment in a class for which tuition reimbursement will be requested. College hours received from colleges and universities will be recognized only if the institution is accredited by a national accrediting organization in the United States. It is the employee's responsibility to furnish documentation of the accreditation prior to enrolling in any course of study program.

Specialized accreditations, those that accredit only specific kinds of schools, such as home study institutions or trade and technical schools, will not be recognized unless written approval was given prior to the implementation of this policy.

Tuition reimbursement requests must be forwarded to the Human Resources Department with documentation of the completed course, the final grade and tuition costs. Tuition reimbursement is paid through payroll.

Part-time, temporary, and seasonal employees are not eligible for tuition reimbursement. Classes taken during any portion of the probationary period will not qualify for this benefit.

Tuition and reimbursement is not available for expenses already covered by other types of assistance or benefits, such as scholarships, tuition waivers, grants, or other programs. Please contact the Human Resources Department for clarification of eligibility.

4.8 RETIREMENT

The City of Denison is a member of the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. Participation in the program is a condition of employment for all benefited employees, except Civil Service Fire Department employees. Civil Service Fire Department employees are covered by the Fireman's Relief and Retirement Act.

The City's current TMRS plan requires a contribution of 7% of the salary of each employee member to be deducted from each paycheck. Upon retirement, the City matches employee contributions and interest earned at a rate of two to one, the maximum allowable under the plan. TMRS sends the employee member an annual statement of service credit and the account balance of employee contributions.

Changes to the employee's contribution rate, the City's contribution rate or other optional benefits may be authorized by the City Council, as long as such changes are within the guidelines established by TMRS. For more information concerning the City's current plan, please contact the Human Resources Department or TMRS.

Employees cannot withdraw member contributions and earned interest unless they terminate employment with the City.

Eligibility for Retirement. Employees are eligible to retire under TMRS when they have five years of service credit and are at least 60 years of age, or they may retire at any age with twenty years of service credit.

Retirement Benefit Options. TMRS has several annuity options from which a retiring employee can choose, each of which are explained in detail in the TMRS handbook available at the Human Resources Department. Information is also available on the TMRS website at www.tmr.org.

Survivor Benefits. Should an employee die, his beneficiary or estate will receive at least all of the member contributions and interest in the employee's TMRS account. Under certain conditions, if the employee were to die before retirement his beneficiary or estate could choose either a monthly retirement benefit or a lump sum refund of member contributions and interest. Upon the employee's death after retirement, depending on the annuity plan chosen at retirement, a beneficiary can receive a monthly benefit for life or a payment for the balance of a guaranteed term.

Supplemental Death Benefits. If an active employee dies, TMRS will pay a beneficiary or estate a separate benefit approximately equal to his annual salary. For retirees, the benefit is a lump sum amount of \$7,500.

Occupational Disability Retirement. If an employee becomes disabled and cannot perform his job, he may be eligible to retire immediately. The monthly benefit will be based on employee contributions to TMRS, accumulated interest and the City's matching funds.

Employees may obtain more information about retirement benefits from the TMRS Handbook available at the Human Resources Department or by visiting the TMRS website at www.tmr.org.

Sick Leave Accrual. Upon retirement, an employee is eligible to receive up to 720 hours of unused and accrued sick leave in addition to any other accrued paid leave they are normally eligible to receive upon separation of employment.

4.9 SOCIAL SECURITY

All employees of the City, except Civil Service Fire Department employees are covered under the Federal Insurance Contributions Act (FICA) in accordance with Federal law.

4.10 CONSUMER CENTERED HEALTH PLANS

The City of Denison currently participates with the Texas Municipal League Intergovernmental Employee Benefits Pool for our Group Health Benefits. We currently have eight (8) different Consumer Centered Pool Plans that an employee may choose from. The City of Denison offers one of these plans at no expense to the employee. The employee may elect to "buy up" to a plan that offers better deductibles and out of pocket amounts. The employee must pay for any dependent coverage's if applicable. These plans include one Health Reimbursement Account

and two different Health Savings Accounts. Please refer to the Human Resources any questions you may have regarding these health benefit plan options.

4.11 EMPLOYEE ASSISTANCE PROGRAMS

The City of Denison has adopted an Employee Assistance Program (EAP) for all employees and their dependents. The EAP benefit covers up to 6 confidential short-term counseling visits and is at no cost to employees and their families. The City of Denison's EAP service provider partners offer unique experience and training in dealing with the full range of emotional, behavioral, and interpersonal difficulties that many individuals are facing today. Among the different types of problems covered under the program are stress, depression, anxiety, workplace difficulties, substance abuse, marital problems, family and parenting conflicts, child and adolescent issues, violence, and unhealthy lifestyles. The EAP can also provide assistance with, and referrals for, community resources, financial and legal issues, and child and elder care resources. For more information please contact Human Resources.

4.12 EMPLOYEE RECOGNITION PROGRAM

The City of Denison has adopted a recognition program in order to create a culture of service that recognizes employee actions that contribute to our Core Values of Service, Teamwork, Accountability, Commitment and Integrity.

The tiers of recognition include Meritorious Service Award, City Manager's Award for Excellence in Public Service, and Director's Outstanding Achievement Award. The benefits of the awards, depending on the level, can include days off with pay, gift cards, and certificates or proclamations. Please speak with your supervisor, Department Head, or the Department of Human Resources for more information on this program.

SECTION 5

COMPENSATION

5.1 EMPLOYEE COMPENSATION PLAN

Subject to approval by the City Council, the City Manager will prepare and administer a written compensation plan for all City employees. In preparing the compensation plan, consideration will be given to prevailing rates of pay among public and private employers; the duties, responsibilities and qualifications required for the position; and other relevant factors.

5.2 METHOD OF PAYMENT

Regular Payroll. Payroll is prepared semi-monthly and distributed via direct deposit. The pay day is the 1st and 16th of each month. If the pay day falls on a Saturday, employees will be paid the previous Friday. If the pay day falls on Sunday, the employees will be paid the following Monday.

Employees are responsible for ensuring that the Human Resources Department has the most current information for direct deposit. Those employees who choose not to have a checking or savings account for direct deposit will receive a cash card.

First Paycheck. The employee will receive his or her first paycheck, full or partial, on the first regular payday which covers any time period in which the employee worked.

Final Paycheck. An employee who is separating employment with the City, will receive a final paycheck to include payment for all unused accrued vacation, unused accrued holidays, and earned longevity pay. An employee who meets the definition of retirement will receive up to 720 hours of unused accrued sick leave. Police and Fire Civil service employees will receive unused accrued sick leave up to 720 hours if separating, for whatever reason, under the provisions of the Local Government Code 143 statute. The value of lost or damaged City property and all other lawful offsets will be deducted from the employee's final paycheck pursuant to the employee's written authorization.

The "last day worked" will be the last business day the employee actually worked and will not be a holiday, vacation, sick day or any other paid non-working day. If an employee resigns immediately following an extended illness or maternity leave, the "last day worked" will be the day the employee's physician determines the employee was able to return to work.

Wages in Lieu of Notice. At the City's discretion, employees who are terminated or laid off may be paid wages in lieu of notice instead of providing a two week resignation notice. If an employee voluntarily resigns his or her position and provides a two-week severance notice, his Department Head may choose to offer wages in lieu of the severance notice. The Director of Human Resources and the City Manager must approve all requests for wages in lieu of notice. When the reason for termination is a violation of City rules, regulations or policies, or the conviction of a criminal offense, no wages in lieu of notice will be authorized. In addition, no vacation or sick leave accruals will be paid out for these types of violations, unless authorized under a separate statute.

5.3 OVERTIME AND TIME MANAGEMENT

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

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

All non-exempt employees must receive their supervisor's prior 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. Public safety personnel are also expected to follow this procedure. However, when unanticipated work-related emergencies preclude prior authorization, public safety personnel must follow their departmental guidelines and procedures for those situations.

The appropriate supervisor must approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization may be subject to disciplinary action, up to and including possible termination of employment.

Overtime pay for non-exempt employees is at the rate of one and one-half times the employee's regular hourly rate of pay for hours actually worked in excess of the employee's regular work week. (The City's work week begins at 12:00:01 a.m. on Monday and ends at

12:00 midnight the following Sunday.) Fire and Police Department civil service personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

For the purpose of this section, the hours of authorized paid holiday/vacation leave, time spent in training, and annual military training leave up to 15 days shall be considered work time in computing hours of overtime. Any use of sick leave, workers compensation/disability leave, or administrative leave will not be considered as work time in computing the hours of overtime. Overtime earned during one pay period shall be paid no later than the same pay period unless the correct amount of overtime cannot be determined. If this occurs, payment of overtime will not be delayed beyond the next pay period. This policy applies to all departments. The City uses an "actual hours worked" principle in determining eligibility for overtime pay. In accordance with Section 2.8 of this Handbook, time spent in training will count as hours worked.

Adjusting the Work Schedule. In situations where overtime work is not feasible due to budgetary constraints, the Department Head or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.

