



Employee Handbook

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Chapter 1: EMPLOYMENT

1.01 Employment Classifications

PURPOSE:

To define the classifications of employment in the City of Clarendon.

POLICY:

The City will maintain standard definitions of employment and will classify employees in accordance with the following definitions.

A. Full-time Employee

A full-time employee holds an authorized position budgeted for at least 2080 hours per fiscal year.

B. Part-time Employee

A part-time employee holds an authorized position, budgeted for fewer than 2080 hours per fiscal year.

C. Training Period

All new employees must complete a training period of three (3) months before they qualify for benefits.

D. Exempt

Some executive, administrative, and professional employees are exempt from the Federal Fair Labor Standards Act (FLSA) that provides overtime pay standards. These exemptions are generally based on the responsibility, discretion, independent judgment and decision-making authority required in the job. Exempt employees are not eligible to receive overtime pay.

E. Non-Exempt

Employees in non-exempt jobs must be paid overtime generally for hours worked over forty (40) hours per week. This means that non-exempt employees' time worked must be recorded to be in compliance with FLSA.

1.02 Equal Employment Opportunity

PURPOSE:

To affirm the City's position regarding non-discrimination in matters relating to employment in the organization.

POLICY:

To help ensure that equal employment and advancement opportunities are available to all individuals, employment decisions at the City will be based on merit, qualification, and abilities. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, ethnic affiliation, age, disability, veteran status, sexual orientation, transgender, or any other characteristic protected by law.

In accordance with the Americans with Disabilities Act (ADA), the City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring those issues to the attention of the City Administrator. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found to be engaging in discrimination or retaliation will be subject to disciplinary action, up to and including termination.

The City will not tolerate derogatory remarks or actions by employees regarding race, color, religion, gender, national origin, ethnic affiliation, age, disability, veteran status, sexual orientation, transgender, or any other characteristic protected by law.

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| 1.03 Work Ethics |
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PURPOSE:

To define expectations of fair dealing and ethical conduct of employees.

POLICY:

The City will comply with all applicable laws and regulations and expects its officers, volunteers, and employees to conduct business in accordance with the letter and spirit of relevant laws and refrain from dishonest and unethical conduct.

Employees shall, during both working and non-working hours, act in a manner which will inspire public trust in their integrity, impartiality, and devotion to the best interests of the City, its customers, and citizens.

To ensure ethical and impartial business, it is prohibited for City employees to:

1. Offer, accept, or solicit money, property, service, or other items of value by way of gift, favor, inducement, or loan with the intent that the offer would

influence or the recipient would be influenced by such conduct in the discharge of public duties. Use their official position, uniform, or badge to secure special advantage in business, personal gain, or other benefit derived from such relationship.

2. Use any City-owned facility, building, equipment, materials, or vehicle for their personal use or benefit, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession of City property.
3. Invest or hold a financial interest, directly or indirectly, in any business, entity, transaction, or business endeavor that would create a conflict between the City employee's duty to uphold the public trust and the individual's private interest.

City employees may be offered an honorarium. If the employee is being paid by the City for the time for which the honorarium will be received, the honorarium will be rejected.

In general, the use of good judgment, based on high ethical principles, will be the guide with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter must be disclosed to the City Administrator. The supervisor shall immediately inform the City Administrator for the purpose of precluding any real or apparent conflict of interest.

1.04 Nepotism

PURPOSE:

To avoid conflicts of interest in employment and work-related decisions by clearly defining the standards for relatives working within the City.

POLICY:

The employment of relatives in an organization may cause serious conflicts and problems with favoritism and employee morale. This policy applies to all employees. (Note: Current employees with relatives in the same department are grandfathered for that existing relationship only.) No person related to the City Administrator, Mayor, or any member of the City Council, shall be employed in a paid position in the City. City policy precludes employees from involvement in the employment process of those with whom they have familial relationships.

For purposes of this policy, a relative is any person who is related within the 3rd degree by blood (consanguinity) or the 2nd degree by marriage (affinity). The City reserves the right to take prompt action if an actual or potential conflict of interest arises concerning relatives who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.

If a relative relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the relationships to the City Administrator. The individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

1.05 Outside Employment

PURPOSE:

To outline the conditions an employee of the City of Clarendon must meet before accepting another job or business opportunity outside their employment with the City.

POLICY:

The position an employee holds with the City of Clarendon shall take precedence over any other occupational involvement of the employee. The acceptance of another job or business opportunity, such as contracting or self-employment, while in the employment of the City is permissible as long as the following considerations are met:

1. Employee must notify the City Administrator prior to the acceptance of outside employment and whenever the nature of such employment changes. If outside employment is approved, the request form will be placed in the employee's Personnel File.
2. Outside employment may not conflict with the best interest of the City and must be terminated if it adversely affects the employee's attendance or performance of duties. Approval of outside employment may be withdrawn at any time.
3. Outside employment must be suspended if the employee is on restricted duty, workers' compensation leave, sick leave, military leave, or leave without pay.

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.01 Personnel Files

PURPOSE:

To outline the information maintained in the personnel file, employee's access to the file, and how an employee must keep personnel data and records current.

POLICY:

The City of Clarendon maintains an official personnel file on each employee including such information as the employee's job application, résumé, performance evaluation forms, personnel action forms, and other employment records.

A. Restrictions and Confidentiality of Files

Personnel files are the property of the City, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law, or other information that is excepted from disclosure under the Public Information Act, may be released pursuant to such act. Additionally, direct or hiring supervisors and management personnel of the City who have a legitimate reason may review information in a file. Medical records are maintained separately from the personnel file and will not be released to the public, unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a written non-disclosure form at the time of employment, termination, or retirement. An employee or former employee may also later choose to open or close access to such information.

B. Employee Access to File

Employees who wish to review their own file shall contact the City Administrator to schedule an appointment. With reasonable advance notice, employees may review their own personnel file in the City Administrator's office. The employee may review the files and take notes or request copies of select pages, but shall not add or remove anything from their personnel file.

C. Personal Data Changes

It is the responsibility of each employee to notify the City Secretary within one (1) week of any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact, etc. For employees with dependent insurance coverage, the number and names of dependents must also be kept up-to-date.

2.02 Employment Reference Checks

PURPOSE:

To establish the guidelines for employee reference checks and City response to reference checks by other entities.

POLICY:

To ensure that individuals who join the City of Clarendon are well qualified and have a strong potential to be productive and successful, it is the policy of the City for the hiring department to check the employment references of the selected applicant prior to extending a job offer.

All calls, contacts, and written inquiries concerning current or former employees should be referred to the City Administrator. It is the policy of the City to provide neutral references concerning former employees. Responses to such inquiries will confirm dates of employment, wage rate, and the title held.

2.03 Performance Evaluation

PURPOSE:

To outline the general procedures for conducting a systematic performance evaluation.

POLICY:

Performance evaluations are scheduled approximately every 12 months, coinciding generally with the employee's anniversary date. **Anniversary date** is defined as the date an employee is hired full-time with the City. This date changes only with promotion or demotion. An employee may attach a statement to their performance evaluation for rebuttal or clarification, if desired. Performance evaluations shall be in written format and signed by the employee, evaluator, supervisor, or director. Completed performance evaluations must be submitted to the City Administrator before a salary increase will be granted.

Supervisors and employees of the City of Clarendon are strongly encouraged to discuss job performance and goals on an ongoing informal basis. Formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, meaningful approaches to meeting goals.

2.04 Job Descriptions

PURPOSE:

To outline the content of job descriptions and procedures for composing, revising, and ensuring the accuracy of the descriptions.

POLICY:

The City of Clarendon makes every effort to create and maintain accurate job descriptions for all positions within the City. Each description includes a job summary section (a general overview of the job's purpose), essential duties and responsibilities section, minimum qualifications section (including education, certifications required and/or experience), language skills, mathematical skills, physical demands, and work environment section.

The City maintains job descriptions to aid in orienting employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Employees must remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees may contact the Human Resources Department with questions or concerns about their job description.

2.05 Separation of Employment

PURPOSE:

To establish the types of separation and guidelines to be followed when an employee ends employment with the City of Clarendon.

POLICY:

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction of workforce, or termination.

A. Types of Separation

1. Resignation

Resignation is a voluntary act initiated by the employee to end employment with the City. The employee must submit a signed and dated letter of resignation providing a minimum of two weeks' notice. If an employee does not provide advance notice, or fails to actually work the remaining two weeks,

the employee will be ineligible for rehire and will not receive accrued benefits. The resignation date must not be the day after a holiday.

2. Retirement

Employees who retire under TMRS are required to notify the City Administrator in writing at least one (1) month before planned retirement date.

Retirement Gifts

- a. It is the practice of the City of Clarendon to give special recognition to employees at the time of their retirement.
- b. The recipient must be employed with the City of Clarendon for five (5) years to be eligible for a retirement gift.
- c. The amount provided for the gift is \$25 per year, based on the employee's uninterrupted full-time service. The Supervisor should contact the City Administrator to purchase a gift or a gift card. Department funds may not be used to augment the gift.

3. Job Abandonment

Employees who fail to report to work or contact his/her supervisor for two (2) consecutive work days shall be considered to have abandoned the job without notice effective at the end of his/her normal shift on the second day. The supervisor shall notify the City Administrator at the expiration of the second day and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

4. Termination

Employees of the City of Clarendon are employed on an at-will basis, and the City retains the right to terminate an employee at any time.

5. Reduction in Work Force

An employee may be laid off because of changes in duties, organizational changes, lack of funds, or lack of work. Employees who are laid off may not appeal the lay-off decision through the appeals process.

6. Release

Release is the end of temporary or seasonal employment.

7. Automatic Termination

If an employee has not returned to full-duty status from an authorized leave of absence(s), employment will automatically terminate. An employee will be considered unable to return to work if he/she cannot perform the essential functions of the job in full capacity, with or without reasonable accommodation. Under no circumstances may an employee be absent from the workplace more than ninety (90) consecutive days, unless on military leave or with approval of the City Administrator.

B. Out-Processing

1. Return of City Property

The separating employee must return all City property at the time of separation, including but not limited to uniforms, cell phones, keys, and identification cards. Failure to return some items may result in deductions from final paycheck.

C. Termination of Benefits

An employee separating from the City is eligible to receive benefits as long as appropriate procedures are followed as stated above. Two weeks' notice must be given and the employee must work the full two work weeks.

1. Vacation Leave: Accrued vacation leave will be paid in the last paycheck.
2. Sick Leave: Accrued sick leave will be paid in the last paycheck, according to *Policy 4.01 Sick Leave*.
3. Health Insurance: Health insurance terminates the last day of the month, unless employee requests immediate termination of benefits.

D. Rehire

Former employees who leave the City in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be resubmitted to the City Administrator and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the City Administrator prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals, or any other City benefit.

E. Bar from Employment

An applicant or employee who is terminated for violating City policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

Chapter 3: EMPLOYEE BENEFITS

3.01: Employee Benefits

PURPOSE:

To communicate the wide range of the benefits provided by the City of Clarendon to Employees.

POLICY:

Benefit eligibility is dependent upon a variety of factors, including employee classification. The City Secretary can identify the eligible programs. Details of many of these benefits may be found elsewhere in this policy manual.

The following benefits are available to eligible employees:

- Health Insurance
- Life Insurance
- Workers' Compensation Insurance
- TMRS Retirement Plan
- Uniform
- Sick Leave
- Vacation Leave
- Holiday Leave
- Funeral/Bereavement Leave
- Military Leave
- Jury and Witness Duty Leave
- Voting Time Off
- Certification and Education Pay
- Direct Deposit

3.02 HEALTH INSURANCE

PURPOSE:

To communicate the health insurance programs for City of Clarendon employees, and to identify eligibility requirements.

POLICY:

The City of Clarendon health insurance plan provides employees and their dependent(s) access to health insurance benefits. Only employees in the following employment classification are eligible to participate in the health insurance plan:

- Full-time employees (To begin three months from date of employment)

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier. Each new employee is required to complete enrollment forms at the time full-time employment begins.

The City offers employees the option to purchase dependent health insurance as described below:

1. A spouse will be covered when defined by a formal marriage certificate or a certified copy of a Declaration of Informal Marriage. The City does not cover a common-law spouse without the Declaration.
2. Biological or legally adopted children of the employee or of the employee's lawful spouse will be covered.

3.03 Life Insurance

PURPOSE:

To communicate the life insurance program for City of Clarendon employees, and to identify eligibility requirements.

POLICY:

Life insurance offers employees and their families important financial protection. The City of Clarendon provides a basic life insurance plan. Employees in the following employment classifications are eligible to participate:

- Full-time employees (To begin three months from date of employment)

Eligible employees participate in the life insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier. Each new employee shall complete enrollment forms at the time full-time employment begins.

3.04 Workers' Compensation Insurance

PURPOSE:

To describe the City of Clarendon's Workers' Compensation Program and the procedures to follow when workers' compensation insurance may apply.

POLICY:

The City of Clarendon complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. The program covers an injury or

illness sustained in the course of employment that requires medical treatment, subject to applicable legal requirements and workers' compensation guidelines. Workers' Compensation insurance coverage begins immediately upon employment with the City.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it must be reported.

