



CITY COUNCIL AGENDA

Monday, December 06, 2021 at 6:00 PM

City Hall – Council Chambers, 200 North Fifth, Crockett, TX 75835

Dr. Ianthia Fisher, Mayor

Gene Caldwell, Council Member
Darrell Jones, Council Member
Ernest Jackson, Council Member
Marquita Beasley, Council Member
Mike Marsh, Mayor Pro Tem

John Angerstein, City Administrator
Mitzi Stefka, City Secretary
William Pemberton, City Attorney
Clayton Smith, Police Chief
Jason Frizzell, Fire Chief

Notice is hereby given of a meeting of the City Council of Crockett to be held on **MONDAY, DECEMBER 6, 2021 at 6:00 PM** at City Hall – Council Chambers, 200 North Fifth, Crockett, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

OPEN MEETING WITH INVOCATION AND PLEDGE

RECOGNITION OF VISITORS

COMMENTS FROM AUDIENCE OR COUNCIL *(At this time, anyone will be allowed to speak on City related matters only; no personal matters or matters under litigation will be allowed. The length of time may not exceed three (3) minutes. NO Council discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*

1. EXECUTIVE SESSION: GOV. CODE 551.071 - CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION
2. RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION IF ANY ON ITEM NO.1

APPROVAL OF MINUTES

3. APPROVAL OF MINUTES: REGULAR SESSION - NOVEMBER 1, 2021

REPORTS

4. POLICE DEPARTMENT MANPOWER & CRIMINAL INCIDENT REPORT FOR OCTOBER 2021
5. FIRE DEPARTMENT MONTHLY ACTIVITY & STATUS REPORT FOR OCTOBER 2021

BUSINESS

6. CONSIDER AND APPROVE AUTHORIZING CITY ADMINISTRATOR TO RAISE CITY VISA CREDIT CARD, WITH PROSPERITY BANK, LIMIT FROM \$5000.00 TO \$10,000.00
7. CONSIDER AND APPROVE NEW CITY OF CROCKETT PERSONNEL POLICY AND PROCEDURE MANUAL TO BE EFFECTIVE JANUARY 1, 2022

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Crockett will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Mitzi Stefka, City Secretary, at 936-544-5156.

CERTIFICATION



I certify that a copy of the December 6, 2021 agenda of items to be considered by the Crockett City Council was posted for viewing at Crockett City Hall on December 2, 2021 at 2:30 PM.

Mitzi Stefka, City Secretary

I certify that the agenda items to be considered by the City Council was removed from the City Hall window on the ____ day of _____, 2021. _____ Title _____

MINUTES OF THE CROCKETT CITY COUNCIL MEETING HELD ON THE 1ST DAY OF NOVEMBER 2021 IN THE CITY HALL COUNCIL CHAMBERS, LOCATED AT 200 NORTH FIFTH IN THE CITY OF CROCKETT, HOUSTON COUNTY TEXAS AT 6:00 P.M.

THE COUNCIL MET IN REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT: IANTHIA FISHER, GENE CALDWELL, MARQUITA BEASLEY & MIKE MARSH. CITY OFFICIALS PRESENT: CITY ADMINISTRATOR JOHN ANGERSTEIN & CITY SECRETARY MITZI STEFKA. DARRELL JONES AND ERNEST JACKSON NOT PRESENT.

OPEN MEETING WITH INVOCATION AND PLEDGE

Mayor Fisher called the formal session open. Mayor Fisher gave the invocation and all joined in the pledge.

RECOGNITION OF VISITORS

Mayor Fisher recognized all visitors present.

COMMENTS FROM AUDIENCE OR COUNCIL *(At this time, anyone will be allowed to speak on City related matters only; no personnel matters or matters under litigation will be allowed. The length of time may not exceed three minutes. NO Council discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*

Mayor Fisher noted that the Trick or Treating across from City Hall was a big success.

Mr. Angerstein presented a slide show of property and lots that have been cleaned up throughout the city and have been done with the help of code enforcement and some with help from property owners.

1. APPROVAL OF MINUTES: REGULAR SESSION - OCTOBER 18, 2021

Mayor Pro Tem Marsh made a motion to approve the minutes of the October 18, 2021 Regular Meeting. Council member Caldwell seconded the motion. Motion passes 3-0.

2. CONSIDER AND APPROVE A RESOLUTION TO CAST VOTES FOR THE BOARD OF DIRECTORS FOR HOUSTON COUNTY APPRAISAL DISTRICT

Mayor Pro Tem Marsh made a motion to cast the City's 300 votes equally among the current board members. Council member Caldwell seconded the motion. Motion passes 3-0.

3. CONSIDER AND APPROVE BID ON THE FOLLOWING TAX TRUST PROPERTY: SUIT# 12-0175; HOUSTON CAD vs ROXANE A. WILLIAMS, n/k/a ROXANE MANSFIELD

Mayor Pro Tem Marsh made a motion to approve the bid on Tax Trust Property: Suit# 12-0175; Houston CAD vs Roxane A. Williams, n/k/a Roxane Mansfield. Council member Beasley seconded the motion. Motion passes 3-0.