Exempt Employees. Exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek.

Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. They must record all hours worked for each pay period.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources.

In the absence of eligible accrued paid leave time, an exempt employee may not be paid for any workweek in which he or she performs no work.

5.4 ON-CALL STATUS AND CALL BACK COMPENSATION

The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs in a reasonable period of time, as required by procedures established by their department.

Return to Work Provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back within designated guidelines set by

their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by his or her supervisor in accordance with procedures established by the employee's department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked until overtime requirements are met.

Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call back and is paid at the employee's regular rate of pay until overtime requirements are met.

On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their timesheets.

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

Departmental Policies. Some departments have their own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call back situations depending upon the nature and importance of the services to be completed, as long as such guidelines are not in conflict with the policies stated above, and receive the written approval of the City Manager.

5.5 LONGEVITY PAY

All regular full-time employees of the City shall receive longevity pay in addition to their regular base pay in accordance with the following schedule:

- (A) \$5 per month for each year of service, up to a maximum of one thousand five hundred (1,500) dollars per year for twenty-five (25) years of full-time City service.
- (B) Longevity Pay may be included with the employee's regular rate of pay or provided on the December 16th pay check of each year in a lump sum.

Employees must choose one longevity payment option on or before December 16 of each calendar year, for the upcoming calendar year. Employees are not allowed to change their longevity payment option at any other time during the course of the year.

Continuity of Service Exceptions. Continuity of service in the City's employ shall not be interrupted for the purposes of calculating longevity for the following exceptions only:

- (A) Absence due to compulsory military service or due to voluntary military service in the armed forces of the United States of America. All such time spent in the armed forces of the United States of America shall apply toward accrued service for longevity pay.
- (B) Absence granted in accordance with applicable personnel policies and procedures (i.e. workman's compensation injury).

5.6 VEHICLE ALLOWANCE AND TAKE HOME VEHICLES

An employee may be given a monthly allowance for consistently using his or her own vehicle for City business, if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

Proof of Insurance. An employee who is authorized to receive a car allowance shall, within thirty days of such authorization, provide to the Human Resources Department proof of liability insurance coverage as required by Texas law. Failure to provide evidence of insurance coverage shall result in suspension of the employee's car allowance.

Take Home Vehicles. A City vehicle may be assigned to a position or employee when business convenience or necessity warrants. To be eligible for assignment of a take home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. Such assignment shall not be deemed employee compensation.

No personal use of a take home vehicle is permitted except to commute to and from home or work, without prior written approval of the City Manager. No passengers may be transported in take-home vehicles except as required by official duties or as authorized by the City Manager. No alcoholic beverages are allowed in City vehicles.

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

Vehicle Maintenance. Employees authorized for car allowances or take home vehicles must maintain the vehicle in good condition and appearance. The City Manager has the authority to suspend the car allowance or use of a take home vehicle of any employee who fails to properly maintain his vehicle.

5.7 PAYROLL DEDUCTIONS

Payroll deductions are authorized for the following reasons:

- Income withholding taxes;
- Federal payroll tax deductions;
- Contributions to the Texas Municipal Retirement System;
- Contributions to a deferred compensation plan;
- Authorized medical insurance premiums;
- Authorized supplemental insurance premiums;
- Social Security contributions;
- United Way contributions;
- Association dues;
- Child support judgments and other court ordered payroll deductions; and
- IRS judgments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without approval of the City Manager, except as otherwise provided by law.

5.8 COMPENSATORY TIME IN LIEU OF OVERTIME PAY

At the City's option, a nonexempt employee may be given compensatory time off in lieu of monetary overtime pay. Compensatory time off is accrued at the rate of one and one-half (1 ½) hours comp time for each hour of overtime worked. Averaging of hours worked over workweeks is prohibited under the Fair Labor Standards Act (FLSA). Compensatory time off will be taken by an employee during the pay period in which it was earned. The use of compensatory time off is subject to the approval of the employee's Department Head. The Department Head may require the use of compensatory time in lieu of overtime pay to reduce potential payment obligations by the City at his or her discretion. Employees may not accrue compensatory time beyond the pay period in which it was earned. If compensatory time cannot be used within the pay period it was earned then it must be paid at the overtime rate.

5.9 INTENT TO COMPLY WITH THE FAIR LABOR STANDARDS ACT

It is City policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all company managers from making improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the company does not allow deductions that violate the FLSA.

If you believe an improper deduction has been made to your base salary, you should immediately report this information to the Human Resources Director.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

SECTION 6

ATTENDANCE AND WORK HOURS

6.1 REGULAR WORK HOURS

The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. In times of disaster or emergency, working hours shall be determined by the City Manager.

40 Hour Employees. Non-exempt employees of the City normally work 40 hours in a seven-day work week, Monday - Sunday. Exempt employees may be required to work in excess of 40 hours in certain weeks.

Police Officers. For a full-time, non-exempt Civil Service Police Officers the work period is pursuant to the Fair Labor Standards Act 207k exemption. The work period consists of 80 hours paid in a fourteen (14) day rotating work cycle. Overtime will be paid for any hours in excess of 80 hours in this designated fourteen (14) day work cycle. Exempt or Non Exempt Civil Service Police Department personnel may be required to work in excess of these hours as required by their Supervisor.

Firefighter/Paramedics. For a full-time, non-exempt firefighter/paramedic, the work period is pursuant to the Fair Labor Standards Act 207k exemption. The work period consists of 204 hours paid in a twenty-seven (27) day rotating work cycle. Overtime will be paid for any hours in excess of 204 in this designated twenty-seven (27) day work cycle. Fire personnel attending approved certification training which may result in fewer than 204 hours of regular shift work may be eligible for their regular 204 hours of pay, which includes 12 hours of pay at their overtime rate if applicable. Approved classes include: basic structural firefighting certification and National Fire Academy classes. Additional classes may be recommended by the Fire Department Head and approved by the City Manager.

6.2 ADJUSTMENT TO WORK HOURS

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

6.3 MEAL PERIODS

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

6.4 BREAKS

Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two fifteen minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day.

6.5 ATTENDANCE RECORDS

Employees are expected to be at their workstations and ready to work at their scheduled start time. All employees, both exempt and non-exempt, are required to record the number of hours worked each day. Certain non-exempt employees are also required to record the time they arrived to work, the time they left at the end of their work day, plus the time they left for and returned from lunch and the time(s) they left for and returned from any unpaid break during the work day.

6.6 ATTENDANCE AND PUNCTUALITY

As an essential function of each job, the City requires employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and make for a greater burden on the City and on co-workers to maintain a safe and productive work environment. Either absenteeism or tardiness 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/her 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.

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 notify the City of an absence of three days or more may be presumed to have voluntarily resigned his/her employment.

6.7 VACATION LEAVE

Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when accrued sick leave is exhausted, and inability to travel to work because of inclement weather or for other purposes.

Scheduling Vacation Leave. Employees are expected to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to avoid any scheduling problems that may develop. Whenever possible, vacation time will be granted at the convenience of the employee; however, Department Heads must be certain that vacations do not interfere with the normal functions and activities of departmental operations. The Police and Fire Departments may have departmental policies concerning the scheduling of vacation.

Vacation leave may be taken in full days or in ¼ hour increments of time.

Vacation Accrual Rate. All full-time employees accrue vacation leave for each complete payroll period in which at least one hour was actual work time. Vacation hours will not accrue in any pay period during which an employee is absent on sick leave, injury leave or unpaid leave for the entire period, unless otherwise required by statute.

Accrual rates are based on length of service with the City and number of hours worked in a regular workweek. Please see the chart below for accrual rates by employee service classification and years of service.

Length of Service	Days per Year	Per Pay Period	Max Accrual
<u>First Nine Years of Service</u>			
Civil Service – Fire	15 days (180 hrs)	7.50 hours	360 hours
Civil Service – Fire Administration	15 days (120 hrs)	5.00 hours	240 hours
Civil Service – Police	15 days (120 hrs)	5.00 hours	240 hours
Non Civil Service Employees	10 days (80 hrs)	3.34 hours	240 hours
<u>Ten to Nineteen Years of Service</u>			
Civil Service – Fire	15 days (180 hrs)	7.50 hours	360 hours
Civil Service – Fire Administration	15 days (120 hrs)	5.00 hours	240 hours
Civil Service – Police	15 days (120 hrs)	5.00 hours	240 hours
Non Civil Service Employees	15 days (120 hrs)	5.00 hours	240 hours

Twenty Years of Service or More			
Civil Service – Fire	20 days (240 hrs)	10.00 hours	360 hours
Civil Service – Fire Administration	20 days (160 hrs)	6.67 hours	240 hours
Civil Service – Police	20 days (160 hrs)	6.67 hours	240 hours
Non Civil Service Employees	20 days (160 hrs)	6.67 hours	240 hours

Maximum Vacation Accrual. The maximum accrual of vacation leave is 240 hours for all non civil service employees, civil service fire administration employees and police civil service employees. Fire shift civil service employees may accrue vacation leave up to a maximum of 360 hours.