Neither the City nor the workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's participation in an off-duty recreational, social, or athletic activity sponsored by the City or for outside employment. Time off on workers' compensation leave will not be counted as time worked for the purpose of determining overtime.

For additional information on workers' compensation, visit the Texas Workers' Compensation Commission online at www.twcc.state.tx.us/index.html or contact the City Administrator.

3.05 Workers' Compensation Salary Supplement

PURPOSE:

To describe the Workers' Compensation salary supplement which can make up the difference between Workers' Compensation payments and the employee's basic take-home pay, excluding overtime, shift differential, etc.

POLICY:

The City offers a salary supplement for an employee who sustains an injury on the job.

A. Texas Workers' Compensation Act

When an employee is injured within the course and scope of their employment with the City of Clarendon, the employee is eligible for Workers' Compensation payments pursuant to State law. Workers' Compensation pays for:

- Reasonably required and necessary medical treatment.
- A statutory amount, based on the employee's average weekly wage of weekly benefits in lieu of salary for inability to work due to an on-the-job injury or occupational illness.
- Additional monetary benefits for permanent disability suffered as a result of the on-the-job injury or occupational illness.
- Death benefits.

Workers' Compensation entitlements are subject to being denied or discontinued based on the following grounds covered in the Texas Workers' Compensation Act:

1. The injury occurred while the employee was in a state of intoxication or under the influence of illegal drugs.

2. The injury was caused by the employee's willful intention to attempt to injure himself or herself or to unlawfully injure another person.
3. The employee's horseplay was the producing cause of the injury.
4. The injury arose out of an act of a third person intending to injure the employee because of personal reasons and not directed at the employee as an employee or because of their employment.
5. The injury arose out of voluntary participation in an off-duty recreational, social, or athletic activity not part of the employee's work-related duties, except where these activities are a reasonable expectancy of or are expressly or implicitly required within the scope of the employee's job duties.

As provided by law, Workers' Compensation benefits are subject to a seven (7) calendar day waiting period. Employees will begin earning Workers' Compensation weekly benefits after the seventh (7) day of an on-the-job injury that requires absence from work (retroactive pay for the first seven (7) days after fourteen (14) days absence from work) Covered employees who are absent from work due to an on-the-job injury for seven days or less will be on the payroll in workers' compensation supplement pay status.

An employee may select a physician of their own choice, including the City's insurance provider's network, to administer treatment in connection with the on-the-job injury. However, City salary supplement will only be provided when using the City's occupational health care provider.

B. Temporary Income Benefits

Temporary Income Benefits (TIBs) will be paid weekly by the City's Workers' Compensation carrier beginning on the eighth (8th) day of lost time injury leave and will continue until the employee reaches Maximum Medical Improvement (MMI). TIBs are paid at the rate of approximately 70% of the injured employee's average weekly wage.

This will result in the employee receiving a minimum of 85% of their gross pay based on a normal 40-hour work week, because TIBs are not subject to income and social security tax.

C. Workers' Compensation Salary Supplement Rules

Salary Supplement payments may be suspended or forfeited at any time for the injured employee's failure to comply with City policies, procedure, or directions. The following list contains examples of grounds for suspension or forfeiture of salary supplement payments:

1. If the employee engages in work, whether part-time or as a volunteer, while off work from the City.
2. If the employee is terminated or resigns for any reason.
3. If the employee fails or refuses to comply with instructions or the advice of the treating physician.

4. If the employee fails to act in a manner consistent with being off work convalescing.
5. If workers' compensation indemnity payments are stopped.
6. If the employee refuses to accept or perform a different or light-duty job with the City that is within the employee's physical capacity and for which the employee is able, qualified, and/or could be trained.
7. If the employee refuses to submit to any independent medical examination or treatment in accordance with the Texas Workers' Compensation Statute.
8. If the employee refuses to return to regular duty after being released by the treating physician.
9. If the employee fails to report the injury within twenty-four (24) hours without good cause for the delay as determined by the City Administrator.
10. If the employee fails to keep the City Administrator informed on a weekly basis as to the status of the injury when off work receiving Workers' Compensation payments.
11. If the employee refuses to cooperate with the City Administrator in ascertaining facts, information, and requests concerning the status of the injury.

3.06 TMRS Retirement Plan

PURPOSE:

To identify eligibility requirements for employees to participate in the Texas Municipal Retirement System (TMRS), the retirement system administered on a state-wide basis.

POLICY:

Participation in the Texas Municipal Retirement System (TMRS) system provides monthly pension benefits at retirement.

A. Eligibility for Enrollment

At the time of employment, all eligible employees are enrolled in the TMRS pension plan. Employees in the following employment classifications participate in TMRS:

- Full-time employees
- Employees in positions budgeted to work 1000 or more hours a year.

B. Contributions

Contribution rates and other policies of the City's TMRS plan are determined by the City Council and are subject to change.

1. Contributions to TMRS are mandatory for eligible employment classifications described above.

2. Currently, the employee contributes 7% of their earnings each pay period. The contributions are tax deferred and are made through payroll deduction. Vesting generally occurs 5 years after the first contribution.
3. Currently, the City's contributions are 1 to 1.

C. Interest Earnings

Employee deposits earn interest on an annual basis, credited to the employee's account each year on December 31st. Prorated interest occurs only during the year in which the employee retires.

D. Benefits on Retirement

1. Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age. Military service or previous government employment may contribute service credit toward earlier retirement.
2. TMRS benefits will be based on years of service, salary, the employee and City contributions to the account, and the retirement option selected.
3. Employees must contact the Human Resources Department at least one (1) month before the planned retirement date to allow for completion of paperwork.

E. TMRS Supplemental Death Benefits

The Clarendon City Council approved a Supplemental Death Benefit Option which provides a death benefit equivalent to the annual salary for current employees and \$7500 for retirees of the City.

For additional information, please consult the TMRS Benefits Guide available online at www.tMrs.org.

3.07 Uniforms

PURPOSE:

To establish a standard regarding employee uniforms, the conduct employees must exhibit while in uniform, uniform maintenance, and the return of uniforms upon separation from the City.

POLICY:

A. Uniforms

After successfully completing their three (3) month training period, employees who are required to wear uniforms will be provided:

1. Uniform shirts and pants complete with required insignia, etc.
2. \$50 allowance toward steel-toed work boots- annually

Employees who are furnished uniforms must wear the regulation uniform while performing work for the City, except when special circumstances or work conditions exist. Employees will not wear the uniforms for other than City work. However, uniforms may be worn to and from work and while performing specific assigned or approved functions.

B. Uniform Conduct

No employee, while wearing any City attire, shall purchase, possess, or consume alcoholic beverages in public. No uniformed employee shall use tobacco products while making public contact. This includes, but may not be limited to time while on-the-job, training sessions, or time spent in City-owned, rented, or leased vehicles or equipment.

C. Uniform Maintenance

The employee will be responsible for all cleaning and care of the uniforms, unless this service is provided under a lease agreement. City uniforms must be in good condition. The employee's immediate supervisor will determine whether an employee's uniform is clean and serviceable. Uniforms damaged due to employee carelessness or negligence will be replaced at the employee's cost.

D. Uniforms at Termination

Employees who separate employment for any reason must return all uniforms and insignia issued by the City. Failure to do so will result in deduction from the final pay check equal to the replacement value of the item not returned.

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| 3.08 Certification and Education Pay |
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REASONING:

Due to the difficulty in recruiting quality personnel and the need to encourage employees to participate in advance training and education. Additional training and certification is an overall benefit to the operations of the City of Clarendon. Levels of training, education, and certification should be encouraged and recognized.

PURPOSE:

To establish a policy that provides for uniform standards of practice and procedure. This policy would be subject to and contingent upon City Council approval of a budget that funds these benefits and incentives.

POLICY:

- A. All certification pay additions and/or deletions must be received and approved by the City Council before implementation.
- B. All certification pay plans are subject to and contingent upon the City Council approval of an annual budget that funds these benefits.
- C. In order to receive compensation through this policy the certification must be deemed beneficial to the City as part of the employees work responsibilities.
- D. Should an employee transfer to a position where the certification is inapplicable, the certification pay will be forfeited.
- E. Evidence of certification and renewal of certification must be provided by the employee and maintained in their respective personnel file in order for compensation.
- F. If a license or certification expires, the compensation will stop.

| List of Certificates | Certification Pay Scale | |
|--------------------------------------|-------------------------|----------|
| | per month | per hour |
| Class D Water | \$48.00 | \$0.30 |
| Class C Water | \$48.00 | \$0.30 |
| Class D Wastewater | \$48.00 | \$0.30 |
| Class C Wastewater | \$48.00 | \$0.30 |
| CSI Certification | \$48.00 | \$0.30 |
| Commercial Operators | \$48.00 | \$0.30 |
| Solid Waste B | \$48.00 | \$0.30 |
| Solid Waste A | \$48.00 | \$0.30 |
| Herbicide Applicator | \$48.00 | \$0.30 |
| Animal Control | \$48.00 | \$0.30 |
| Euthanasia | \$100.00 | \$0.62 |
| Deputy Municipal Court Clerk | \$48.00 | \$0.30 |
| Records Management Officer Assistant | \$0.0 | \$0.30 |
| Basic Code Enforcement | \$48.00 | \$0.30 |
| Intermediate Code Enforcement | \$48.00 | \$0.30 |
| Bilingual (Spanish) | \$48.00 | \$0.30 |
| Certified Pool Operator | \$48.00 | \$0.30 |

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| 3.9 DIRECT DEPOSITS |
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PURPOSE:

To establish a policy for payroll direct deposit due to the cost savings and amount of time to produce checks.

POLICY:

Employees of the City of Clarendon will have their payroll funds direct deposited into the account of their choice on the regularly scheduled by-weekly pay days. The City Administrator will determine if the final payroll is direct deposit or check.

3.10 EMPLOYEE LEAVE SHARING PROGRAM

PURPOSE:

The purpose of the Employee Leave Sharing Program is to provide employees with a possibility of obtaining additional leave to avoid loss of compensation due to an illness or injury when the employee has exhausted all accrued leave. This temporary measure is geared towards limiting an employee's economic hardship during a health-related event.

POLICY:

The program allows full-time City employees to voluntarily donate vacation time or sick leave earned by the employee to another full-time City employee in the event of an illness or injury. Full-time employees can donate leave in eight (8) hour increments to other Full-time City employees who are at risk of losing their income. Donation of leave by an employee shall not be considered as usage of leave by the donor.

Potential donors shall initiate their donation by making the offer, in writing, to the City Secretary/Human Resources Director. The offer should state the amount of time to be given and the recipient. The entire transaction will be forwarded the City Administrator. The final decision lies with the City Administrator.

Chapter 4: LEAVES OF ABSENCE

4.01 Sick Leave

PURPOSE:

To identify the guidelines and procedures regarding the payment accrual, use, and payment of sick leave.

POLICY:

The City of Clarendon provides paid sick leave benefits to eligible employees for periods of temporary absence due to illness or injury. Paid time off for sick leave will not be counted as time worked for the purpose of determining overtime.

Eligible employee classification for Sick Leave:

- Full-time employees

A full-time employee is eligible to accrue 96 hours of sick leave per year, accrued at the rate of 3.69 hours per pay period.

B. Accumulation

Sick leave shall accumulate to an employee during the first six months of full-time employment but may be granted during the first six (6) months period only at the discretion of the City Administrator. Unused sick leave may be accumulated from year to year to a total of 90 days or 720 hours.

C. Uses of Sick Leave

1. Personal Illness: Permissible uses of sick leave are personal illness, injury, routine doctor appointments that cannot be reasonable scheduled during non-work hours.
2. Family Illness: Employees may use sick leave when it is absolutely necessary to care for their ill or injured child, parent, or spouse.
3. While on Vacation: Employees who become ill during vacation leave may request the time be charged to sick leave with a doctor's statement.
4. While on Unpaid Leave of Absence: Employees on approved personal leave of absence without pay will not be allowed to convert leave time to sick leave status.

D. Scheduling and Using Leave

Employees who are unable to report to work due to illness or injury must notify their immediate supervisor before the start of their workday, to the telephone number(s) preferred by the supervisor. The direct supervisor must also be contacted on each additional day of absence. A physician's statement is required where absence is continuous for a period of three (3) working days or after surgery, regardless of the length of absence. Under no circumstances shall sick leave be granted in advance of accrual.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation.

At the discretion of the supervisor, employees who are deemed unable to satisfactorily perform their job due to illness or injury may be sent home by the supervisor with loss of sick leave.

E Misuse of Sick Leave

The misuse of sick leave benefits is grounds for disciplinary action up to and including termination. The misuse or abuse of sick leave is characterized by a pattern of behavior, such as the following examples:

1. Misrepresenting the need to use sick leave.
2. Falsifying healthcare provider notices or reports.
3. Frequently using sick leave before or after holidays or following a payday.

F. Payment upon Separation

1. If an employee retires with at least 2 weeks' notice and works the remaining 2 weeks, he/she will be paid for unused sick time that has accrued through the last day of work, up to a maximum of 720 hours.
2. If the employee is terminated or resigns, no payment will be made for accrued sick leave.