4. CONSIDER AND APPROVE A RESOLUTION OF THE CITY OF CROCKETT AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE DEEP EAST TEXAS COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING JOHN ANGERSTEIN, CITY ADMINISTRATOR, TO ACT ON BEHALF OF THE CITY OF CROCKETT IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF CROCKETT WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE DEEP EAST TEXAS COUNCIL OF GOVERNMENTS, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS

Mr. Angerstein noted that this grant will be for a non-commercial tire recycling drop off event. (approximately 7,000 tires) Council member Beasley made a motion to approve a Resolution of the City of Crockett authorizing the filing of a grant application with the Deep East Texas Council of Governments for a Regional Solid Waste Grants Program Grant; authorizing John Angerstein, City Administrator, to act on behalf of the City of Crockett in all matters related to the application; and pledging that if a grant is received the City of Crockett will comply with the grant requirements of the Deep East Texas Council of Governments, the Texas Commission on Environmental Quality and the State of Texas. Mayor Pro Tem Marsh seconded the motion. Motion passes 3-0.

ADJOURNMENT

Without objection, Mayor Fisher adjourned the meeting at 6:23 P.M.

Dr. Ianthia Fisher, Mayor

ATTEST:

Mitzi Stefka, City Secretary



City of Crockett
POLICE DEPARTMENT

COURTESY
PROTECTION
DEDICATION

Item 4.

CROCKETT, TEXAS 75835

936-544-2021 * 200 NORTH FIFTH STREET

CHIEF OF POLICE
Clayton Smith

Mayor
Dr. Ianthia Fisher

October 2021

Manpower: 13

Manpower Hours: 2132

Calls: 509

Accidents: 12

Arrests: 28

Traffic: 179

Reports: 80

Alarm Calls: 23

False Alarms: 21

No Fault Alarms: 2

Assault: 10

Burglary: 2

Criminal Mischief: 8

Criminal Trespass: 1

Disorderly Conduct: 2

Driving While Intoxicated: 2

Forgery: 0

Possession of Controlled Substance: 1

Possession of Drug Paraphernalia: 4

Possession of Marijuana: 4

Public Intoxication: 3

Resisting Arrest: 2

Theft: 1

Unlawful Possession of Firearm: 1

Unauthorized use of Motor Vehicle: 3

Miscellaneous Offenses: 36

Comments: REPORTING PERIOD: OCTOBER 1-31, 2021 MISCELLANEOUS OFFENSES INCLUDES 11 WARRANT SERVICES.

CROCKETT FIRE DEPT. MONTHLY ACTIVITY AND STATUS REPORT FOR 2021

Item 5.

2021	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD	AVG
CITY CALLS	60	50	28	23	24	26	26	29	22	26	0	0	314	0
STRUCTURE FIRES:	4	1	1	1	0	0	2	1	0	1			0	0
Business					0	0	2	0	0	1			0	0
Residential	4	1	1	1	0	0	0	1	0	0			8	0
VEHICLE FIRES	3			1	0	1	0	0	0	0			5	0
GRASS / WOODS FIRES	2	1			0	0	1	0	3	8			0	0
REFUSE / TRASH FIRE					0	2		0	0	0			0	0
VEHICLE ACCIDENT	2	8	7	5	5	7	5	4	10	5			0	0
VEHICLE ACCIDENT w/RESCUE					0	1	1	0	0	1			0	0
TECHNICAL RESCUE					1	1		0	0	0			0	0
POWERLINE EMERGENCIES	32	21	7	4	3	3	3	1	2	3			0	0
TREES DOWN	5	1		1	5	0		1	0	0			0	0
NATURAL/LPG GAS LEAK	1	2		2	1	3		1	0	1			0	0
HAZ-MAT SPILL / LEAK			1	1	0	1	1	2	1	0			0	0
CARBON MONOXIDE ALARM		3			0	0		0	0	0			0	0
EMS FIRST RESPONDER	3	1		2	1	1	2	8	1	3			0	0
EMS LIFT ASSIST	1	4	2		1	1	1	1	0	1			0	0
LANDING ZONE SET-UP					0	0	1	0	0	0			0	0
FALSE ALARM BUSINESS	1	2	1	1	4	2	1	3	1	0			0	0
FALSE ALARM RESIDENTIAL	1	2		1	2	0	4	3	0	0			0	0
TERRORISTIC/BOMB THREAT					0	0		0	0	0			0	0
FIRE / SMOKE INVESTIGATION	5	4	8	4	1	3	3	3	5	3			39	0
CONTROL BURN					0	0		0	0	0			0	0
TRAFFIC CONTROL					0	0		0	0	0			0	0
AGENCY ASSIST			1		0	0		0	0	0			1	0
ARSON ARREST					0	0		0	0	0			0	0