The City Manager is authorized to offer vacation buy back to those employees whose vacation accruals exceed the limitations contained herein on the date of the adoption of this policy. This authorization expires on the one year anniversary of the adoption of this policy, and shall not be extended without specific Council authorization.

After the date of the adoption of this policy, employees may no longer carry over more than the established maximum accrual amounts from calendar year to calendar year. In the event an employee’s annual vacation leave accrual balance is in excess of the above established maximum accrual limitations on midnight January 1, then at that time, the employee’s vacation leave accrual balance is reduced to either 240 hours or 360 hours as the case may be. The City Manager is authorized to waive the maximum accrual limitation if the needs of the City preclude an employee from taking vacation, but at no time may an employee’s leave accrual balance exceed 45 days (360 hours or 540 hours respectively).

Compensation for Vacation leave. Vacation is paid at the employee’s regular rate of pay at the time vacation leave is used and is paid only for hours the employee would ordinarily have worked.

Upon an employee’s resignation, termination, separation, or retirement, an employee shall be paid for accrued unused vacation leave at the rate of pay the employee was receiving at the time of separation up to their maximum accrual limitation, less any legal and authorized deductions. Upon the death of an employee, payment for accrued unused vacation leave shall be made to the employee’s beneficiary. Pay shall be at the employee’s last regular rate of pay.

Temporary, and Seasonal Employees. Temporary and Seasonal employees are not eligible to accrue vacation leave.

Vacation During Initial Six Months of Employment. Vacation leave will not be authorized during the initial six months of employment for any employee, unless authorized by the City Manager. If the employee leaves employment with the City for any reason during the this initial six month period, he or she will not be entitled to payment for vacation leave.

Holidays During Vacation. If a holiday falls during an employee's scheduled vacation, the time will be considered holiday leave and not vacation leave.

Required Vacation Leave. When it appears that time away from work may be in the best interest of the employee or the City, the employee's Department Head may, with the approval of the City Manager, require the employee to take at least one week of accrued vacation. Similarly, the City Manager may require a Department Head to take accrued vacation leave.

6.8 SICK LEAVE

Sick leave shall not be considered as a privilege which an employee may use at the employee's discretion, but shall be allowed only in cases of actual sickness or disability of the employee or in circumstances where illness in the employee's immediate family makes it necessary for the employee to be absent.

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their department.

Sick leave must be taken in increments of 1/4 hour.

Accrual Rate and Eligibility. All regular full-time employees including Civil Service Police Officers and Civil Service Fire Administration employees accrue 5 hours of sick leave each pay period (15 days per year). Civil Service Fire shift personnel receive 7.5 hours of sick leave accrual each pay period (15 days per year).

The accrual increment for full-time employees is distributed equally over the 24 semi-monthly pay periods in the year.

Sick leave shall begin accruing the first pay period after date of hire, unless the employee was hired on the first day of a new pay period. Sick leave shall not accrue for any semi-monthly pay period during which the employee is away from work for the entire pay period due to illness, injury or any approved leave without pay. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

Accrual Recovery Method – Those employees who stop accruing for any of the above reasons will not accrue again until they have worked consecutively for two (2) pay periods.

Maximum Accrual.

All Civil Service Police and Fire Personnel accrue sick leave in accordance with Local Government Code 143. All non-civil service employees shall accrue sick leave in a similar fashion.

Payment of Sick Leave upon Retirement

All Non Civil Service personnel who meet the definition of retirement under the Texas Municipal Retirement System at time of separation will receive a lump sum payment of accrued, but unused sick leave not to exceed 720 hours. All Civil Service Police and Fire Personnel will be paid sick leave upon separation in accordance with Local Government Code 143.

Authorized Use of Sick Leave. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents him or her from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for the birth of a child falls under the section below.) Sick leave may also be used by an employee for his or her own scheduled doctor and dentist appointments.

Authorized Use of Sick for Employee's Immediate Family. Sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured and requires the employee's personal care or presence. An employee can use up to three days (see **Accrual Rate and Eligibility** above for definition of work day) for each such dependent illness or injury. A medical certification will be required to support the need for additional sick leave use which meets the criteria under the Family Medical Leave Act (FMLA).

In the event of a life-threatening illness or injury of an employee's family member who does not meet the definition of "immediate family," the Department Head (or in the case of Department Heads, the City Manager) may allow the employee to use up to three days of accrued sick leave in a twelve month period.

The employee must note on his or her time sheet all hours of sick leave which were taken to care for a family member and include the relationship of the family member.

Failure to Report Absence/Abuse of Sick Leave. Supervisors shall closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays which take the employee away from the home are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist, appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Maternity and paternity are covered under sick leave benefits for qualifying FMLA purposes. Similarly, employees who fail to timely report an

absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Head that generally authorizes the employee to work a second job. Exceptions to this policy may be obtained in writing from the Department Head and the Director of Human Resources. See Outside and Self-Employment Policy.

Use of Other Leave. If approved by the Department Head (and in the case of Department Heads, by the City Manager), employees who have successfully completed six (6) months of employment and who have no accrued sick leave time, may use accrued unused vacation leave, accrued unused holiday leave, other accrued paid leave, or leave of absence without pay. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday rather than a day of sick leave, if the employee is eligible for the paid holiday.

Documentation. Employees requesting paid sick leave must request approval from their supervisor. An employee must present satisfactory proof of illness/injury that prevents him from working whenever the employee uses sick leave for three or more consecutive work days, or at any other time if requested by the City.

An employee may also be required to present satisfactory proof of a family relationship and/or satisfactory proof of a family member's illness or injury if the employee wishes to use accrued sick leave to care for the family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, up to and including termination of employment.

Family and Medical Leave Act. Any absence that qualifies for both sick leave and leave under the Family and Medical Leave Act will follow the guidelines set out in this policy and will typically run concurrently, as both FMLA leave and sick leave.

6.9 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave each year for specified family and medical reasons.

Definition of Serious Health Condition. For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital,

hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care.

Employees shall contact the Human Resources Department if they have questions concerning the definition of a “serious health condition.”

Employee Eligibility. To be eligible for FMLA leave, an employee must have worked for the City:

- for at least 12 months, and
- for at least 1,250 hours during the 12 months preceding the start of the leave.

Leave Entitlement. Eligible employees may take FMLA leave for one or more of the following reasons:

- for the birth or placement of a child for adoption or foster care;
- to care for a spouse, child, or parent with a serious health condition; or
- when the employee is unable to perform the functions of his/her position because of his/her own serious health condition.

To determine eligibility for leave, the City uses a rolling 12-month period measured backward from the date of any FMLA leave.

Employee’s Notice Requirements. In order for the City to accommodate an employee’s workload during his or her absence, an employee seeking to take FMLA leave must provide both his Department Head and the Director of Human Resources with at least 30 days’ advance notice, when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide both his Department Head and the Director of Human Resources with as much advance notice as possible. In the event of medical leave for planned 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 not to unduly disrupt the City’s operations.

All supervisors must immediately notify both their Department Head and the Director of Human Resources if they have reason to believe an employee’s absence is due to an FMLA - covered reason. (**Note:** Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA’s notice requirements.)

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 certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. Forms are available from the Human Resources Department.

An employee must also provide periodic reports during FMLA leave as to his status and intent to return to work, and may be required to submit a "fitness-for -duty" certification before the employee can return 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, and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. 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 FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

Intermittent Leave. An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by the Department Head. When intermittent leave is needed, the employee must try to schedule the leave so as not to 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.

FMLA Leave Runs Concurrently With Other Types of Leave. FMLA leave is unpaid leave (although employees may be eligible for disability payments and/or workers' compensation benefits under those insurance plans). If FMLA leave is requested because of birth, adoption, or foster care placement of a child then any accrued vacation leave, and/or holiday leave first will be substituted for unpaid FMLA leave. If FMLA leave is requested because of an employee's own serious health condition, or to care for a covered relation with a serious health condition, any accrued sick leave first will be substituted for any unpaid FMLA leave. Following the exhaustion of all accrued sick leave, accrued vacation leave and holiday leave will be substituted for unpaid FMLA leave. The substitution of paid leave time runs concurrently with the unpaid FMLA leave. Further, in no case can the substitution of paid leave time for unpaid leave time result in an employee's receipt of more than 100 percent of his/her salary. FMLA leave runs concurrently with any time off work covered by workers' compensation and with other types of leave, i.e. vacation leave.

Benefits During FMLA Leave. During any period of FMLA leave, the City will continue to pay its portion of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his share of health insurance premiums while on FMLA leave. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless

the employee is unable to return due to a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, nor will seniority be affected. However, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

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

Job Restoration After FMLA Leave. Upon timely return from FMLA leave, an employee will be restored to his original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

Leave Due To Birth/Adoption. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care.