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| 4.02 Vacation Leave |
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PURPOSE:

To provide guidelines and procedures for the accrual, use, and payment of vacation leave upon separation.

POLICY:

Vacation leave with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Paid time off for vacation leave will not be counted as time worked for the purposes of determining overtime.

Eligible employee classification for Vacation Leave:

- Full-time employees

A. Accrual

The amount of paid vacation leave that full-time employees receive each year increases with the length of their employment as shown in the following schedule:

1. Full-Time Employees

- a. Upon employment, full-time employees are entitled to earn 80 hours of vacation time each year, accrued monthly at the rate of 6.67 hours a month. A maximum balance of 80 hours can be held; no more than 80 hours will accrue.
- b. After **10 years** of eligible service a full-time employee is entitled to 120 hours of vacation time each year, accrued at the rate of 10.00 hours a month. A maximum balance of 120 hours can be held; no more than 120 hours will accrue.
- c. After **20 years** of eligible service a full-time employee is entitled to 160 hours of vacation time each year, accrued at the rate of 13.34 hours a month. A maximum balance of 160 hours can be held; no more than 160 hours will accrue.
- d. After **30 years** of eligible service a full-time employee is entitled to 200 hours of vacation time each year, accrued at the rate of 16.67 hours a month. A maximum balance of 200 hours can be held; no more than 200 hours will accrue.

B. Accumulation

When employees enter the full-time employment classification, accrual of paid vacation leave begins according to the schedule. Before vacation time can be used, a waiting period of six (6) months must be completed unless the City Administrator approves vacation time during the hiring process.

C. Scheduling and Using Accrued Leave

Employees must submit a *Leave Request* to their supervisor to request vacation leave. Approval will be made based on a number of factors including business needs, staffing requirements, and seniority of employees. Under no circumstances will vacation leave be granted in advance of accrual. Paid holidays occurring while an employee is on approved vacation will not be charged to vacation leave.

D. Payment upon Separation

1. If an employee retires or resigns with 2 weeks notice and completes the remaining 2 weeks, the employee will be paid for unused vacation time that has been earned through the last day of work.
2. If the employee is terminated, quits without 2 weeks notice, or fails to work the full 2 weeks of notice, no payment for accrued vacation leave shall be made.
3. If an employee leaves the City for any reason during the first year of employment, no payment will be made for vacation leave.

4.03 Holiday Leave

PURPOSE:

To identify the City's observed holidays and to establish the procedures used for holiday pay.

POLICY:

Holiday leave will be provided immediately upon assignment to the eligible employment classification. Paid time off for holidays will be counted as time worked for the purposes of determining overtime.

Eligible employee classification for Holiday Leave:

- Full-time employees

A. Observed Holidays

The City of Clarendon observes ten (10) holidays during the year. The holidays and dates observed are:

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| New Year's Day | January 01 |
| Good Friday | Friday before Easter |
| Memorial Day | Last Monday in May |
| Independence Day | July 04 |
| Labor Day | First Monday in September |
| Veteran's Day | National Observance |
| Thanksgiving | Fourth Thursday in November |
| Day after Thanksgiving | Fourth Friday in November |
| Day before Christmas | December 24 |
| Christmas Day | December 25 |

B. Holiday Pay

Holiday pay will be calculated based on the employee's pay rate as of the date of the holiday. Full-time employees of the City will receive holiday pay at 8 hours per observed holiday.

Employees must work the last scheduled day immediately preceding and the first day immediately following the holiday unless leave has been approved by their supervisor.

C. Holidays on a Day Off

1. On the Weekend: A recognized holiday that falls on a Saturday will be observed on the preceding Friday or earlier if Friday is also a holiday. A

recognized holiday that falls on a Sunday will be observed on the following Monday or later if Monday is also a holiday.

2. During Vacation leave: Holidays that occur during a scheduled paid vacation time will be paid as a holiday and will not be charged as vacation.
3. Due to Suspension: If an employee is off-without-pay due to suspension on the day prior to, day of, or day after the observed holiday, the employee is not eligible for a paid holiday.
4. Due to Occupational Disability: If an employee is off due to a workers' compensation injury or illness, the employee will receive only their normal workers' compensation and will not accrue credit for a holiday.

4.04 Personal Leave Without Pay

PURPOSE:

To define guidelines and procedures for extended personal leave without pay.

POLICY:

The City of Clarendon may allow a leave of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations, subject to department workloads.

Eligible employee classification for Vacation Leave:

- Full-time employees

A. Eligibility

Eligible employees may request personal leave only after having completed one (1) year of service. Personal leave may be granted by the City Administrator for personal reasons up to a limit of twenty-two (22) working days.

B. Requesting Leave

Employees requesting Personal Leave Without Pay must make the request in writing to the City Administrator thirty (30) days in advance of the requested starting date. This requirement may be waived when circumstances do not permit such advance notice.

C. Approval Process

Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence. A request for personal leave which exceed twenty-two (22) working days in one (1) calendar year requires the approval of the City Administrator.

D. Benefits While On Leave

Employees must make arrangements to pay their share of insurance premiums if they wish to continue their insurance benefits. Employees who have approved personal leave for more than 22 working days will receive LWOP.

Accruals, such as vacation, sick leave, and holiday benefits, will be suspended during leave and will resume upon return to active employment.

E. Return from Leave

When personal leave ends, every reasonable effort will be made to return the employee to the same position, if available, or to a similar position for which the employee is qualified.

In the event that circumstances do not permit the employee's return on the date established, a written request for an extension must be submitted two weeks prior to such date. If an employee fails to report to work promptly at the expiration of the approved leave period, the employee will be terminated.

Employees with greater than twenty-four (24) hours of LWOP in a pay period of two weeks may be terminated, unless preapproved by the City Administrator.

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| 4.05 Military Leave |
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PURPOSE:

To define the benefits related to military leave for both active and temporary military training duty.

POLICY:

The City of Clarendon complies with Section 431.005 of the Texas Government Code, where an employee who is a member of a reserve unit of the armed forces of the United States, engaged in authorized military training or duties authorized by proper authority, will receive pay for up to 15 working days in a federal fiscal year (October 1-September 30). Military time will not count as time worked for purposes of determining overtime.

Eligible employee classification for Military Leave:

- Full-time employees

A. Requesting Leave

Employees must provide a copy of orders and/or the annual drill schedule as soon as available. Employees must notify the City Administrator as soon as

possible and it should be accompanied by a copy of the order, directive, notice, or other document requiring absence from scheduled work. Travel time included in the orders may be counted as military leave. Military leave will be granted without loss in seniority.

B. Using Military Leave

If the training exceeds fifteen (15) regular working days (120 hours) in a fiscal year (October 1 through September 30) the employee may elect to use accrued vacation or holiday leave before being placed on leave without pay.

C. Active Duty Order

An employee who is a member of a reserve component of the armed forces and is ordered to full-time extended active duty shall receive extended military leave of absence. If the employee's military pay is less than their City salary, they will receive the difference between the total of employee military pay (excluding meal payments) and their regular City salary for up to one year.

D. Benefits While on Duty

Employees on extended military leave will not accrue sick leave, vacation leave, holiday leave, or benefits, nor shall they be eligible for an annual performance-based step/merit increase.

1. Medical Insurance

The City's medical insurance carriers exclude active military from insurance coverage; therefore, employee group insurance ceases for the military member.

2. Life Insurance

The City's current Life Insurance carrier has a 3-month leave of absence provision; therefore, after three (3) months of leave, coverage will cease on the employee and dependents, unless they elect to convert to an individual whole life policy. Contact the City Secretary/Human Resources Director for information on the conversion. The conversion must be applied for within 30 days of termination of the group coverage and the employee will be responsible for the premium.

3. TMRS

According to the Texas Municipal Retirement System (TMRS) guidelines, an employee entering active service becomes an inactive participant. Upon return to full-time employment with the City, the employee may apply to TMRS for credit for military time served. The TMRS Supplemental Death Benefit does not cover employees on active duty. See *Policy 3.08 TMRS* for additional information.

E. Return from Leave

At the end of military duty, the employee shall report to work on the employee's next scheduled work day.

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| 4.06 Funeral/Bereavement Leave |
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PURPOSE:

To provide guidelines governing paid bereavement leave for the death of an immediate family member.

POLICY:

The City of Clarendon provides up to 24 hours of paid leave to eligible employees who miss work due to the death of an immediate family member.

Eligible employee classification for Funeral/Bereavement Leave:

- Full-time employees

Immediate Family is defined as any one of the following:

- The employee's or employee's spouse- spouse, parent, child, grand-parent, grand-child, or sibling.

A. Requesting Leave and Approval Process

The employee should notify their supervisor of the need to use funeral/bereavement leave as soon as possible. Leave shall be granted unless there are unusual business needs or staffing requirements.

B. Pay While on Leave

Funeral/bereavement pay is calculated based on the base pay rate at the time of absence and will not include shift differential pay. Paid time off for funeral/bereavement leave will not be counted as hours worked for the purposes of determining overtime.

C. Additional or Other Bereavement Leave

Employees may, with the City Administrator's approval, use additional vacation leave for additional time of as necessary. Employees wishing to attend a funeral other than that of an immediate family member may use vacation leave or personal leave without pay. Sick leave may not be used for attendance at funerals.

4.07 Jury Duty

PURPOSE:

To establish a procedure for receiving time off for jury duty and for responding to a court subpoena for witness duty.

POLICY:

The City of Clarendon encourages employees to fulfill their civic responsibilities by serving on a jury and fulfilling witness duty, when required. Paid time off for Jury Duty or Witness Duty Leave will not be counted as time worked for purposes of determining overtime, nor shall shift differential apply. Time spent in court by employees who are required to attend court in the course and scope of their job shall be counted as time worked for the purposes of determining overtime.

Eligible employee classification for Jury Duty Leave:

- Full-time employees

A. JURY DUTY

Full-time employees qualify for paid jury leave. Employees must show the jury summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Jury duty pay is a benefit that will be calculated on the employee's base rate of pay for the number of hours the employee otherwise would have worked on the day of absence, with a maximum payment of 8 hours. Employees are expected to return to work whenever the court schedule permits or if released from court with work hours still remaining.

4.08 Voting Time Off

PURPOSE:

To establish a procedure for an employee to receive time off to vote in an election if unable to do so outside their usual working hours.

POLICY:

The City of Clarendon encourages their employees to fulfill their civic responsibilities by voting in elections. Generally, employees are able to find time to vote either before or after regular work hours. Department directors and direct supervisors should encourage employees to use early voting in lieu of requesting special leave. If employees are unable to vote in an election during their non-working hours, the City will grant up to two (2) hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, or when the absence provides the least disruption. Voting time off will not be counted as time worked for the purposes of determining overtime.

4.09 FAMILY MEDICAL LEAVE ACT

PURPOSE:

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

POLICY:

Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

Military Caregiver Leave:

Entitles eligible employees who are the spouse, son, daughter, parent, or next of kin of a covered service member (current member or veteran of the National Guard, Reserves, or Regular Armed Forces) with a serious injury or illness incurred or aggravated in the line of duty to take up to 26 workweeks of FMLA leave during a single 12-month period to care for their family member.

Qualifying Exigency Leave: Entitles eligible employees to take up to 12 workweeks of FMLA leave in a 12-month period for a "qualifying exigency" related to the foreign deployment of the employee's spouse, son, daughter, or parent.

*In order to provide FMLA rights to all legally married same-sex couples consistent with the Windsor decision and the President's directive, the Department subsequently issued a Final Rule on February 25, 2015, revising the regulatory definition of spouse under the FMLA. The Final Rule amends the regulatory definition of spouse under the FMLA so that eligible employees in legal same-sex marriages will be able to take FMLA leave to care for their spouse or family member, regardless of where they live. This will ensure that the FMLA will give spouses in same-sex marriages the same ability as all spouses to fully exercise their FMLA rights. The Final Rule is effective on March 27, 2015.

4.10 VOLUNTEER FOR COMMUNITY BENEFICIAL NON-PROFIT ORGANIZATIONS

PURPOSE:

To establish a procedure for an employee to have time off with pay to serve as a volunteer for a community beneficial non-profit organization.

POLICY:

Volunteer time may be used when volunteering for a civic nonprofit organization for up to four (4) hours a calendar month. Volunteer time must be approved in advance by the department Supervisor and a leave request submitted. There could be no compensation for serving from the non-profit to the employee to be eligible for this benefit.

Chapter 5: COMPENSATION

5.01 Timekeeping

PURPOSE:

To define time worked and not worked, and to outline the City's timekeeping procedures.

POLICY:

Accurately reporting time worked is the responsibility of every non-exempt employee. The City must keep an accurate record of time worked in order to calculate employee pay and benefits.

A. Time Worked

Time worked includes all time that an employee is required to be physically at work for the City. Time worked is used to determine overtime pay required for non-exempt employees. The City does include the following provisions as time worked:

1. Work Away from Premises or at Home: A non-exempt employee shall not be permitted to perform work away from the premises, job site, or at home, unless approved in advance in writing by the supervisor. If approved, work performed off the premises, job site, or at home by a non-exempt employee must be counted as time worked.
2. Break Time: Rest periods of 15 minutes or less are counted as time worked.