FLSA Considerations. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

Other Employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment, as defined in the Outside and Self-Employment Policy, unless expressly authorized in writing in advance by the Department Head and City Manager.

Military Family Leave. The City provides leave to eligible employees in accordance with FMLA regulations as related to employees who have family members in military service. Please see the Military Family Leave policy.

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, please contact the Director of Human Resources. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his rights and responsibilities under the FMLA.

6.10 MILITARY LEAVE AND DIFFERENTIAL MILITARY PAY

The City of Denison shall comply with all regulations and requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), as well as any other state and federal laws relating to employees in reserve or active military service, and does not discriminate against employees who serve in the military. This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training and full-time National Guard duty. The City shall notify employees of their rights under USERRA by displaying the notice entitled "Your Rights Under USERRA."

Non-benefited and temporary employees are generally ineligible for paid military leave in excess of 15 days, reemployment rights or any other military leave benefits under this policy, except as regulated by USERRA.

Paid Leave for Short-Term Training and Duty

- (A) **Notice to City of Need for Military Leave.** Employees must provide as much advance written or verbal notice to the City as soon as possible for all military duty, unless giving notice is impossible, unreasonable or precluded by military necessity. Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must submit a letter of request along with the official documents setting forth the purpose of the leave and, if known, its duration. This documentation must be submitted to the Department Head and the Director of Human Resources as far in advance of the leave as possible.
- (B) **Short-Term Military Leave Pay for up to 15 Days.** Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or spread throughout the year.
- (C) **Other Paid Leave.** Employees who have exhausted all available paid military leave may, at their option, use any other available vacation or accrued holiday leave, to cover their absence from work. Under these circumstances, the normal deduction for TMRS will be made and the City will contribute at its regular rate.
- (D) **Benefits.** The City of Denison will continue to provide employees on paid military leave or other paid leave with City benefits as provided to any other employee on paid leave. While on paid military leave, vacation or accrued holiday leave, employees continue to accrue vacation and sick leave. Please contact Human Resources for more information.
- (E) **Medical and Dental.** While an employee is on paid military leave, or any military leave of less than 31 days, the City will continue to pay its portion of the monthly premium for

group health benefits and deduct the employee's portion of the premium from payroll. When military leave is unpaid, the employee may elect to continue group health coverage by paying 100% of the premium.

Absence for Military Duty Beyond Any Available Paid Leave. After an employee has exhausted all available paid military leave, including any other authorized paid leave time that the employee chooses to use to cover a military absence, the employee may be placed on inactive status and the City will follow all the regulations provided by USERRA regarding employment status and benefits.

Differential Military Pay for Extended Tours of Duty. In addition to all the provisions of USERRA, the City has also adopted a policy of Differential Military Pay for employees on extended military duty who meet the following criteria: A full-time employee who

- is a member of the United States uniformed services, and
- involuntarily leaves employment with the City as a result of being activated for military service, and
- provides the City with written documentation of the service activation as soon as possible after he receives notice, and
- has had 5 years or less of cumulative military service while a Denison employee.

The eligible employee will, for a period up to one year (12 consecutive months), receive Differential Military Leave Pay in the amount of any difference between the employee's base military pay and his City's base salary at the time of the military activation. Verification of military pay will be determined from monthly pay receipts provided by the employee and will be necessary to initiate and continue receiving pay from the City. Extended Military Leave Pay will begin after any paid military leave is exhausted. The employee is required to notify Human Resources of any changes in the military pay. Human Resources may request pay receipts at any time and may make adjustments in the Differential Military Pay as needed.

The City reserves the right to withdraw the provision of Differential Military Leave Pay at any time.

(A) **Extended Military Leave Without Pay.** If the employee's active duty extends beyond 12 consecutive months, or the employee does not meet the requirements for Differential Military Leave Pay as defined above, the employee's pay status will be classified as inactive and the City will follow all the regulations provided by USERRA regarding employment status and benefits.

(B) **Other Benefits.** Please contact the Human Resources Department for information concerning eligibility for other benefits while on Extended Military Leave.

Returning from Military Leave. The City of Denison shall comply with all regulations and requirements of USERRA regarding the employee's return to work.

- (A) **Reemployment Rights.** The City provides the employee the right to return to his job with the same pay, benefits and status he would have attained had he not been away on military duty, provided the individual meets the criteria outlined in USERRA for timely returning to employment.

The deadlines may be extended for two years or more when an employee suffers service related injuries that prevent him from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

An employee who returns to work after having served in active military duty will be treated as having been continually employed for purposes of seniority and rate of accrual for vacation and sick leave benefits. The employee will also be eligible for any pay increase he might have received had he been performing his regular job duties.

- (B) **Health Insurance.** Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.
- (C) **TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. The reinstated employee will be responsible for completing the Application for Restricted Service Credit and providing a copy of his DD214.

Service time is credited when an employee returns to work. To qualify for service credit, an employee must

- Return to work for the City within 90 days after discharge;
- Receive an honorable discharge; and
- Timely complete the necessary application.

The reinstated employee has the option to repay the employee contributions that would have been paid had he been actively employed. If he chooses to repay contributions, the City will also fund the contribution it would have paid for the same time period.

In order to receive monetary credit, an employee has the lesser of five years or three times the length of the military service to make up any TMRS contributions that were missed while on military leave.

- (D) **Fitness for Duty.** The employee returning from military leave must meet the minimum requirements for the position. If the returning employee is unable to perform the duties of the position he left, he will be offered a position that comes as close as possible, in terms of job classification and pay, to the position held prior to his military leave.
- (E) **Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

Military Family Leave. The City provides leave to eligible employees in accordance with FMLA regulations as related to employees who have family members in military service. Please reference the policy on Military Family Leave.

6.11 MILITARY FAMILY LEAVE

The City provides leave to eligible employees in accordance with the family and Medical Leave Act (FMLA) as it relates to employees who have family members in military service.

Employee Eligibility. To be eligible for Military Family Leave, an employee must fall into one of the protected categories, as identified below:

- (A) **Active Duty Family Leave.** Employees who have a spouse, parent, child or next of kin that is on or has been called to active duty or who has been notified of an impending call to active duty status in support of a contingency operation may take up to 12 weeks of leave in one 12 month period, in combination with regular FMLA leave.
- (B) **Injured Service Member Family Leave.** Employees who are the spouse, parent, child or next of kin of a service member who incurred a serious injury or illness on active duty in the Armed Forces may take up to 26 weeks of leave to care for the injured service member in one 12 month period, in combination with regular FMLA leave.

For more information about Military Family Leave, please contact the Human Resources Department.

6.12 JURY DUTY

The City of Denison provides paid leave to full-time employees who are required to serve on jury duty or are requested by the City to testify as a witness in a City related civil, criminal, legislative or administrative proceeding. Jury duty leave is paid at the employee's base rate at the time of the leave and does not include overtime or any other forms of compensation.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with his or her leave request. Such requests must be submitted to the supervisor with as much notice as possible so arrangements can be made to accommodate the absence.

Employees on jury duty should keep up with their job responsibilities, if possible. An employee who is on jury duty typically must report for their regular City duties for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Court appearances for testimony, investigation and court preparation as a result of official duties as a City employee are compensated as actual hours worked and are not classified as paid leave.

In all other cases, involving court appearances for testimony, investigations, court preparation and any other non-employment related reason, employees are required to use accrued vacation or holiday leave. If a non-exempt employee has no accrued vacation or holiday leave, the employee's time off for these non-employment related reasons will be considered a leave without pay and exempt employees may be required to make up the work time lost. For unusual or extended jury or subpoena circumstances that are not covered herein, the City Manager may authorize an alternative leave provided in these policies that doesn't adversely impact the employee.

6.13 BEREAVEMENT LEAVE

In case of death to an employee's spouse, mother, father, daughter, son, brother, or sister an employee shall be granted leave of absence with pay for days occurring in the first five scheduled work days (40 hours) following date of death. This includes "step" relations, legal guardians or ward, and primary caregivers for these relationships. Shift Firefighters, shall be granted two (2) twenty-four (24) hour shifts immediately following the date of death.

In case of death to an employee's grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, or nephew an employee shall be granted leave of absence with pay for days occurring in the first three (3) scheduled work days (24 hours) immediately following date of death. This includes "step" relations. Shift

Firefighters, shall be granted one (1) twenty-four (24) hour shift immediately following the date of death.

Employees may attend co-worker funerals with pay. Department Heads, with the approval of the City Manager, may use other city personnel to insure that service and operational needs are being met during these funerals. In all cases of bereavement leave, the City Manager or Department Head may require evidence of death at his or her discretion. Any additional time off for bereavement leave may be granted by use of sick leave for extenuating circumstances, vacation leave, or leave without pay at the discretion of the Department Head. The City Manager may extend the use of bereavement leave at times other than immediately following the date of death at his or her discretion if the circumstances warrant it.

6.14 ADMINISTRATIVE LEAVE

The City may grant Administrative Leave with pay to an employee, as a matter of discretion by the City Manager (or his designee), when no other paid leave category is available or applicable and leave without pay would not be appropriate. This discretion includes granting Administrative Leave with pay when a disciplinary decision is pending. The City Manager may also authorize Administrative Leave without pay.

The authorization of Administrative Leave to an employee will be put in writing and forwarded to the Director of Human Resources for proper payroll processing and placement in the employee's personnel file.

6.15 UNPAID LEAVE OF ABSENCE

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted in writing and must fully explain the reasons for the request. Whenever possible, an employee must request leaves of absence at least thirty days in advance of the beginning date of LOA.

A LOA of up to 30 days may be authorized by the Department Head. Any LOA beyond 30 days must be authorized by the City Manager. LOA is authorized in 30 day increments and may be extended at the request of the employee and with approval by the Department Head and the City Manager for a period not to exceed 180 total days away from work.

This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period and the LOA will not create an undue hardship on the City.

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

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

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

- Recovery from extended illness, injury or temporary disability
- Extended care for immediate family members
- Educational purposes when successful completion will contribute to the best interests of the City
- Public service assignment
- Personnel exchange programs which emphasize intergovernmental relations

Documentation. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform 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 on leave will contact a designated supervisor at least weekly to report on his condition or status. Before returning to work from a medical LOA, the employee will be required to submit documentation from his or her doctor stating that the employee is able to resume his normal job duties. Police and Fire Department personnel may have additional return to work requirements, as set out in their departmental policies.

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

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

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

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

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

6.16 DONATION LEAVE POLICY

PURPOSE: This program provides employees with the option to voluntarily share accrued vacation time to another employee of the City of Denison.

POLICY: Full-time employees may voluntarily contribute accumulated vacation time to assist another full-time employee who may be unable to work due to a serious health condition under the provisions of the Family Medical Leave Act. This includes the FMLA provision for the care of an employee's immediate family member. The recipient must be eligible for Family Medical Leave and have exhausted all accumulated paid leave. This policy does not imply or give any additional rights to the requestor for leave to be extended beyond already established City policies and Local Government Code 143 Civil Service statutory regulations. This policy does not apply to employees who are on leave under the workers compensation system, nor will it apply to employees who, in the sole discretion of the City Manager, have excessive absenteeism documentation on file. Donations will be hour for hour increments.

PROCEDURE:

- a.) To receive donated leave, an employee or an employee's designee must complete a Request for Donated Leave and forward it to the employee's Department Head.
- b.) The Department Head will forward the Human Resource Director to determine FMLA eligibility for the requesting employee. If the employee is eligible for the donation policy, the request will be reviewed by the Donation Committee for final approval. The Donation Committee will be appointed by the City Manager.

- c.) Following Committee approval, requests for donated leave will be distributed by email. The email will reveal only that a request has been made and private health information will not be communicated unless approved by requesting employee. Employees wishing to voluntarily donate vacation time must complete a Vacation Donation Form and forward it to the Human Resources Office. The vacation time to be donated must already be accrued and cannot exceed twenty-four (24) hours per year. The employee donating vacation time must maintain a minimum balance of forty (40) hours after vacation hours are donated to the receiving employee.

SECTION 7

STANDARDS OF CONDUCT

7.1 EMPLOYEE CONDUCT

Every employee is expected to satisfactorily perform the job duties assigned to his position, to maintain a high level of personal conduct on the job, to render courteous and efficient service to the public and to other employees, to be mindful of safety practices, and to exercise care in the use of City property.

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.

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

Fire and Police employees should consult their Standard Operating Procedures for information on the Disciplinary Process for their respective departments.

Supervisory Responsibility. All employees with the responsibility and authority to supervise and direct employees under their control shall attempt to resolve issues at the lowest possible supervisory level by administering policies and procedures within their scope of authority; documenting their subordinates' job performance, conduct and behavior as appropriate; properly conducting evaluations of subordinates in a timely manner; disciplining their subordinates as required under their departmental and/or City policies and procedures; and addressing appeals submitted to them, as provided by policy.

Prohibited Activities. The City expects its employees to conduct themselves in a businesslike manner. Disciplinary action will be imposed for violations of City or Departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. Disciplinary action may also be imposed for acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, but which may adversely affect the City or put the health and safety of fellow employees or citizens at risk.

It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Violation of local, state or federal law
- Participation in a crime that violates the laws of the State of Texas or the United States of America, either felony or misdemeanor (Class A or B) that results in a conviction of the crime, a plea of *nolo contendere* or deferred adjudication.
- Violation of City or departmental policies, codes of conduct, rules and procedures
- Failure or refusal to follow lawful orders
- Violation of any provision of the City Charter
- Unsatisfactory performance or conduct
- Inefficiency, incompetence or neglect of duty
- Insubordination or other disrespectful or unprofessional conduct
- Dishonesty, including misrepresentation during the hiring process
- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Possession of weapons during City work time, on City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties).
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace while on duty or while operating City owned equipment
- Misuse of City telephones, computers, mail systems or other communication systems
- Disruptive activity in the workplace
- Fighting, provoking or instigating a fight, or threatening violence
- Interfering with work schedules or another employee's ability to work

- Engaging in a work stoppage
- Falsification of timekeeping or other records, including the employment application
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks, or absence without notice and/or approval
- Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department rules and regulations)
- Breaks in excess of the allotted time allowed
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Violation of the City's policy regarding sexual or other unlawful harassment
- Profanity, abusive language or racial slurs
- Unauthorized disclosure of confidential information
- Making or publishing false, vicious or malicious statements about the City, a City employee, citizens, or others
- Discourteous treatment of the public
- Coercion, intimidation or threats against citizens, supervisors, co-workers, City officials or others
- Outside employment that conflicts with, or potentially conflicts with, City interests
- Acceptance of payment of any kind for activities related to City employment
- Conduct which results in waste or damage of a co-worker's, City, or citizen owned property
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
- Violation of smoking policy
- Job Abandonment where the employer has tried to make contact and no response
- An accumulation of minor infractions

Felonies and Misdemeanors. Employees must immediately notify their supervisor and Department Head if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations.

In most cases, the City will conduct its own investigation and take appropriate action. An employee arrested, charged or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Head and the Director of Human Resources.

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.

7.2 EMPLOYEE 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 and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's prior work performance and 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:

- Counseling Session
- Documented Oral Warning
- Written Reprimand
- Probation
- Suspension Without Pay
- Demotion
- Discharge

Probation Period in Conjunction with Disciplinary Action. In conjunction with an employee receiving serious disciplinary action, the Department Head and the Director of Human Resources may impose a probationary period, not to exceed six months. The reasons for the probationary period, as well as the length and desired outcomes, will be included in the written disciplinary action.

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

Administrative Leave. During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay.

Documentation. All forms of discipline, other than Counseling Sessions, must be documented and will be placed in the employee's personnel file. In the event the employee is to be discharged, the Department Head shall consult with the Director of Human Resources in preparation of the dismissal.

Review by Director of Human Resources. Any proposed disciplinary action in excess of a Written Reprimand must be reviewed by the Director of Human Resources prior to being given to the employee. This applies to both probationary and non-probationary employees.

Appeal Rights. Where a disciplinary action involves a suspension of one day (or one shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. Please see Grievance and Appeal Policy.

Positions classified as Department Head and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination. Probationary and Temporary employees likewise have no right of appeal for disciplinary action taken against them.

7.3 GRIEVANCE AND APPEAL POLICY

The City provides employees with a process for appealing certain matters through their established Chain of Command. Matters not specifically mentioned in this policy are **NOT** appealable.

Appealable Actions. Employees may appeal the following:

- (A) matters involving wages, promotions, transfers;
- (B) the application of City or departmental policies, procedures or practices;
- (C) allegedly unequal or unlawful treatment;
- (D) disciplinary action involving a suspension of one day (or one shift) or more, demotion and/or termination.

Grievance Must be in Writing. An employee grievance/appeal must be submitted in writing, clearly stating the nature of the complaint, within five working days of the action taken to the Human Resource Director.

Grievance Procedures for Police and Fire Civil Service Grievance procedures for Police and Fire Civil Service personnel are provided pursuant to the Texas Local Government Code Chapter 143 Civil Service statute.

Grievance Review and Appeals Process Upon receipt of a written grievance/appeal from an employee to the Director of Human Resources the following procedure will be used to process the grievance/appeal:

- (A) **Final Determination of Appealable Action.** The Director of Human Resources shall convene the immediate supervisor, department head, and the City Manager to review the facts in fair and objective manner. The City Attorney will be convened at the discretion of the City Manager. A decision will be rendered within 5 business days, and a written response will be forwarded to the employee.
 1. If the grievance/appeal is not an appealable action as determined by this policy, the Director of Human Resources shall respond in writing within five days of receipt of the written grievance/appeal, notifying the employee that the grievance/appeal is not an appealable action.