B. Time Not Worked

Per the Fair Labor Standards Act (FLSA), the City does not count the following provisions as time worked:

1. Paid Leave: Approved paid absences, including but not limited to sick leave, vacation leave, FMLA, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are not counted as time worked.
2. Lunch or Dinner Periods: Uninterrupted time off for lunch or dinner is not counted as time worked.

C. Timekeeping

Non-exempt employees must keep an accurate record of the time they begin and end their work, as well as the beginning and ending time of any meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons.

It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

5.02 Pay Periods

PURPOSE:

The purpose of this policy is to outline the schedule for distribution of paychecks or direct deposit.

POLICY:

Employees of the City of Clarendon are paid bi-weekly, every other Friday. Each paycheck will include earnings for work performed through the end of the previous payroll period. In the event the regularly-scheduled payday falls on a holiday, employees will be paid on the day before.

5.03 Pay Deductions

PURPOSE:

To describe and outline guidelines for voluntary and involuntary pay deductions.

POLICY:

The City of Clarendon offers programs and benefits beyond those required by law.

A. Mandatory Deductions

The City is required by law to make certain deductions from employees' compensation. These deductions include withholdings for federal income taxes; Federal Insurance Contribution Act (FICA) tax, which is comprised of Social Security and Medicare; and contributions to the Texas Municipal Retirement System (TMRS) Retirement Plan.

B. Record of Deductions

The check stub serves as a statement of employees' earnings and deductions. Employees who received income in the previous year will receive a Wage and Tax Statement (W-2) as soon after the end of the

year as possible. If an employee does not receive a W-2 by the end of January, contact the City Administrator.

C. Changes in Deductions

An employee may begin, change, or cancel most optional deductions, or may change the number of dependents for tax purposes by contacting the City Administrator.

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| 5.04 Overtime |
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PURPOSE:

To provide a consistent policy governing overtime work in accordance with Federal Labor Standards Act.

POLICY:

Overtime is time worked in addition to an employee's regularly scheduled hours during a work week.

A. Eligibility for Overtime

1. In accordance with the Federal Labor Standards Act (FLSA), non-exempt employees are eligible to receive overtime pay at the rate of one and one-half times their regular pay for time worked in excess of 40 hours per workweek.
2. Exempt employees are not eligible for overtime: they are expected to work as many hours as required to perform the duties of their position.

B. Scheduling and Working Overtime

Before overtime is worked, the employee must have written approval from his/her supervisor. Overtime is considered a condition of employment and refusal to accept it when reasonable notice has been given is cause for disciplinary action, up to and including termination.

C. Time Worked

Approved paid absences, including but not limited to sick leave, vacation leave, FMLA, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are not counted as time worked for the purposes of computing overtime.

D. Compensatory Time

The City does not allow compensatory time.

5.05 On Call/Emergency Call-Back Pay

PURPOSE:

To standardize On Call/Emergency Call-Back Pay across the City and provide guidelines for employees who are subject to on call or emergency call back pay.

POLICY:

An emergency call-back is described as an unscheduled request made by an appropriate management official for an employee to return to work to do unforeseen or emergency work after leaving the building or work location at the end of their regular shift and before the beginning of the next regularly-scheduled shift. An on-call employee who is called back to work outside his or her normal work schedule shall be paid for the time worked or a minimum of two (2) hours, whichever is greater.

Time worked while on call shall be calculated at the rate of one and one-half (1½) the employee's regular rate of pay. If an employee is called back to work, they will be paid for their travel time. If on call and not called back, no pay will be earned. Overtime compensation is applicable only when the total hours worked exceeds the regular full-time work week.

Emergency call-backs that occur during paid holiday leave will be considered overtime. Justification must be provided to the supervisor to validate that the call back was an emergency.

Employees who are on call must adhere to all City policies, including the *Substance Abuse and Testing*. Any variance from such policies may result in disciplinary action, up to and including termination.

CHAPTER 6: WORK ENVIRONMENT

6.01 SAFETY

PURPOSE:

To define health and safety practices utilized by the City to assist in providing a safe and health work environment for employees, citizens, customers, and visitors.

POLICY:

The City Administrator is responsible for implementing, administering, monitoring, and evaluating the safety program. However, its success depends on the alertness and personal commitment of all employees.

A. Report of Accident

The City will take all practical steps to eliminate or reduce exposure to accidental injury or to conditions that would be injurious to their health. In the case of accidents resulting in injury, employees must immediately complete a *First Report of Injury/Accident/Incident* form and submit the form to their immediate supervisor. The supervisor must then immediately submit the form to the City Administrator.

B. Safety Training

Employees and supervisors receive periodic workplace safety training throughout City-initiated risk/safety procedures. The training covers potential safety and health hazards and safe work practices to eliminate or minimize hazards. A safety advisory group has been established to assist in these activities and to facilitate effective communications between employees and management about workplace safety and health issues.

C. Reporting Unsafe Acts

Employees shall cooperate with the City by observing reasonable safety regulations and working in a safe manner. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report, or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

D. Safety Suggestions

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, another supervisor, or

manager, or bring them to the attention of the City Administrator. All reports can be made without fear of reprisal.

6.02 INTERNET ACCESS AND ELECTRONIC MAIL (E-mail)

PURPOSE:

To define the appropriate use of computer resources, maximize security, and ensure proper job performance.

DEFINITIONS:

Users are all employees, volunteers, City Council members, and other persons that are authorized to use the City's computer resources, with the exclusion of library patrons.

Computer resources refers to the City's entire computer network. Computer resources include, but are not limited to host computers, file servers, fax servers, web servers, workstations, stand-alone computers, laptops, software, data files, and all internal and external computer and communications networks (i.e. internet, computer online services, value-added networks, and e-mail systems) that may be accessed directly or indirectly from or through the City's computer network.

The Texas Public Information Act provides that all information that the City is required to assemble, collect, and maintain under a law or ordinance or in connection with the transaction of official business is public information subject to disclosure to the public unless otherwise exempted from disclosure by the Act or other law.

Instant messaging and Chat Rooms refers to internet-based real-time interactive communication using any Instant Messaging or Chat Room software installed on a computer or downloaded from the Internet.

Electronic Mail (E-mail) is the network of computer hardware and software that permits the sending and receiving of electronic messages from one personal computer user to another. In the context of this policy, e-mail transmissions include transmissions that travel via the internet, as well as transmissions that travel via the City's wide area network only.

Internet Access is defined as the ability for any personal computer to connect to the World Wide Web, File Transfer Protocol, Newsgroups, Gopher, Telnet, and Wide Area Information Services.

POLICY:

The City of Clarendon relies on its computer resources to conduct business efficiently through access to information and communication via Internet and electronic mail (e-mail).

A. No Expectation of Privacy

1. THERE IS NO EXPECTATION OF PRIVACY IN THE USE OF THE CITY'S COMPUTER SYSTEM OR ANYTHING CREATED, STORED, SENT, OR RECEIVED BY THE USER.
2. All internet and e-mail communications sent through, received, or stored in the City-owned system are the property of the City. Additionally, the City has the unilateral right to access all stored electronic communications. Access to the Internet with the assistance of City-owned equipment is a City privilege. All Internet and e-mail activity must be in compliance with this policy and other applicable policies, procedures, and rules.
3. In order to protect its interests, the City retains the right to monitor all its electronic communications systems at its discretion and as allowed by the City. *Any information transmitted, received, or stored on the City's equipment is public property and subject to disclosure and public access as provided by law.*
4. The City's right to access e-mail messages, including sites reviewed on Internet, may occur under the following circumstances:
 - a. Upon an employee's departure or absence from the City, the user's mail may be accessed to save or review those messages which pertain to City business and as necessary to locate information;
 - b. If required by law;
 - c. When information is present which indicates improper use of the Internet or e-mail;
 - d. When necessary to investigate a possible violation of a City policy or a breach of the security of the electronic mail system;
 - e. Monitoring may be done for mechanical and service quality control as well as for compliance with this policy;
 - f. For all stored communications.
5. The contents of electronic mail/Internet access files or data may be disclosed without the permission of the user. Any individual using the City's e-mail system has no expectation of privacy in any e-mail message that the individual may generate or receive, including personal messages (if any). At any time the employee's supervisor or director, IT Coordinator or any other appropriate person selected by the City Manager or their designee may review an individual's messages or site.
6. The City reserves the right to monitor all traffic on the network, including sites accessed, content examined, and time spent. Individuals must not use computers or networks in such a way that

would disrupt or impair the use by others or be contrary to any City policy. No employee shall use the Internet or e-mail to present his or her views, ideas, questions, or actions as representing the City unless doing so in an official capacity and authorized by the City Administrator.

B. Inappropriate Use

1. Users may not use the City's Computer resources for personal use which interferes with job performance.
2. Users are prohibited from the creation, transmission, review, or storage of inappropriate e-mail or internet content, including but not limited to:
 - a. Material that is of a sexual or offensive nature.
 - b. Material that promotes hatred, harassment, illegal activity, or discrimination that may be related to, but not limited to gender, sexual orientation, race, religion, national origin, age, political belief, physical attributes, disability, or information regarding an employee's health status without their permission.
 - c. Material that is fraudulent, embarrassing, profane, obscene, intimidation, defamatory, or otherwise inappropriate.
 - d. Material that causes interference to the network such as viruses or hacking.

Note: The above section, a-d, does not apply to storage for spam control.

3. Users may not use the City's computer resources for activities including, but not limited to:
 - a. Downloading software and/or electronic files from Internet sources unless necessary for City business. Permission must be obtained from the City Administrator before any programs are downloaded.
 - b. Downloading software in violation of copyright law.
 - c. Downloading music.
 - d. Downloading games, playing computer games, playing interactive Internet games, or introducing or playing software via CD or diskette.
 - e. Downloading, logging on, and/or utilizing any instant messaging, chat rooms, Facebook, or any other social media unless related to municipal business.
 - f. Dissemination of confidential or legally protected information.
 - g. Communications that compromise the integrity of the City and its business in any way.
 - h. Non-City, commercial, or personal advertisements.
 - i. On-line gambling.
 - j. Re-posting personal communications, including the sender's e-mail address, without the author's prior consent.
 - k. Looking or applying for work or business opportunities other than internal City postings.

- l. Jokes, chain letters, personal business operations, or political material.
 - m. Frivolous messages.
 - n. Communications that use someone else's name.
 - o. Communications sent City-wide that do not directly relate to the administrative processes of the City.
 - p. Accessing personal use e-mail accounts.
- 4. Users encountering or receiving any material information in violation of this policy shall report the incident to the City Administrator.

C. Internet Use

1. Security

The Internet is not a secure network; thus, employees shall assume that all Internet activities are public. The City is not responsible for material viewed by others.

2. Accessing the Internet via Modem

To ensure security and avoid the spread of viruses, accessing the Internet directly by modem is prohibited unless the computer in use is not connected to the City's network. Internet access through a computer attached to the City's network is through an approved Internet firewall and thereby authorized.

D. Electronic Mail Use

1. Communicating Information

The contents of all e-mails shall be prepared with the same level of accuracy and professionalism as other official City communications. Users must use the same care in drafting e-mails and other electronic documents as they would for any other written communication.

2. Public Records and E-Mail Retention

Employees are responsible for deleting unnecessary mail items from the e-mail system. Employees are also responsible for retaining e-mails of enduring value in accordance with the City's retention schedule. Any e-mail items that need to be saved should be moved to a Cabinet Folder or saved as a file. An alternative to the above is to archive e-mails of enduring value to the employee's hard disk. If this approach is taken, employees become responsible for ensuring that back-up copies are made on a regular basis. A second alternative is to print a copy of the e-mail of enduring value and file it in an appropriate folder. Employees that have subscribed to list-services should request to be removed from such lists before terminating employment with the City. Messages sent to all e-mail users should be restricted to information that will have a direct impact on employees and/or the employee work area (i.e., power outages, interruption of services, etc.).

3. Non-City Property

The contents of City-related electronic mail, files, or data may be viewed, copied, or disclosed by the City without the permission of the

user. Any individual, using a non-City owned computer or electronic device for City business has no expectation of privacy in any e-mail message or other document that the individual may generate or receive if the e-mail message or document relates to City business.

E. Disciplinary Action

Computer access is a privilege that may be revoked at any time. Employees violating this policy may be subject to disciplinary action, up to and including termination. It is every user's duty to utilize the City's computer resources responsibly, professionally, and ethically.

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| 6.03 Cell Phone Use in the Workplace |
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PURPOSE:

To provide guidelines for effective and efficient use of cell phones.

POLICY:

The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees, who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including discharge.

Employees with City-issued cell phones are allowed to use the City cell phones for personal calls but must reimburse the City for all personal use.

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| 6.04 MEALS & REST PERIODS |
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PURPOSE:

To establish consistent standards for meal and break periods throughout the City of Clarendon.

POLICY:

A. Meal Periods

Meal periods shall be determined by supervisors with the approval of the City Administrator to accommodate operating requirements. Meal periods

will not be counted as time worked for the purposes of determining overtime.

B. Rest Period

If authorized by an employee's supervisor, employees may be allowed two 15-minute rest periods during the day. Such rest periods shall be considered a privilege, not a right, and shall never interfere with proper performance of the work responsibilities and work schedules of each department. If possible, rest periods will be provided in the middle of work periods. Rest periods may not be combined, taken at the start or the end of an employee's work day, or be used to extend meal periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

6.05 Tobacco Use

PURPOSE:

To provide a safe and healthy work environment for citizens, customers, and employees.

POLICY:

In keeping with the City's intent to provide a safe and healthy work environment, smoking and the use of smokeless tobacco products (e.g. chewing tobacco, snuff, etc.) are prohibited in any City-owned buildings or in enclosed areas.

No employee shall use tobacco products while making public contact. Employees may use tobacco products outdoors in designated areas during their normal rest break, or meal periods.

6.06 Temporary Restricted Duty

PURPOSE:

To outline the guidelines and procedures for assignment and use of restricted duty.

POLICY:

It is the goal of the City, with the cooperation of all departments, to locate and assign restricted duty, when necessary and feasible, to employees who are temporarily restricted from performing their regular job as a result of work related. Temporary restricted duty opportunities will return employees to a meaningful

assignment as soon as possible when they are unable to perform the essential functions of their positions (with or without reasonable accommodation) due to injury or illness.

A. Restricted Work Duty Assignment

1. An employee will be considered for a restricted duty assignment when he or she can perform work of a restricted nature, as opposed to their normal range of duties.
2. The City reserves the right to require an employee to be medically released with no restrictions before returning to full duty. Restricted duty assignments must be approved by the City Administrator.

B. Procedures

The following procedures apply when an employee is released for restricted duty and provides a *Physician's Restricted Duty Recommendation* to his/her supervisor and the City Administrator.

1. Within one day of receiving a Physician's Restricted Duty Recommendation, the employee forwards it to the City Administrator.
2. Work-related injury only, if a restricted duty assignment is not available in the department of origin, the City Administrator will review the limitations/restrictions provided by the physician and determine the appropriate assignment based on the restrictions noted by the physician and the employee's ability to perform the work.
3. If the employee with the work-related injury is assigned to restricted duty in another department, the department of origin continues to pay the employee's salary at the employee's regular rate regardless of the nature of the restricted duty assignment.
4. An employee unable to return to regular duty on the original date indicated by the treating physician must provide an updated *Physician's Restricted Duty Recommendation* prior to the originally estimated date of return to work.

C. Additional Provisions

1. The restricted duty assignment shall not exceed 30 days in a 24-month period.
2. An employee's refusal to perform a task consistent with the medical restrictions will be interpreted as a violation of City Policies. The employee will leave the work site, will be placed on leave without pay, and may be subject to disciplinary action. The employee may be ordered to be re-evaluated in order to determine their ability to perform available restricted duty tasks.
3. Eligibility for merit increases may be deferred until the employee returns to regularly assigned job duties.
4. An employee on restricted duty may be assigned several types of work at various locations and times, necessitated by changing medical restrictions or by completion of the available work of a particular type.

6.07 Take-Home Vehicles

PURPOSE:

To establish standard requirements and procedures, in accordance with applicable provisions of the Internal Revenue Code, for City of Clarendon employees who are assigned City-owned or leased vehicles in the course of providing services and conducting business.

DEFINITIONS:

City Vehicle is any vehicle owned, rented, or leased by the City.

De minimis means a minimal amount of personal use of City-owned vehicles, as defined by the Internal Revenue Service regulations.

Marked Vehicle is a City-owned vehicle which is clearly identified for use in City operations and business.

Take-Home Vehicle is a City-owned vehicle which is assigned to a specific position with take-home responsibilities.

Vehicle is any self-propelled equipment, trailer, or trailer-mounted equipment, which is towed by a self-propelled piece of equipment, which may be marked or unmarked with City identification, and/or licensed for use on public roadways.

POLICY:

This policy is intended to ensure the safety and well-being of City employees; to facilitate the efficient and effective use of City resources; to minimize the City's exposure to liability; to monitor the use of City-owned vehicles; and to comply with Internal Revenue Service regulations relating to City vehicle usage.

A. Assignment of Take-Home Vehicle

A take-home vehicle may be assigned to an employee for any of the following reasons:

1. When taking home a City-owned vehicle serves a valid purpose.
2. When the employee responds to frequent emergency calls from home or is on call-back or standby status.
3. When the responsibilities of the position require that the person be available to respond to situations with the necessary specialized equipment and/or skill that requires the City vehicle for transportation.

B. Take-home Vehicle Authorization Procedure

The assignment of City take-home vehicle to employees shall require the approval, in writing, of the City Administrator. If the vehicle is assigned pursuant to this Policy, only the employee who was granted approval is

authorized to operate the vehicle without written approval. The following criteria will measure an employee's need for take-home vehicle authorization:

1. All employees that take City vehicles home must live within fifteen (15) vehicular miles or less of the job site where the employee is stationed for the purpose of responding to emergencies. Exceptions to this rule will be granted at the discretion of the City Administrator. Continued take-home vehicle authorization will be based on the number of actual back-to-work trips made. If the number of after-hours back-to-work trips is low, take-home authorization will be discontinued.
2. Positions that utilize a take-home vehicle will be reviewed on an annual basis and will require authorization by the City Administrator.
3. The City reserves the right to review the continuing need for any vehicle assignment and withdraw or reassign such vehicle at any time.
4. City vehicle usage will not be negotiated as part of an employment package without prior approval from the City Administrator or City Council.

C. Use of Take-Home Vehicle

Authorized personnel who utilize a take-home vehicle will adhere to good stewardship practices and common sense pertaining to responsible use of the vehicle. Employees who use take-home vehicles must adhere to the following general instructions:

1. Employees are prohibited from transporting non-City business-related persons in any City take-home vehicle.
2. In no case shall a City vehicle be used in the conduct of purchasing, transporting, or consumption of alcohol.
3. Aside from providing services and conducting business, take-home vehicles may be used for commuting and de minimis personal errands during workdays, pursuant to Internal Revenue Service (IRS) regulations. An employee may utilize their vehicle for lunch and/or break time purposes during workdays as long as it is within reasonable distance from the employee's place of work that day. These regulations may be amended by the IRS from time to time.

The City is required to comply with the IRS's regulations regarding the reporting of income. Since the only authorized non-business use is commuting and de minimis personal errands, the City will use the Commuting Valuation method to report income. This method will use \$3.00 per day for each day of commuting as the amount of taxable income reported to the IRS. This amount may be amended by the IRS at any time.

D. City Vehicle Requirements

The following requirements are applicable to both take-home and non-take-home City vehicles:

1. Only City employees are authorized to operate City vehicles.

2. All operators of City vehicles shall possess a valid Driver's license.
3. All drivers and business travelers must wear seat belts and obey all traffic laws.
4. All City vehicles must be operated in the manner prescribed in applicable State laws and City ordinances.
5. Employees are strictly prohibited from operating a City vehicle while under the influence of alcohol or illegal drugs, and are likewise prohibited from operating a City vehicle while using a prescription, over-the-counter or non-prescribed medicine which may impair their ability to safely operate a motor vehicle.
6. Employees are responsible for notifying the City within twenty-four (24) hours if their license is suspended. It is the responsibility of the employee to ensure that all City-issued vehicle insurance documentation and registration is in the vehicle at all times. In the case of an accident, the employee driving a City-owned vehicle shall immediately notify the nearest police department to report the accident. Copies of the completed accident report shall be forwarded to the City Administrator. Supervisors are required to notify the City Secretary of any vehicular accidents in their department in order to file and distribute insurance claims.
7. Employees must comply with all preventive maintenance programs required by the City. Further, all employees driving City vehicles are required to report and explain any abnormalities noticed by the driver to their supervisor.
8. Vehicles shall be kept free of litter and debris. The physical appearance of the vehicle must create a good impression of the City.
9. City vehicles and heavy equipment shall be inscribed in accordance with Chapter 721, Texas Transportation Code. Any tampering or removal of the inscription will result in disciplinary action.
10. Employees who do not comply with the provisions of this policy shall be subject to disciplinary action up to, and including, termination.

6.08 TRAVEL

PURPOSE:

To outline the procedure for City-approved travel and the reimbursement for those travel expenses.

POLICY:

It is the policy of the City of Clarendon that employees acting on the City's behalf will be allowed to travel to conferences, seminars, and for other purposes if such

travel is determined to be in the best interest of the City or for job-related purposes.

A. Allowable Expenses

Reasonable travel expenses incurred by employees and elected officials are to be reimbursed by the City or paid direct, subject to the following guidelines:

1. Per Diem

Meal Expenses for employees will be paid up to \$40.00 a day. For partial days the amounts will be paid: Breakfast \$9.00; lunch \$11.00; and dinner \$20.00. Meals that are provided as a part of a conference, training, etc. do not qualify for per diem. As an alternative the City Administrator and the City Council may elect to be reimbursed on actual expenses instead of per diem, if substantiated by receipts.

2. Mileage

- a. The City will pay mileage, round-trip air fare, train fare, taxi fare, tips, tolls, and car rental, when required. Round-trip air fare for coach class will be paid with arrangements made in advance. First or Business Class will only be acceptable when Coach class is not available.
- b. Mileage reimbursements shall not exceed the cost of Coach class air fare.
- c. Mileage reimbursements will only be paid when pre-approved by the City Administrator. The rate of reimbursement shall be the standard IRS mileage rate.
- d. Employees who receive a monthly car allowance shall be eligible for mileage reimbursement only if they travel more than 60 miles one way.

3. Lodging:

Lodging expenses shall be arranged in advance, using the single rate. Lodging expenses will be paid for the actual number of meeting days with allowance for travel time. Travel time must not exceed one day following the meeting.

4. Registration Fees:

Registration fees will be arranged in advance.

5. Unplanned Expenses:

Reasonable, unplanned out-of-pocket expenses will be reimbursed provided receipts are presented and substantiated.

6. Entertainment:

Expenses for entertainment are not authorized and will not be reimbursed.

7. Spouses:

The City will not pay or reimburse registration fees, meals, and travel expenses of spouses who accompany employees to conferences or other business-related events.

8. Local Meetings:

Local meetings, seminars, conferences, and expenses incurred for such, are allowable, subject to prior approval of the supervisor. Expenses for employees will be allowed for local luncheons, banquets, meals, and social events at which it is appropriate for the City to be represented.

11. Paid Travel Time:

The City will pay non-exempt employees for travel time outside of normal working hours to attend required City functions. Travel time will be considered as time worked in calculation overtime at 1 ½ pay.

B. Expense Report

An *Employee Expense Report* must be completed within seven (7) working days after returning from a trip. This report will itemize all expenses incurred during the trip. Receipts are required for hotel, air fare, train fare, meals, registration fees, and any other expenses over \$5.00, with the exception of tips and tolls.

For employees who use their personal vehicle for approved travel, an *Employee Expense Report* must be filled out for reimbursement. Actual mileage will be computed and listed at the standard IRS mileage rate. Any questions regarding expense reports shall be addressed to the City Administrator.

C. Miscellaneous Expense Reimbursement

Miscellaneous expenses less than \$50.00 may be reimbursed through the petty cash system without completing an expense or estimated expense report. All other travel and meal expenses/advances must be reported through the expense report procedure.

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| 6.09 Workplace Violence Prevention |
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PURPOSE:

To outline the guidelines to deal with intimidation, harassment, or other threats of (or actual) violence.

POLICY:

The City of Clarendon is committed to maintaining a safe work environment free of workplace violence, and therefore has a zero tolerance policy regarding violence.

A. Zero Tolerance

If an employee engages in any violence in the workplace, or threatens violence, employment may be terminated immediately. No talk of violence or joking about violence will be tolerated.

Violence includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities at any time, including off-duty periods. It is the intent of this policy to ensure that everybody associated with the City, including employees, customers, and citizens, never feel threatened by an employee's actions or conduct.

B. Violent Conduct

All employees, including supervisors and temporary employees, shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay", or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City.

C. Reporting Violence

Threats of (or actual) violence, both direct and indirect, must be reported as soon as possible to the City Administrator and the local Law Enforcement Agency. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee must be as specific and detailed as possible.

Suspicious individuals or activities must also be reported as soon as possible to a supervisor. An employee must not be placed in peril; if an employee sees or hears commotion or a disturbance, they must not try to intercede or investigate what is happening.

The City encourages employees to bring their disputes or differences with other employees to the attention of the City Administrator before the situation escalates into potential violence.

D. Investigating Violence

The City will promptly and thoroughly investigate all reports of the threat of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, with or without pay, pending investigation.

6.10 NURSING MOTHERS

PURPOSE:

To provide general information on the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act.

POLICY:

The City will provide “reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk.” To provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.”

CHAPTER 7: EMPLOYEE CONDUCT

7.01 DISCIPLINARY PROCEDURES

PURPOSE:

To identify possible reasons and the process and documentation for disciplinary action.

POLICY:

It is the policy of the City of Clarendon that employees comply with certain standards of behavior and performance and where noncompliance is corrected in a manner that protects the dignity of employees. Disciplinary action is considered a dimension of performance evaluation and employee development. It is a corrective process to help employees overcome work-related shortcomings, strengthen work performance, and achieve success. The following disciplinary procedures are merely suggestions. Each disciplinary action will be tailored to fit the specific offense or violation and may take into consideration the specific situation and previous performance record of the individual involved.