7.4 SEXUAL AND UNLAWFUL HARASSMENT

The City of Denison is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens and vendors. City employees are also prohibited from harassing citizens, vendors and all other third parties.

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

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different sex. 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 protected characteristic is also 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 that single out, denigrate or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including, but not limited to via facsimile, e-mail and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, citizens, vendors and other visitors to the workplace.

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 or she has been subjected to conduct prohibited by this policy must report it immediately to:

- his or her Department Head;

- the Director of Human Resources; or
- the City Manager.

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

Under this policy, an employee may report to and/or contact the Director of Human Resources without regard to the employee's normal chain of command. The Director of Human Resources may be contacted in person at City Hall located at 430 W. Chestnut, Denison, Texas, or by telephone at 903-464-4449 or by e-mail through the City's e-mail directory. Voice Messages or e-mails may be left at any time.

In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his 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, when necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist 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, 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.

7.5 SOCIAL MEDIA POLICY

Access to the Internet through the City's electronic communications systems is a privilege and carries responsibilities reflecting responsible and ethical use. The City may monitor access to the Internet, blogs, and/or chat rooms to ensure compliance with internal policies, support the performance of internal investigations, and assist management of information systems. Further, the City expects all employees to follow ethical guidelines when posting information on the Internet, regardless if done before, during or after work hours.

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

The City of Denison, in an ongoing effort to maintain effective communication to and with residents and other audiences, uses Social Networking Outlets as a way to deliver messages directly to users and to encourage resident involvement, interaction and feedback. This policy sets guidelines for use of Social Networking Outlets in an effort to ensure timely, accurate and appropriate use of those outlets to deliver clear, concise and consistent messages on behalf of the City.

Application.

(A) This policy applies to the use of Social Networking Outlets as described below. The lack of explicit reference to a specific site does not limit the extent of the application of this policy.

1. Networking sites (such as MySpace and Facebook) that primarily encourage static-posting communication between users with individual profiles.
2. Bulletin sites (such as Twitter and Nixle) that primarily encourage active-posting communication between users and defined user groups.
3. Multimedia sites (such as YouTube, Flickr, PhotoBucket and Picasa) that provide on-line storage of photos, videos and other multimedia materials and allow public access to those materials.
4. Blogs and Message Boards, either operated by the City or by a third-party with comments related to the City.

(B) Any new Social Networking Outlets implemented by the city shall be operated in compliance with this policy, as determined by the Information Technology Department.

General Rules of Use.

(A) City presence on Social Networking Outlets will be administered by the Information Technology Department.

(B) Under certain circumstances, a City Department or Division might want to create and maintain a presence on a Social Networking Outlet. Such a request must come through the department director and be approved by the City Manager prior to implementation. Sites that violate this policy may be removed at any time.

(C) Information posted by staff on official City pages must be factual and can not impair the public's confidence in the operation of city government or the performance of the individual employee.

(D) As public forums, City-administered pages will accept Connection requests from the public. City-administered pages will not submit Connection requests to individual users with the following exceptions:

1. Elected or appointed officials of the City or other governing body
2. City employees
3. Other government administered user profiles (e.g. cities, counties, state, etc.)
4. Partner agencies approved by the City Manager's Office
5. News media outlets and their representatives

(E) Bulletins and Comments containing any of the following shall not be allowed for posting, or shall be removed by the City if posted:

1. Profane language or other content
2. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation
3. Sexual content or links to sexual content
4. Threats of violence
5. Solicitations of commerce
6. Conduct or encouragement of illegal activity
7. Information that may tend to compromise the safety or security of the public or public systems
8. Content that violate proprietary or copyrighted information of any other party

(F) City staff authorized to post material on City administered sites will receive training on the content and application of this policy before being granted access.

- (G) Where feasible, City-Administered sites that permit user Comments will prominently display the following disclaimer:

The purpose of this site is to present matters of public interest in Denison, Texas, including its many residents, businesses and visitors. We encourage you to submit your questions, comments, and concerns, but please note the City reserves the right to delete or block submissions that contain vulgar language, personal attacks of any kind, encouragement of violence or criminal activity, material of a sexual nature, solicitation of commerce, infringe on copyrights or trademarks, or offensive comments that target or disparage any ethnic, racial, or religious group.

Please note that user comments expressed on this site do not reflect the opinions and position of Denison city government or its officers and employees. Further, the City is not responsible for content posted by individual users on their own sites or pages. If you have any questions concerning the operation of this site, please contact the Information Technology Department of the City of Denison at helpdesk@cityofdenison.com

- (H) Hyperlinks to City administered sites may be placed on the homepage of the City's official Website (www.cityofdenison.com). Social site addresses may be used in appropriate marketing materials, but only in conjunction with and subordinate to the City's official web address.

Site Administration.

- (A) The city retains intellectual rights to content placed on City-Administered sites by employees.
- (B) The Information Technology Department will maintain a current list of all city-administered sites, access information for each site, and employees who have been provided that access information. Additional employees may be given access only with approval by the Information Technology Department.
- (C) If an employee with access to any of the city-administered sites leaves the organization for any reason, the Information Technology Department will change the access information for all city-administered sites and distribute new access information to authorized employees.
- (D) Departments that operate a Social Networking presence will follow these same guidelines within their department for their sites.

Third Party Sites.

- (A) Only the City Manager's Office or Department Directors are authorized to respond to information about the City that is posted to sites not maintained by the City. The Information Technology Department should be notified of any proposed response prior to posting in order to ensure an appropriate and consistent message.

- (B) Employees who become aware of incorrect, inflammatory or potentially damaging information about the City that is posted to a publicly accessible site are encouraged to notify their department director or the Information Technology Department.
- (C) When responding to material posted on a publicly accessible site, the responder must be clearly identified as being a City representative and content can not impair the public's confidence in the operation of city government or the performance of the individual employee.

Employee Sites.

- (A) The City recognizes that many individual employees use Social Networking Outlets for their own purposes. This policy does not extend to individual employees sites, except that employees may be subject to disciplinary action for internet postings that could impair the public's confidence in the operation of city government or the performance of the individual employee.
- (B) Personal sites may not be designed in such a way as to cause users to believe the site is City-administered or endorsed by the City, including unauthorized use of City logos and trademarks. Connections with city-administered sites are permitted.

Advertising and Sponsorship. The City will not solicit or accept paid advertising in association with its presence on Social Networking Outlets, without approval of the City Manager.

Disclaimer. The City reserves the right to change, modify, amend, revoke or rescind all or part of this policy at any time.

User Rules of Conduct. Employees shall abide by the following rules of conduct at all times:

- Blogging, or posting information on the Internet not relevant to City business, is not allowed during work hours.
- Employees must never disclose any proprietary or confidential information concerning the City of Denison or an employee of the City in a blog or other posting to the Internet, regardless if done before, during or after work hours. Posting of proprietary or confidential information may violate state law and subject the user to criminal penalty.
- Employees must abide by all federal and state laws with regard to information sent through the Internet.
- Employees must respect coworkers and the City. Employees must not put anything on a blog or post any information on the Internet that will defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.

- Employees must not post any pornographic pictures or other pictures of any type that could identify the posting individual as an employee of the City or any particular City of Denison Department.
- An employee must not post pictures of himself or herself, or others containing images of City of Denison uniforms or insignia, City equipment or City work sites.
- The City prohibits the unauthorized release or disclosure of any employee information through the Internet or through other means that may be considered private and/or confidential by law.
- The City prohibits the unauthorized posting of information on the Internet that could adversely impact the City and/or an employee of the City.

7.6 WEAPONS BAN AND VIOLENCE PREVENTION POLICY

The City of Denison strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

Zero Tolerance. 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.

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 Director of Human Resources and, where applicable, the City of Denison's Police Department or other appropriate law enforcement agency.

The Director of Human Resources will evaluate the severity of the situation and the need for additional resources to minimize risk and further violence (e.g., law enforcement, emergency medical services) and will work with the appropriate Department Head(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 counseling with a psychologist or other mental health care provider of the City's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.

All Weapons Ban. Unless specifically authorized by the City Manager, no employee, other than a City of Denison 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 ½ inches and switchblades.

Mandatory Reporting. Each City employee must immediately notify his supervisor, Department Head, the Director of Human Resources and/or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job related or might be carried out on City property, a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activity.

Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his Department Head and the Director of Human Resources.

Protective Orders. Employees who apply for or obtain a protective or restraining order, which lists City of Denison locations as being protected areas, must immediately provide to the Director of Human Resources and the Chief of Police 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 Head and the Director of Human Resources of any protective or restraining order issued against them.

Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, 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, conference center, theater, athletic club, swimming pools, entrances, exits, break areas, parks, parking lots and surrounding areas.

Documentation. All reports of threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and the Police Department.