A. Reasons for Action

Disciplinary action may be taken for an employee's failure to maintain minimum performance standards, for an employee's misconduct, or for an employee who is experiencing a series of unrelated problems involving job performance or behavior. Unrelated performance problems may be considered separately unless the effect of the performance deficiencies has a cumulative effect on the employee's overall performance.

The following are non-exclusive examples of infractions of City rules that may result in disciplinary action, up to and including termination:

- a. Theft of City, employee, or customer property;
- b. Falsification, misrepresentation, or alteration of time, employment, or work records, claims, reports, testimony, or other information;
- c. Soliciting or accepting favors, gifts, items or services for personal gain;
- d. Soliciting or accepting bribes;
- e. Abuse of leave;
- f. Violation of a City policy;
- g. Chronic tardiness or absenteeism;
- h. Failure to report to work at the appointed time and place;
- i. Failure to work his/her full shift, unless otherwise authorized;
- j. Dishonesty;
- k. Deliberate destruction or reckless use of City property;
- l. Engaging in work activities for personal gain while on City time, including work performed while on sick leave or Workers' Compensation leave;

- m. Disclosure of confidential information to unauthorized persons;
- n. Criminal conduct or conviction of a crime;
- o. Misrepresentation to obtain employment with the City of Clarendon;
- p. Fighting, threatening, injuring, or attempting to injure others or other forms of abuse or harassment;
- q. Engaging in unlawful or improper conduct on or off the job which adversely affects the employee's credibility, effectiveness, ability to carry out the responsibility of the position held, or which brings discredit to the City;
- r. Deliberate violation of safety rules that endanger the life and safety of employee's or others;
- s. Insubordination;
- t. Harass or discriminate based upon sex, race, color, religion, creed, age, disability, or national origin;
- u. Engage in speech or behavior which is rude, abusive, insolent, or offensive towards a citizen, supervisor, or fellow employee;
- v. Failure to properly safeguard, maintain, and account for City property in accordance with City procedures;
- w. Failure to utilize computer systems and software only in a lawful manner and as authorized;
- x. Failure to use City time, equipment, and personnel for City business, unless authorized to do otherwise;
- y. Failure to maintain all required licenses and certificates necessary to perform his/her job;
- z. Consuming or showing signs of use of intoxicants or drugs on City property or while on duty;
- aa. Illegal possession, use, or sale of drugs on or off the job;
- bb. Defrauding or attempting to defraud the City;
- cc. Conflicts of interest; and
- dd. Any unauthorized absence of two consecutive workdays without notifying the supervisor.

7.02 Employee Conduct and Work Rules

PURPOSE:

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.

POLICY:

Progressive Discipline

In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it, and

may begin the disciplinary process at any level, up to and including immediate discharge, depending on the severity of the conduct, the employee's work performance, and prior disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- letter of counseling
- written reprimand
- probation
- suspension without pay
- demotion discharge

Documentation

All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file.

Supervisory Responsibility

All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely fashion; discipline their subordinates as required under the City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by City Administrator

Any proposed disciplinary action in excess of an oral warning must be reviewed by the City Administrator prior to being given to the employee.

Appeal Rights

Where disciplinary action involves a suspension of 1 day 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.

A. Work Performance

1. Sleeping (excluding shift firefighters) or engaging in unauthorized personal business during work hours;
2. Insubordination, the failure or the refusal to comply with a supervisor's directions or instructions unless such directions or instructions are illegal, a violation of City policy, or endangering the life of another person, or damaging property;
3. Failure to appropriately respond to an emergency situation;
4. Failure to properly maintain prescribed records;
5. Failure to comply with City safety policies and procedures;

6. Failure to immediately report an accident on City premises involving an on-the-job injury or property damage, or an accident in which the employee is involved;
7. Incompetence, neglect of duty, negligence in the performance of assigned duties, or unsatisfactory performance of essential or assigned job duties;
8. Concealing, falsifying, altering, misusing, or removing City files or records, including but not limited to time records and work records (paper, electronic, or otherwise);
9. Failure to accurately record time records, or recording the time of another employee;
10. Defrauding or attempting to defraud the City of goods, services, or money;
11. Giving false information to other agencies or to employees responsible for recordkeeping, failure to provide accurate and complete information whenever such information is required by an authorized person;
12. Making or reporting false claims;
13. Providing false testimony or information, or withholding information in the course of an official investigation, failure to provide statement or testimony or evidence in the course of an official investigation, failure to cooperate with an official investigation;
14. Failure to immediately report or disclose a violation of the law or a City policy to the appropriate supervisor, department director, or the Human Resources Director;
15. Providing City files or records (paper, electronic, or otherwise) to unauthorized persons;
16. Sharing a City key, identification card, or security badge with another employee or third party;
17. Unauthorized use or misuse of City funds, property, or personnel;
18. Failure to treat other employees and the public in a courteous, productive, and respectful manner;
19. Failure to follow prescribed rules and regulation;
20. Violation of a City policy or procedure;
21. Conduct that brings discredit to the City;
22. Engaging in any conduct on or off the job, or on or off duty, that adversely affects the employee's credibility, effectiveness, or ability to perform the duties and responsibilities of the position held;
23. Threatening, intimidating, coercing, or interfering with another employee or supervisor at any time;
24. Failure to report for scheduled overtime work;
25. Making false statements or claims, or making misrepresentations to obtain sick leave, accident benefits, workers' compensation benefits, or other benefits;
26. Distracting the attention of others, or causing confusion by unnecessary shouting or demonstration on the job; boisterous or disruptive activity in the workplace; use of profane, abusive, or loud/boisterous language in the workplace;
27. Hindering, limiting, or interfering with another employee's work;

28. Inability to work scheduled hours/days;
29. Working overtime without the City's prior approval;
30. Failure to inform the supervisor when leaving the work area for work break or meal period, or failure to report back to the work area at the conclusion of the work break or meal period, if requested by supervisor;
31. Use of another's computer sign-on or computer access code(s), or providing an individual's sign-on or computer access code to a third party without proper authorization to gain unauthorized access to confidential or privileged information; and/or
32. Engaging in any harassing or discriminatory conduct or conduct that violates another person's right to privacy.

B. Attendance and Punctuality

1. Repeated tardiness, unexcused or excessive absenteeism, or absences which exhibit a pattern or trend;
2. Failure to report promptly to work at the scheduled starting time or leaving work before the scheduled quitting time, without specific approval of the supervisor;
3. Failure to observe the time limits and scheduling of meal breaks, rest, or other authorized breaks;
4. Failure to promptly notify the supervisor on each day of absence, unless such notice requirement is waived; and/or
5. Any unauthorized absence of two (2) or more workdays without notifying the supervisor.

C. Use of Property

1. Use of City personnel, property, equipment, or supplies for personal use or for other than approved activities;
2. Unauthorized posting or removing of notices or items from City bulletin boards;
3. Willful or intentional damage to City property, misappropriation, negligent or reckless use of City property; and/or
4. Unauthorized entry to City property, including entry outside or assigned hours of work or entry to restricted areas.

D. Employee Actions and Appearance

1. Fighting with, threatening, injuring, or attempting to injure another person;
2. Using abusive language towards employees or other persons;
3. Unauthorized possession of weapons;
4. Making false or malicious statements concerning other employees;
5. Exhibiting signs of being under the influence of alcoholic beverages or illegal drugs during working hours; the use of alcoholic beverages or illegal drugs during work hours; illegal possession, use, or sale of drugs on or off the job;

6. Illegal use of legal drugs;
7. Reporting for work under the influence of alcoholic beverages or illegal drugs;
8. Discrimination on the basis of race, sex, age, religion, national origin, citizenship, disability, or veteran status;
9. Taking an adverse personnel action against an employee in retaliation for disclosing alleged wrongful conduct;
10. Falsification of résumé or false or misleading statements in employment application materials or omission of material factual information;
11. Misrepresentation to obtain employment with the City;
12. Engaging in work activities for personal gain while on City time, including work performed while on sick leave, Workers' Compensation leave, or other paid City time;
13. Conviction of a felony;
14. Smoking or using tobacco products in other than designated areas;
15. Carrying, possession, or use of a firearm, explosives, or other weapon while on duty or during work hours or while on City premises except when authorized in connection with City employment;
16. Soliciting or canvassing of employees during working hours except for work-related reasons;
17. Gambling of any type on City premises;
18. Commission of any crime on City premises, such as theft of City property or private property from City premises, willful or intentional damage to City property or private property on City premises, possession of alcoholic beverages, illegal drugs, explosives, gambling devices or items, or weapons on City premises except when authorized by law;
19. Charging personal long-distance phone calls to the City;
20. Reading another employee's mail, correspondence, or e-mail without express permission except as otherwise authorized by the personnel policy;
21. Listening to another employee's voice mail without express permission except as authorized by the personnel policy;
22. Giving false or misleading information to obtain a leave of absence;
23. Failure to comply with the dress code policy, including the wearing of identification badges and/or name tags;
24. Unauthorized or improper use or possession of uniforms, identification cards or badges; and/or
25. Failure to exercise good judgment or being discourteous, in dealing with another employee or the general public.

7.03 GRIEVANCES

PURPOSE:

To provide procedures to employees who have problems or concerns about the applications for policies, procedures, or practices; and retaliation.

POLICY:

This policy is intended to facilitate employees in discussing non-disciplinary matters that employees feel the need to discuss with management in a formal manner. Employees are encouraged to discuss any problems they may have with their immediate supervisor before pursuing formal channels.

- A. Any employee wishing to submit a complaint or grievance must first discuss the grievance with the employee's immediate supervisor. If the matter is not resolved to the employee's satisfaction, the employee may take the grievance to the City Administrator. The employee must submit the grievance in writing five (5) working days after receiving the supervisor's response.
- B. An employee failing to gain satisfaction after conferring with the employee's supervisor may present his/her grievance to the City Administrator.
- C. The decision of the City Administrator is final.

7.04 Drug Free Workplace

PURPOSE:

To ensure the City of Clarendon is a work environment free of substance and alcohol abuse.

POLICY:

In compliance with the Omnibus Drug Free Work Place Policy Act of 1988, the City of Clarendon shall make a good faith effort to take those steps required by the act to ensure the safety of its employees, volunteers, citizens, and the general public by providing a workplace that is drug free.

The City strictly prohibits the unauthorized use, sale, purchase, possession, distribution, dispensation, manufacture, or transfer of controlled substances, as that term is defined by applicable state and federal laws, while on or in City property or other work sites where employees may be assigned, in City-owned vehicles, in or on City equipment and machinery, or in personal vehicles while conducting City business.

Employees or volunteers convicted of violations related to controlled substances under State or Federal Law or who plead guilty or nolo contendere to such charges must inform the City Administrator within 5 days of such conviction or plea. Employees who operate City vehicles or equipment and receive a conviction for a DWI or a DWID will be terminated.

Any employee found in violation of this policy may be terminated and any volunteer found in violation of this policy will be released from volunteer service with the City.

7.05 Substance Abuse and Testing

PURPOSE:

To provide guidelines for substance abuse testing at the City of Clarendon to maintain a safe and productive work environment for employees and to ensure efficient delivery of services to citizens.

POLICY:

The City maintains a firm commitment to provide a safe work environment free from the effects of illegal drugs and alcohol as well as the abuse or legal/prescription drugs. It is a violation of this policy to refuse to consent for testing or to test positive for alcohol or illegal drugs. Violations of this policy will result in severe disciplinary action, up to and including termination or employment. This policy applies to all employees including the City Administrator.

A. General Provisions

1. Prohibition of Personal Use

Employees shall not use, have present in their body or on their person alcohol, illegal drugs, intoxicants or any other prohibited substances when reporting to work or while on duty. Employees shall not be under the influence of or have the odor on their breath or clothes of alcohol; illegal drugs, intoxicants or any other prohibited substances when they report to work or while on duty. Employees shall not have alcohol, illegal drugs, intoxicants, or any other prohibited substances in City vehicles or equipment or on City premises.

2. Prescription and Over-the-Counter Medications

Employees shall not use or possess prescription drugs except as prescribed by their physician. Employees shall not use prescription drugs or over-the-counter (OTC) medications in a manner inconsistent with the recommended dosages and/or warning statements. Employees must report their use of over-the-counter or prescribed medication to their supervisor if their use might impair their ability to

perform their job safely and effectively. A determination will be made as to whether the employee is able to perform the essential functions of the job safely and properly. The City reserves the right to have a designated City physician determine if a drug or medication may impair an employee's ability to safely perform his/her job duties and may restrict the job duties performed while using a drug or medication accordingly.

3. Prohibition of Distribution

Employees shall not sell, possess, provide, dispense, distribute to other persons, or unlawfully manufacture any alcohol, unauthorized prescription or illegal drugs, intoxicants, or other prohibited substances while on duty, stand-by, on meal or break periods, on City premises, or work site, operating a City vehicle, or in a City uniform. In addition, the City prohibits the off-premises abuse of alcohol and controlled substances when those activities adversely affect job performance, job safety, or the City's reputation.

4. Drugs and/or Alcohol Test

On-duty employees shall not refuse to submit to a drug and/or alcohol test when requested, required, or ordered to submit by a person having the authority to do so.