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

7.7 SEARCHES

To safeguard the property of our employees, our citizens, and the City and to help prevent the possession, sale, and use of illegal drugs on City premises, in keeping with the City's drug-free workplace policy, the City reserves the right to question employees and all other persons entering and leaving the work site, and to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from the work site. The City may also at any time conduct unannounced searches or inspections of the work site including, but not limited to City property used by employees, such as lockers, file cabinets, computer and electronic files, desks, offices, whether secured, unsecured or secured by a lock provided by the employee. In this connection, it should be noted that all offices, desks, files, lockers and so forth, are the property of the City and are issued for the use of employees only during their employment with the City.

If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on the City's premises, including vehicles parked in City parking lots.

NOTE: The City's authority to conduct unannounced searches is not limited to situations involving reasonable suspicion of possession and/or use of drugs or alcohol.

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

The City assumes no responsibility for loss of employees' personal belongs stored on City property.

7.8 DRUG AND ALCOHOL USE

It is the City's goal to provide a drug free, healthful and safe work place. 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.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on duty on the premises of the City of Denison, while conducting City related business or other activities off premises, while wearing clothing with the City's name or logo, while driving a City owned or leased vehicle, or while operating or using other City owned or leased property or equipment, an employee may not use, possess, distribute, sell or be under the influence of alcohol (except

under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over the counter drugs which are not being used as prescribed or as intended by the manufacturer.

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

Permissive Use of Prescribed and Over the Counter Drugs. The legal use of prescribed and over the counter drugs is permitted while on the premises of the City of Denison, 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 unsteady.

Use of Alcohol. The use of alcohol by a City employee while on duty is prohibited. At no time may an employee under the influence of alcohol drive a City owned or leased vehicle or operate or use other City owned or leased property or equipment. Further, an employee on duty or conducting City business, including City related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. 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, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City owned or leased vehicle.

Police and Fire Department Exemptions. Certain City of Denison Police and Fire 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 are established in Police and Fire Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over the counter medication must report such use to either their Department Head or to the Director or Human Resources 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 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 unsteady.

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

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

Mandatory Reporting of Convictions. Employees must notify their Department Head and the Director of Human Resources, in writing of any criminal drug conviction, a plea of *nolo contendere* or deferred adjudication, for a violation occurring off duty and/or in the workplace. Such notification must be provided no later than five calendar days after the conviction or plea.

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

An employee, who has successfully completed the probationary period, who has a drug or alcohol problem that has not resulted in, and is not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.

A leave of absence to participate in a rehabilitation or treatment program may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules and prohibitions relating to conduct in the workplace; and the degree of resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an individual's employment with the City.

Note: Under certain circumstances, treatment for substance abuse may be covered under the City's Family Medical Leave Act Policy.

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

During time off for a City approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, accrued holiday or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.

If the employee successfully completes his prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his prior position or one of similar pay and status. However, employment with the City following a City approved leave for rehabilitation or treatment is conditioned on the following:

- Initial negative test for drugs and/or alcohol before returning to work;
- A written release to return to work from the City approved rehabilitation or treatment facility/program;
- Periodic and timely confirmation of the employee's continuing cooperation and successful participation in any follow-up or on-going counseling, testing or other treatment required in connection with the City approved rehabilitation or treatment program, if applicable;
- In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City at any time following the employee's return to work following treatment;
- The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director or Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of his or her continued employment and sign the formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Police and Fire Department employees should also consult their department's policies for additional disciplinary rules regarding violations of the Drug and Alcohol Use Policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their immediate supervisor, their Department Head or the Director of Human Resources to receive assistance or referrals to the Employee Assistance Program or other appropriate resources in the community.

7.9 DRUG AND ALCOHOL TESTING

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

Testing of Employees.

- (A) **Authorization for Testing.** All drug and alcohol testing must normally be authorized in advance by both the employee's Department Head and the Director of Human Resources. If the Department Head is unavailable within a reasonable period of time, the Director of Human Resources may, in his sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Head may, in his sole discretion, authorize the testing of an employee. Supervisors are responsible for ensuring that employees are transported to the testing facility.

Police and Fire Department employees are also subject to any applicable departmental rules and regulations regarding testing for illegal/unauthorized drugs and alcohol.

- (B) **Reasonable Suspicion Testing.** An employee shall not report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. There will be no tolerance for the use of illegal drugs or abuse of controlled substances.

For purposes of this policy, reasonable suspicion is a belief based on clearly articulated observations sufficient to lead a prudent supervisor to suspect that the employee is under the influence of drugs and/or alcohol and is impaired in his ability to perform the functions of the job or his ability to safely perform the job is reduced. All employees are subject to reasonable suspicion testing for drug and alcohol abuse based on objective facts and/or observable on-duty behavior. Examples of such objective facts or observable behavior include 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, evidence of possession of substances or objects which appear to be illegal, or unauthorized drugs or drug paraphernalia.

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, and where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing.

(C) **Post-Accident/Injury Testing.** All employees will undergo drug and alcohol testing in the following circumstances to rule out the possibility of drug or alcohol related accidents or injuries:

1. When the employee, acting in the course and scope of his employment, sustains personal injuries requiring medical attention from a medical treatment facility, or
2. When the employee is involved in a moving vehicular accident with City owned equipment or vehicles, or in a personal or rented vehicle while acting in the course and scope of his/her employment, where there is:
 - i. A fatality, or
 - ii. An injury resulting from the accident in which either party requires medical attention from a medical treatment facility, or
 - iii. Damage to either vehicle resulting in quantifiable property damage, as determined by the investigating officer at the scene of the accident.

(D) **Testing Procedures.** Drug and alcohol testing will occur as soon as reasonably possible following an accident or injury or in concert with any medical treatment administered at the time of the accident or injury, or as soon as authorized for reasonable suspicion testing. All substance abuse testing will be performed by an approved laboratory or health care provider chosen by the City. All positive test results will be subject to confirmation testing.

The employee will be provided with transportation to the testing facility, and a supervisor or other designated City representative will be required to remain with the employee during the testing process. The City will also make arrangements to have the employee transported home following the testing.

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

(F) **Refusal/Lack of Cooperation with Testing.** An employee who leaves the scene of an accident or injury before a required test is administered fails to remain readily available

for testing, or attempts to alter or tamper with a sample or any other part of the testing process will be subject to disciplinary action, up to and including termination.

This policy is not intended to delay necessary medical attention for injured persons following an accident or injury or to prohibit a City driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident.

Confidentiality of Records. Drug and alcohol test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medically related information will be confidential and accessible only by the Director of Human Resources; supervisors/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.

7.10 DRUG AND ALCOHOL TESTING FOR EMPLOYEES SUBJECT TO DEPARTMENT OF TRANSPORTATION REGULATIONS

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 and as outlined in this policy. The employee's supervisor and Department Head will advise the employee if he is subject to DOT testing and the terms of 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. This policy is in addition to, and not in lieu of, the provisions of the City's general Drug and Alcohol Use policy. DOT testing will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. Those employees who are subject to the testing provisions of this policy may change as job responsibilities change or as new jobs are added to the City's work force. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

- (A) **On-Duty and Pre-Duty Use.** Reporting for, or remaining on, duty requiring the performance of safety sensitive functions is prohibited under the following conditions:
- while having a breath alcohol concentration of 0.04 or more as indicated via breath test;
 - while using alcohol; or
 - within four hours after using alcohol.
- (B) **Use Following an Accident/Injury.** An employee required to take a post-accident/injury alcohol test pursuant to this policy is prohibited from using alcohol for eight hours following the accident/injury, or until undergoing a post-accident/injury alcohol test, whichever occurs first.
- (C) **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 (CMV). An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.
- (D) **Required Alcohol and Drug Tests.** DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return to duty, and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.
1. **Pre-Employment Testing.** A 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.
 2. **Post Accident Testing.** Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practical on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- i. when the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
 - ii. when the employee is issued a moving traffic violation citation and 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; or
 - iii. In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.
3. An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test.

Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

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

4. **Post-Accident Alcohol Testing.** If alcohol testing cannot be administered within two hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within eight hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.
5. **Post-Accident Drug Testing.** A driver will be drug tested as soon as practical but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

6. **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 Head (or designee) and affirm the basis of his/her suspicion. If the Department Head concurs, he may order the employee to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

7. **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 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be provided to the Director of Human Resources. If alcohol testing cannot be administered within eight hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

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:

- an alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

8. **Reasonable Suspicion Drug Testing.** A driver will be drug tested as soon as practical but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.
9. **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 CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions. Random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

- (E) **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.

Except in the case of pre -employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed as part of the verification process).

- (F) **Additional Information about Alcohol Testing.**

1. **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be disciplined and may be terminated. An employee who is tested and has an alcohol concentration of 0.02 to 0.039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If the employee is not terminated, he will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination.

The employee will be placed on administrative leave without pay during the treatment period. In certain circumstances, and with the approval of the Department Head and the Director of Human Resources, the employee may be allowed to use sick leave during the treatment period.

2. **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 follow pursuant to DOT regulations.

(G) Additional Information about Drug Testing.