5. Four Hour Rule

An employee may not report for duty or operate a City vehicle within four (4) hours after using alcohol. An on-call employee who consumes alcohol within four hours of being called in must disclose the use of alcohol and may not report for duty

6. Training and Conferences

Employees attending training and conferences may participate in social functions associated with the conference, including responsible consumption of alcohol, as long as the employee's conduct does not reflect adversely on the City. Employees who consume alcohol at these functions shall follow the law and shall not operate City-owned vehicles, and are discouraged from driving personal vehicles after the consumption of any level of alcohol. If the employee needs assistance with transportation, they must contact any available City representative who may arrange alternate transportation.

7. Conviction

An employee who is convicted for a drug or alcohol-related offense is subject to disciplinary action up to and including termination, even for a first offense.

8. Supervisor Responsibility
Supervisors are responsible for consistent enforcement of this policy. A supervisor who permits a violation of this policy, who is found to have misused this policy in regard to subordinates, who violates the confidentiality standards of this policy, or who has actual knowledge that an employee has violated any of the prohibitions of this section and allows him or her to report for or continue on duty, shall be subject to severe disciplinary action, up to and including termination.
9. On Call/Emergency Call-Back
Employees who are in an on-call status are prohibited from consuming alcoholic beverages or using drugs that may impair performance if called back to work.

The City recognizes that employees who are not designated as “on-call” may be asked to report for emergency or unexpected duty. Employees who are in an unfit condition shall report this fact to their supervisor before reporting for duty. When calling employees in to duty who were not on call, supervisors shall discuss with employees whether they have used alcohol or other substances, including prescribed or over-the-counter medications that might affect their ability to work and/or perform. Employees subject to continuous emergency call-back are required to declare to their supervisors the use of alcohol or controlled substances including prescribed medication that might affect their ability to perform under the emergency. The supervisor will advise those employees not to report to work. Employees shall decline such calls for emergency duty without being subject to disciplinary action. In no event shall employees reporting for emergency duty be under the influence of alcohol or other substances that cause impairment.

B. TESTING

1. Pre-Employment
The City shall not knowingly hire applicants who are under the influence of drugs and/or alcohol, fail to pass a required drug or alcohol test, or refuse to submit to a required drug and/or alcohol test. Applicants, including current employees, that test positive for drugs, fail to submit to a post-offer drug test, or violate any of the prohibitions, will not be hired and will be ineligible for reapplication with the City for one year from the date of the positive test or violation. Supervisors will not allow an applicant to begin work until they have received confirmation from the City Administrator that the prospective employee has tested negative for drugs and alcohol.

2. Post-Accident and post-injury Testing

Employees who operate or maintain City-owned vehicles including full-time, part-time, seasonal, and temporary are subject to post-accident and post-injury testing. Immediately following an accident the driver is required to submit to alcohol and drug testing. Any accident in a City-owned vehicle will require substance abuse testing. Adherence to post accident guidelines are a condition of continued employment.

For the purpose of this policy, an **accident** refers to:

- a. An on-the-job accident or incident where any person who suffered injury is reasonably expected to require medical attention, or who contributes to the injury of another person;
- b. City vehicles, equipment, property, or premises were damaged and the damage is estimated by the supervisor to be more than \$500;
- c. Employees who discharge a firearm in violation of any department, federal, state, or local rule or regulation, or that result in bodily injury or property damage will be tested for drugs and alcohol within the time frames set forth by this policy.

If there is no reasonable suspicion other than the accident, an employee who has submitted to a drug or alcohol test following an accident or injury may be allowed to return to his/her normal work duties, at the discretion of the supervisor. If a trained supervisor suspects possible impairment, the supervisor shall ensure that the employee is taken home. If the employee refuses transportation and insists on driving, law enforcement may be notified.

Nothing in this policy should be construed to require the delay of necessary medical attention for an injured employee following an accident/injury. An employee may leave the scene of an accident for the period necessary to obtain medical assistance or obtain necessary emergency care. If immediate medical attention or hospitalization is needed, the supervisor responsible will see that drug/alcohol tests are done along with the necessary treatment.

EXCEPTIONS to post accident testing:

The following circumstances are exceptions to required testing, unless there is no other evidence to give reasonable suspicion.

- a. Vehicle is properly and lawfully parked and is hit by another vehicle.
- b. Vehicle is damaged by flying debris, i.e. rocks, etc.
- c. Underground pipes, cable, or other underground utilities are hit during excavation.
- d. Damage to public safety vehicles or equipment during not-driving emergency operations.

- e. Tire disablement without additional damage.
- f. Minor head or tail light damage or damage to turn signals, horns, or windshield wipers which makes them inoperative.

3. Reasonable Suspicion

A referral for reasonable suspicion testing will be based on specific, contemporaneous observations concerning the appearance, behavior, speech, or body odors of the employee.

Reasonable Suspicion Testing Process:
PRELIMINARY EVALUATION

Supervisors must take action if they have reason to believe that one or more of the Reasonable Suspicion indicators are present and may be affecting an employee's performance or behavior. Supervisors failing to take appropriate action will be subject to disciplinary action up to and including termination. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, or medication must immediately notify their supervisor.

Reasonable Suspicion Indicators (including but not limited to):

- a. Observable behavior such as direct observation of drug or alcohol use, symptoms of being under the influence of drugs or alcohol;
- b. Possession of drug paraphernalia;
- c. Noticeable change in behavior or a pattern of abnormal or erratic behavior;
- d. Smell of alcohol or marijuana on person or breath;
- e. Appearing to be intoxicated, confused, disoriented, or difficulty in concentrating;
- f. Exhibiting marked personality changes;
- g. Identification of an employee as the focus of criminal investigation into illegal drug possession, use, or trafficking;
- h. Abnormally dilated or constricted pupils, glazed stare;
- i. Bloodshot or watery eyes;
- j. Flushed face;
- k. Change in normal speech pattern, i.e. faster or slower;
- l. Constant sniffing or redness under the nose
- m. Sudden weight loss;
- n. Needle marks;
- o. Change in personality, i.e. paranoia, anger, etc.;
- p. Forgetfulness;
- q. Change in performance level;

- r. Borrowing money from co-workers or other unusual display of need for money;
- s. Constant fatigue or hyperactivity;
- t. Excessive, unexplained absences;
- u. Dulled mental processes, sleepy, or stuporous condition;
- v. Slowed reaction rate;
- w. Slurred speech;
- x. Physical or verbal altercation;
- y. Lack of coordination, difficulty walking, inability to walk straight.

If reasonable suspicion testing is requested, the following steps shall be followed:

STEP 1

When reasonable suspicion is identified by a superior, the employee will be questioned and observed by a superior and the City Administrator.

The supervisor shall document in writing the observed behavior, and then contact the City Administrator for reasonable suspicion authorization.

Right to Search Property: Upon reasonable suspicion, the City may search City-owned property, vehicles, desks, closets, or lockers for alcohol or drugs. If the employee has a personal lock on the locker, the employee shall be given the opportunity to remove it, when possible. If the lock isn't removed, the City shall cut the lock off.

STEP 2

If the evidence indicates that the employee may be under the influence, and the supervisor has received authorization from the City Administrator, immediate transport must be arranged for the employee to be taken to a City-designated medical clinic, on City time and expense, for an evaluation. This evaluation will be conducted to determine if the employee has evidence of alcohol or drugs in his/her system.

Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management will result in termination.

STEP 3

The supervisor shall drive the employee to the medical facility and wait for testing to be completed.

STEP 4

The employee shall be provided transportation home. If the employee refuses and demands to drive their vehicle, the employer shall notify law enforcement. The employee shall continue to receive pay during this time and disciplinary action will not be administered unless the test results are

positively confirmed. Information obtained through this testing will be treated with strict confidentiality.

4. Random

Random, unannounced alcohol and drug testing is a proven deterrent to the use or presence of illegal drugs or unauthorized controlled substances. Employees will be selected solely on a random basis by a computerized random selection program. *Random* means that all covered employees will have an equal chance of being selected each time and could mean that the same employee is selected more than once or not at all.

The frequency of random tests and percent of the work force tested during the year will be determined by the City Administrator. The City shall maintain two random pools as indicated below, which shall be maintained and reported independently:

- Employees subject to *Positions Subject to DOT Regulations*, including those requiring operation of commercial motor vehicles and possession of a Commercial driver's license.

Random Testing Selection

Drug and alcohol tests will be unannounced and spread throughout the year. The City Administrator is the authorized individual to generate the list of names through the computer program for random testing. The City Administrator shall notify the Supervisor of each selected employee. The employee's name shall then be re-entered into the same random pool following selection. The supervisor will ensure that the employee reports immediately to the City Administrator.

If the employee is not on duty, the supervisor will not inform the employee or anyone else, until they are available for testing. The supervisor will retain the name in a confidential manner and ensure that the employee is notified immediately on their return to duty and ensure that the employee reports to the City Administrator. If a supervisor is found to break this confidentiality or any other part of this policy, they shall be subject to disciplinary action up to and including termination.

C. Consequences

An employee who test positively for drugs, has an alcohol concentration of 0.02 or greater, fails to submit to testing when requested, required, or ordered to take any of the tests listed in this policy, or in any way violates any of the prohibitions listed in this policy shall be terminated immediately, even for a first offense. Failure to report to the collection site in the time allotted (travel time plus 30 minutes) will be considered a refusal to take the required test.

The applicable law enforcement agency shall be notified, as appropriate, where criminal activity is suspected. Suspension without pay for the duration of the investigation may be applied to any employee who is the subject of an alcohol or drug-related inquiry by the City or any other law enforcement agency.

Positive tests will be reviewed by a medical review officer (MRO). The MRO will examine the laboratory results and discuss the results with the person testing positive to determine whether an alternate medical explanation can account for a positive test.

If an employee fails to provide an unaltered, unadulterated urine specimen, refuses to submit to a requested, required or ordered alcohol/drug test, submits a urine specimen other than their own, submits a diluted urine specimen based on specific gravity and creatine levels, or in any way tampers or attempts to contaminate or tamper with their specimen, they shall be deemed to have refused to submit.

An employee who fails to provide an adequate volume of breath or urine for testing, without a valid medical explanation, shall be deemed to have refused to submit. An employee terminated for violation of this policy may not appeal the termination.

D. Operators of Commercial Motor Vehicles

The City will comply with the Department of Transportation (DOT) rules requiring drivers whose position requires a commercial driver's license to submit to drug and alcohol testing.

1. Rules Concerning DOT Regulated Employees

DOT rules establish certain conduct that is prohibited by regulated drivers. Those prohibitions are as follows:

- a. No regulated employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.
- b. Employees who are required to hold a Commercial Driver's License (CDL) shall not use alcohol within four hours of reporting for duty or within 8 hours of being involved in a vehicle accident while operating a motor vehicle, unless the employee has submitted to a post-accident drug and alcohol test.
- c. No regulated employee shall be on duty or operate a commercial motor vehicle in possession of any form of alcohol, unless the alcohol is manifested and transported as part of a shipment.
- d. No regulated employee shall refuse to submit to a required test.
- e. No regulated employee shall report to duty or remain on duty which requires driving when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician

who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

- f. No regulated employee shall report to duty, remain on duty, or perform a safety-sensitive function while impaired.
- g. If the driver tests positive for drugs, he or she is terminated.

2. Conditions Requiring Testing of DOT Regulated Employees

All employees of the City regulated by DOT will be required to undergo breath testing for alcohol and/or urine drug testing under the following conditions:

a. *Pre-Employment Testing*

All final applicants for employment in a position that requires a CDL will be subject to drug testing. The employment process will be suspended if evidence of illegal drug use is discovered through drug testing or other means, if an applicant refuses to take a drug test, or if the applicant attempts to substitute or contaminate the drug screen specimen. Employees that transfer to a position that requires a CDL will be subject to pre-employment testing prior to official transfer.

b. *Post-Accident Testing*

As soon as possible after an accident involving a commercial motor vehicle, the driver is required to submit to drug and alcohol testing if the accident resulted in the loss of human life or the driver received a citation under State or local law for a moving traffic violation arising from the accident.

If the alcohol test is not administered within 2 hours following the accident, the City shall prepare and maintain a record stating the reasons the test was not promptly administered. If the alcohol test cannot be promptly administered within 8 hours following the accident, the City will cease attempts to administer the alcohol test and will prepare and maintain the same record. If the drug test is not administered within 32 hours following the accident, the City will cease to attempt to administer the drug test and prepare and maintain on file a record stating the reason the test was not promptly administered.

c. *Random Testing*

The City will comply with DOT's random testing requirement. These tests will be unannounced and will be reasonably spread throughout the year. The minimum annual percentage rate for random alcohol testing will be 10 percent of the average number of commercial driver positions. The minimum annual percentage rate

for random drug testing will be 50 percent of the average number of commercial driver positions. The selection of drivers for random drug and alcohol testing will be made by a scientifically valid method. Under the selection process, each driver will have an equal chance of being tested each time selections are made.