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

- Amphetamines
- Opiates
- Phencyclidine (PC)

A screening test is performed first. If it is positive for one or more of these drugs, 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 policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.

3. **Review of Drug Test Results.** All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver, either in person or by telephone, and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

(H) **Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug test will result in termination of the employee.

(I) **Confidentiality.** Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.)

All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating

to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

- (J) **Information from Prior Employers.** For new hires, promotions and transferred employee drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer.

Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant driver, 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 driver 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 years. The City will also ask the person if he/she has tested positive or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past two years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

- (K) **Record Retention.** The City will maintain and retain records under this policy as mandated by DOT regulations.
- (L) **Notification of Applicants/Employees of Positive Test Results.** The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive, and also which controlled substance(s) verified positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

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

(N) **Safety Sensitive Functions.** For purposes of this policy, safety sensitive function or duty means all the time, from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City facility or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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

(P) **Questions Regarding This Policy.** Any questions regarding this policy should be addressed to the Director of Human Resources.

SECTION 8

HEALTHY AND SAFETY

8.1 EMPLOYEE SAFETY

The City is interested in each employee's safety and well being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. On occasion employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can do much to prevent accidents and injuries by obeying the safety rules of the job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that he believes is an unsafe act or an unsafe condition, he is responsible for reporting it to a supervisor or to management as soon as possible.

The following safety rules apply at all times. Some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

(A) **Safety Rules.** The following general safety rules apply at all times. This is in addition to the Safety Manual for employees that provide more specific guidance. Some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk; do not run unless necessary. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles. For the employee's comfort and safety, he/she should wear shoes with non-slip soles, in good condition and with enclosed toes. Appropriate footwear must be worn on any job site where there is a risk of injury to the feet.
- To avoid back injuries, use correct lifting methods. Get someone to help with heavy or difficult to handle items.
- Be aware of sharp tools. Use safety devices where provided and do not alter or remove them in any way. Report hazards to management immediately.

- Employees who might encounter chemicals and other toxic agents in their work shall be provided information about such substances. Such educational materials will explain possible reactions to exposure and steps to take if exposure occurs. Employees shall review this information periodically.
- Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Attempt to verify the location and call 9-1-1. Use proper portable extinguishers for small fires.
- Do not block access to fire extinguishers.
- Do not put fingers, hands, feet or clothing into moving machinery.
- Do not carry items in a manner that obscures clear vision.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Do not leave nails or spikes protruding from planks or boards.
- Do not use compressed air for cleaning clothing or floors.
- Perform routine maintenance at all scheduled intervals.

(B) **Accident Reporting.** All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subjected to immediate disciplinary action, up to and including termination of employment.

- (C) **Drug and Alcohol Testing.** All employees are required to undergo drug and alcohol testing in certain circumstances following an accident or injury to rule out the possibility of drug or alcohol involvement. See the City's Drug and Alcohol Testing Policy and the City's Drug and Alcohol Policy for Employees Subject to Department of Transportation (DOT) Regulations.
- (D) **Accidents Involving City Equipment or Vehicles.** Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to his supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage, and submit the report to his supervisor.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing seat belts is mandatory.

An employee who receives a traffic ticket for a violation committed with operating a City owned vehicle, or while conducting City business while driving his own vehicle, must immediately report the violation to his/her supervisor. Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Repeated traffic violations or misuse of City vehicles or equipment may result in disciplinary action, up to and including termination.

An employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

8.2 MEDICAL EXAM AND FITNESS FOR DUTY

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

Serious Health Condition/Disabilities. The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. Employees who are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on the City, and for whom medical evidence indicates that their condition is not a direct threat to themselves or others, will be reasonably accommodated by the City.

Medical Exams for Current Employees. The Director of Human Resources, or an employee's Department Head (with the prior written approval of the Director of Human Resources), may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment under the following conditions:

- as may be necessary in order for the City to provide a reasonable accommodation;
- following an injury or accident; and
- as otherwise permitted in accordance with the Americans with Disabilities Act.

Time Off From Work. Time away from work under this policy may be coded as sick leave, Worker's Compensation or other leave, as circumstances warrant.

Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his return through the Director of Human Resources and provide all necessary and required paperwork, including a medical release to return to work, identifying any limitations or conditions of his return.

Certified Police Officers and Firefighter/Paramedics may also be required to pass a fitness for duty test prior to returning to work, as defined in Police and Fire Departmental policies.

8.3 LIGHT DUTY ASSIGNMENT

The City may make light duty assignments available to ill or injured employees who are unable to perform their regular job duties. The City will not create a light duty position. In making such assignments, the City will give priority to employees whose injury or illness is work related. The decision to offer an employee a light duty assignment is made at the City's sole discretion and may be in the employee's own or another department in the City.

Factors considered by the City in making its decision include, but are not limited to:

- the nature of the employee's illness or injury;
- whether the illness or injury occurred on or off duty;
- the content of the medical release provided by the employee;
- the risk that a light duty assignment may result in aggravation of the employee's injury or illness;
- the availability of light duty work;

- type of light duty work available;
- the employee's ability to perform the essential functions of the available light duty position;
- the length of the employee's employment with the City; and
- the employee's performance and disciplinary history.

Light duty will not be granted without an evaluation by the employee's treating physician, including clear instructions regarding the employee's restrictions and limitations. The assignment must also have the recommendation of the Department Head and Director of Human Resources. Employees who are released for and given a light duty assignment must have at least monthly evaluations by their treating physician and may not perform work duties in violation of their medical release. An employee who violates the terms of his medical release while on a light duty assignment may lose the light duty assignment and, in addition, may be disciplined up to and including termination of employment.

Generally light duty will not be extended beyond 180 calendar days. Employees still unable to return to regular duty within 180 calendar days may revert to workers' compensation indemnity payment, accumulated sick leave, Family and Medical Leave Act (FMLA), or vacation benefits, if available.

An employee who is released for and offered light duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's FMLA policy.

During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their light duty assignment. An employee's salary during any light duty assignment shall be at the same rate as the salary received prior to the injury.

All light duty assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making the decision concerning whether light duty work will be offered. Before returning to regular job duties following a light duty assignment, the employee must coordinate his return through the Director of Human Resources.

8.4 SAFE DRIVING RECORD

Employees' driving records will be checked periodically to ensure that no persons with unsafe driving records are operating City owned or leased vehicles or are driving a privately owned

vehicle while conducting City business. A safe driving record will be defined as the criteria established in the Safety Manual for City Employees

Police and Fire Department policies may have stricter standards imposed.

8.5 VALID DRIVER'S LICENSE

The City of Denison requires that every employee who operates a City owned or leased vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid driver's license and an acceptable driving record as determined by the City. When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorization necessary for the City to perform such a check.

8.6 SAFETY REVIEW BOARD

Safety Review Board Membership. The membership of the Safety Review Board shall be supervisors or employee representatives from various City departments. The Director of Human Resources is a permanent member of the Safety Review Board and shall serve as Chair.

Responsibilities of the Safety Review Board. The primary objective of the Safety Review Board is to promote an awareness of safety and prevent future accidents. The Board's responsibilities shall be to:

- Educate employees regarding the prevention of accidents and injuries and help them understand their responsibility in these matters. Consider all safety suggestions from employees and reward safe behavior.
- Make appropriate recommendations to Department Heads regarding the purchase and/or installation of safety equipment or the development of new safety rules and policies to prevent the occurrence of accidents.
- Review all personal injuries, vehicular accidents occurring in City vehicles, equipment damage and safety violations. (The City Manager reserves the right to review accidents involving Department Heads.) Investigate all facts relating to reported accidents and injuries and determine their cause(s). Make a determination as to whether an accident was preventable or non-preventable and whether an injury was avoidable or non-avoidable. Depending on the factors involved, some preventable accidents or avoidable injuries may be considered chargeable, in which case disciplinary action may be

appropriate. A record of preventable accidents or avoidable injuries shall be retained in the employee's personnel file.

- Ensure consistent discipline in safety matters throughout the City. Penalties will be recommended on an individual basis and will be based on degree of negligence or culpability, previous safety record of the employee involved, action taken by the employee immediately following the accident and other relevant information. As the role of the Safety Review Board is advisory, the Board forwards a recommendation for action to the appropriate Department Head. It is the responsibility of the Board to follow up with the department to ensure that some appropriate preventive or disciplinary action was taken.

Serious Accident Review Committee. The definition of "serious accident" is an accident resulting in more than \$5,000 in damage or the hospitalization of any individual. The Serious Accident Review Committee shall consist of the City Manager, City Attorney, Director of Finance and the Director of Human Resources.

In all serious accident cases, the Committee may suspend all proceedings of the Safety Review Board in connection with the accident, conduct an independent investigation and take any other authorized action it considers in the best interests of the City.

Safety Review Board Records. A record of each accident or injury reviewed by the Safety Review Board or the Serious Accident Review Committee and the action taken as a result of that accident or injury will be retained by the Chairman of the Safety Review Board.