Each employee who is selected for testing will proceed to the collection site immediately. If the employee is performing a safety-sensitive function at the time they are notified, the City will ensure that the driver ceases to perform the function and proceeds to the testing site as soon as possible. Employees will be tested for alcohol immediately prior to, or immediately after performing safety-sensitive functions. Drug testing may be conducted at any time while the employee is working for the City.

d. *Reasonable Suspicion Testing*

The City will require a regulated employee to submit to a drug and alcohol test when there is reasonable suspicion that the regulated employee is under the influence of drugs and/or alcohol. Reasonable suspicion testing will be based on specific, contemporaneous observations concerning the regulated employee's speech, appearance, behavior, or body odors.

The required observations will be made by the supervisor and one of the employees who are trained in detecting the signs and symptoms of drug and alcohol use and misuse. The documentation of the employee's conduct under reasonable suspicion will be prepared and signed by the witness(es) within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

The provisions of this section of the policy are in addition to, not in lieu of, the provisions that apply to all employees. Nothing in this section will prohibit the City from testing regulated employees for alcohol or drugs under other provisions of this policy.

7.06 Harassment and Discrimination

PURPOSE:

To provide guidelines for defining and preventing employee harassment and discrimination.

POLICY:

Equal employment opportunity has been, and will continue to be, a fundamental principle of the City of Clarendon, where employment is based upon personal capabilities and qualifications without regard to race, color, sex, age, national origin, disability, or any other protected characteristic established by law. This policy of Equal Employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination, and all other terms and conditions of employment. The City prohibits and will not tolerate any such discrimination or harassment.

The City is committed to a work environment in which individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that the relationships among persons in the workplace be business-like and free of bias, prejudice, and harassment. This policy is not to be construed to prohibit the City from establishing bona fide occupational qualifications that relate to physical or mental capabilities required to perform a job.

A. Definitions of Harassment

1. Sexual Harassment

For the purpose of this policy, sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly is a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to:

- a. Unwanted sexual advances or requests for sexual favors, repeatedly brushing or bumping against someone;
- b. Sexual jokes and innuendo;
- c. Verbal abuse of a sexual nature;
- d. Commentary about an individual's body, sexual prowess, or sexual deficiencies;
- e. Leering, catcalls, or touching; insulting or obscene jokes, comments, or gestures;
- f. staring at a person's body; and
- g. Display or circulation in the workplace of sexually suggestive objects or pictures, or calendars featuring persons in sexually suggestive or submissive poses (including through e-mail), dancers/strippers on City

property, and other physical, verbal, or visual conduct of a sexual nature.

2. Gender-Based Harassment

Harassment not involving sexual activity or language (e.g., male manager yells only at a female employee and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their gender.

3. Harassment or Discrimination on the Basis of a Protected Characteristic

Under this policy, **harassment** is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, national origin, age, disability, or any other characteristic protected by the law, and that:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c. Otherwise adversely affects an individual's employment opportunities.
- d. Harassing or Discriminatory Conduct includes, but is not limited to:
 - i Epithets, slurs, or negative stereotyping;
 - ii Threatening, intimidating or hostile acts; and/or
 - iii Denigrating jokes, and display or circulation in the workplace of written or graphic materials that denigrate or shows hostility or aversion toward an individual or group (including through e-mail).

This harassment policy does not prevent you from discussing the terms and conditions of your employment with your co-workers.

B. **General Provisions**

1. Scope

This policy applies to all applicants, employees, and elected officials and prohibits harassment, discrimination, and retaliation by fellow employees, by a supervisor or director, or by somebody not directly connected to the City (e.g., an outside vendor, consultant, or customer).

2. Prohibited Conduct

Conduct or behavior described above in the definitions of sexual harassment, sex-based harassment or discrimination on the basis of a protected characteristic are prohibited in the workplace or in any work-related setting outside the workplace, such as a business trip, business meetings, and business-related social events.

3. Prohibition of Retaliation

Retaliation is prohibited against any individual who reports discrimination or harassment, or who participates in an investigation of such reports by filing, testifying, assisting or participating in an investigation. Retaliation against an individual is a violation of policy and will be subject to disciplinary action.

4. Prevention

It will be the ongoing responsibility of the supervisor to monitor work areas for inappropriate sexual displays, comments or behavior and take necessary action.

C. Complaint Procedure

1. Reporting Harassment or Discrimination

The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe to be contrary to the City's policy or who have concerns about such matters shall file their complaints with their immediate supervisor immediately. Individuals shall not feel obligated to file their complaints with their immediate supervisor before bringing the matter to the attention of the City Administrator. Information disclosure will be limited to that necessary to facilitate investigation and resolution of the matter.

- a. *Accusation Disclosure*: If accusations are made to anyone other than a supervisor, the matter must immediately be referred to the City Administrator. All reports of sexual harassment will be fully investigated immediately.
- b. *Employee Responsibility*: Should an instance of inappropriate behavior occur, it is the employee's responsibility to bring it to the attention of the City Administrator. This includes employees who think they are recipients of harassment/discrimination and also those who believe they have witnessed another employee being harassed and/or discriminated against. If harassment occurs, indicate the behavior is unacceptable; don't let harassment pass without comment or action. ALL incidents shall be reported.

Employees who have experienced conduct they believe is contrary to this policy have the obligation to report such conduct. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal and state discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

- c. *Early Reporting and Intervention* have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns in order that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff and employees. The availability of this complaint procedure does not preclude individuals who believe they are subject to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it discontinue.

2. The Investigation

- a. *Processing:*
Within five work days after receiving a written complaint, the respondent (accused harasser) will be contacted and given a copy of the complaint. If the respondent cannot be reached by telephone, the complaint will be mailed via certified mail to the most recent personnel file address.
- b. *Allegation Disagreement:*
The respondent may refute the allegation(s) by responding in writing within ten work days. The respondent may also respond to other significant new information/allegations arising during the investigation.
- c. *Administrative Leave:*
When warranted, the City Administrator may place the respondent and/or the complainant on administrative leave with pay pending complete investigation.
- d. *Allegation Discussion:*
If appropriate, investigators will meet with the respondent's supervisor to discuss the allegation.
- e. *Determination Filing:*
Within ten work days of the investigation conclusion, the City Attorney and the respondent's Department Head will be provided with a determination as to the validity of the complainant's allegations.
- f. *Complaint Withdrawal:*
The complainant may withdraw complaints at any time. The City may still pursue an investigation, however, and determine whether disciplinary action is warranted.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly, thoroughly, and impartially, regardless of when it was

reported. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. Employees are required to assist fully in any investigation.

An employee's intentions are not a factor in considering alleged harassment behavior. If the effect on the employee's behavior upon another employee has a hostile, offensive, or intimidating effect upon that employee, there is a possibility that harassment or discrimination may be present.

3. Disciplinary Action Procedure

- a. *Disciplinary Action Decisions:* Within ten work days of a determination of sexual harassment, a disciplinary decision will be made by the City Administrator. Disciplinary actions and applicable appeals must be in accordance with established City disciplinary procedures.
- b. *Written Notifications:* The complainant and the respondent will be provided written notification of the City Administrator's decision.
- c. *City Administrator Respondent:* If the City Administrator is the respondent, these actions will be taken by the City Council.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender, and/or disciplinary action such as warning, reprimand, withholding of a promotion or a pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay, or termination, as the City deems appropriate under the circumstances.

Individuals who have questions or concerns about these policies shall talk to their supervisor, or to the City Administrator.

Finally, these policies shall not, and may not, be used as a basis of excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activity or discussion in order to avoid allegations of harassment. The policies of the City prohibit disparate treatment on the basis of gender or any other protected characteristic, with regard to terms, conditions, privileges, and prerequisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to compliment and further these policies, not form the basis of an exception to them.

4. Records

All records concerning sexual harassment investigations are to be kept in a separate locked file in the office of the City Administrator. Records concerning subsequent disciplinary actions will be kept in the regular personnel files.

7.07 Minimum Driving Standards

PURPOSE:

To minimize the City of Clarendon's liability, limit the City's financial risk, and maximize the safety of drivers, passengers, and the public by defining minimum motor vehicle standards for employees who operate City vehicles or motorized equipment.

DEFINITIONS:

City Vehicle means any passenger car, van, truck, motorized equipment, or similar type vehicle which is owned, leased, borrowed, rented, or otherwise under the care, custody, or control of the City of Clarendon.

Driving Records include the complete driving history of an employee for the previous three (3) years, as can be discerned from any official record or by self-disclosure during the hiring process.

Motorized Equipment includes, but is not limited to, backhoes, bulldozers, mower-tractors, loaders, graders, and similar equipment.

Moving Violation is a violation of any law relating to the operation of a motor vehicle, other than parking. (Example: speeding, running a stop sign or signal, failure to yield, etc.)

Occupational License is a temporary driver's license issued by the Texas Department of Public Safety after the appropriate judge of a court has signed a petition/court order determining essential need of a person to operate a motor vehicle in performance of their occupation or for transportation to and from the place at which a person practices their occupation.

POLICY:

This policy shall apply to:

- City employees whose position requires the operation of a City vehicle or motorized equipment;
- City employees who must maintain a current and valid Texas Commercial Driver's License (CDL) as a condition of employment; or
- Applicants, including current employees, for positions which require the operation of City vehicles or motorized equipment.

The City shall conduct periodic Motor Vehicle Record (MVR) checks on all employees subject to this policy. Under no circumstances shall an Occupational Driver's License or similar license be deemed appropriate for operating City vehicles or motorized equipment.

Applicants for a position requiring a valid driver's license must possess a valid driver's license at the time of application. An applicant with a Motor Vehicle Record that indicates a pattern of violations may not be considered for employment.

After the effective date of this policy, an employee who no longer has a current, valid, and appropriate license, and whose position requires the operation of a City vehicle or motorized equipment, shall be removed from driving status and will be terminated.

A. Consequences

Employees subject to this policy who are convicted of a DWI or DUID will be terminated, although the City may also take disciplinary action prior to conviction. Removal of driving privileges or disciplinary action may occur while an employee is waiting for adjudication. Determination for removal of driving privileges and/or disciplinary action while waiting for adjudication shall be made by the City Administrator on a case-by-case basis,

An employee subject to this policy who is involved in an accident in a City vehicle may immediately be subject to a Motor Vehicle Record check. In addition, the City may review and consider an employee's entire driving record at any time, to determine if further disciplinary action is appropriate based on a pattern of violations/accidents.

Employees hired prior to the effective date of this policy and who would become ineligible to operate City vehicles upon the adoption of this policy may be disqualified from driving privileges. This decision will be made on a case-by-case basis by the City Administrator.

B. Notifications

Employees subject to this policy shall notify their supervisor by the end of the department's next working day when:

1. They are arrested and charged with DWI, DUID, or any other serious moving violation;
2. They have their driver's license suspended, cancelled, or revoked;
3. When their license expires without immediate renewal; or
4. When an Occupational Driver's License or similar license has been issued to them.

Failure to report such information by the end of the next working day shall result in disciplinary action up to and including termination, unless there are extenuating circumstances.

As required by the U.S. Department of Transportation, employees who are required by the City to hold a Commercial Driver's License (CDL) as a condition of employment must notify the City and the Texas Department of Public Safety within thirty (30) days of a conviction for any traffic violation (except parking violations) even if the violation did not occur while operating a commercial vehicle.

7.08 Attendance and Punctuality

PURPOSE:

To ensure punctual and consistent work attendance of City of Clarendon employees.

POLICY:

Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. Employees are expected to report for work promptly and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.

An employee must notify their supervisor as far in advance as possible as or no later than 30 minutes before the scheduled start time if late or absent. This policy applies for each day of absence. A record of absenteeism and tardiness shall be kept by the supervisor. Unauthorized or excessive absences or tardiness may result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedure or the absence has not been properly approved.

Employees who are absent from work for two consecutive days, without giving proper notice, will be considered to have abandoned their job.

7.09 Dress Code and Personal Appearance

PURPOSE:

The purpose of this policy is to establish a dress code that projects a positive and professional image of the City of Clarendon and its employees.

POLICY:

Our employees are in the public's eye on a daily basis and impressions, both positive and negative, are formed partly by appearance. Appearance plays an important role in portraying the professionalism of our City government. All employees are required to have a neat and professional appearance, including grooming and hygiene standards appropriate for the type of work as well as the location.

Grooming, appearance, and personal cleanliness standards contribute to the morale of employees. Employees who do not meet dress code or personal appearance standards will be sent home with no compensation until they are properly groomed or in the proper attire. Violation of this policy is cause for disciplinary action, up to and including termination.

7.10 Political Activity

PURPOSE:

To establish guidelines for employees regarding involvement in political activities.

POLICY:

It is the policy of the City of Clarendon to encourage its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities; however, employees are subject to the restrictions contained herein on political activity, except as may be otherwise provided by law.

No employee while in uniform or during work hours, or while on City property shall take an active part in a political campaign for an elective position of the City or other publicly elected office. For purposes of this policy, an employee takes an active part in a political campaign if the employee:

1. Makes a political speech;
2. Distributes a card or other political literature;
3. Writes a letter;
4. Signs a petition;

5. Actively or openly solicits votes;
6. Solicits or accepts campaign contributions for a candidate or a political action committee.

If an employee is elected to the Clarendon City Council, they must resign their position with the City before taking office. No employee shall use their official City title or position to engage in political activities.