CROCKETT FIRE DEPT. MONTHLY ACTIVITY AND STATUS REPORT FOR 2021

2021	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD	AVG
COUNTY CALLS	31	20	17	9	14	16	10	8	24	18	0	0	167	0
STRUCTURE FIRES:	3	3	3	1	0	0	2	1	0	2			0	0
Business				1	0	0	0	0	0	0			0	0
Residential	3	3	3		0		2	1	2	2			0	0
VEHICLE FIRES	3		1		0	1	1		1	2			9	0
GRASS / WOODS FIRES	5	3	4	2	1	4	0	1	13	8			0	0
REFUSE / TRASH FIRE			1			0	0	0	1	0			2	0
VEHICLE ACCIDENT	5	6	4	4	6	5	3	4	3	6			0	0
VEHICLE ACCIDENT w/Extrication					1	0	0	0	1	0			0	0
TECHNICAL RESCUE					0	0	0	0	0	0			0	0
LANDING ZONE SET-UP	1				0	0	0	0	0	0			0	0
HAZ-MAT SPILL / LEAK			1		0	0	0	0	0	0			1	0
POWERLINE EMERGENCIES	9	4	0	2	1	2	0	0	0	0			0	0
TREES DOWN	1	2			1	0	0	0	0	0			0	0
NATURAL/LPG GAS LEAK							1	0	1	0			0	0
OIL/GAS WELL FIRE					0	0	0	0	0	0			0	0
CARBON MONOXIDE ALARM					0	0	0	1	0	0			1	0
EMS FIRST RESPONDER					0	2	1	0	1	0			0	0
EMS LIFT ASSIST	1				1	2	0	0	0	0			0	0
FALSE ALARM BUSINESS					0	0	0	0	0	0			0	0
FALSE ALARM RESIDENTIAL	3				2	0	0	0	0	0			0	0
TERRORISTIC THREAT							0	0	0	0			0	0
FIRE / SMOKE INVESTIGATION		2	3		1	0	1	1	1	0			9	0
TRAFFIC CONTROL					0	0	1	0	0	0			1	0
CONTROL BURN					0	0	0	0	0	0			0	0

CROCKETT FIRE DEPT. MONTHLY ACTIVITY AND STATUS REPORT FOR 2021

Item 5.

2021	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD	AVG
TOTAL CALLS	91	70	45	32	38	42	36	37	46	43	0	0	480	0
ACTIVE MEMBERS (PAID / VOL.)	19	18	17	17	18	19	20	20	20	20	0	0	0	0
PAYROLL	\$7,000	\$6,400	\$4,000	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$5,000	\$0	\$0	\$0	0
VOLUNTEER MAN HOURS	505	432	295	250	245	265	234	254	305	310	0	0	0	0
COST PER MAN HOUR	\$13.86	\$14.82	\$13.56	\$18.00	\$18.37	\$16.98	\$19.23	\$17.72	\$14.75	\$16.13	0	\$0.00	\$0.00	0
FIREFIGHTER INJURIES	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FIREFIGHTER FATALITIES	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CIVILIAN INJURIES	0	0	0	1	0	0	0	0	0	0	0	0	0	0
CIVILIAN FATALITIES	1	0	0	0	1	1	0	2	0	1	0	0	0	1
MUTUAL AID GIVEN	4	2	5	1	2	3	1	4	3	7	0	0	0	3
MUTUAL AID RECEIVED	4	1	4	2	2	3	2	2	5	6	0	0	0	3
OUT OF COUNTY CALLS	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Notes:

0



**PERSONNEL
POLICY AND PROCEDURE
MANUAL
DRAFT**

City of Crockett

Personnel Policy and Procedure Manual

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City of Crockett

Personnel Policy and Procedure Manual

Preface

Item 7.

Effective Date: mm/dd/yyyy
Page 1 of 1
New

The City of Crockett Personnel Manual is based on the following principles.

- A. **Applicability.** Unless a provision in the personnel manual makes a specific exception for an employee’s position, the personnel manual applies to all City employees.
- B. **Purpose:** The purpose of this manual is to help ensure consistency of personnel policies and procedures to the extent feasible without creating a right to due process and with the understanding that the City’s best interests will continue to be the controlling factor in any employment-related decision or practice.
- C. **Scope:** No manual can cover every possible situation, and it is not the intent of this manual to be all-inclusive. This manual is not a contract or guarantee of any policy or procedure, and this manual does not establish a requirement in any respect for the City to comply with or follow the provisions of any policy or procedure.
- D. **City Management Discretion:** Nothing in this manual restricts City management from making decisions that are in the City’s best interest. City management may exercise good faith discretion in accordance with generally accepted management practices and procedures to:
 - 1. interpret this manual,
 - 2. resolve issues that are not adequately addressed in this manual,
 - 3. depart from written policy to address a particular situation, and
 - 4. change, suspend, or cancel, with approval from City Council, all or any part of the policies or procedures in this manual.
- E. **Conflict with Federal, State, or Local Regulations:** It is the City’s intention to administer the personnel programs in a manner that complies with the letter and spirit of all applicable federal, state and local regulations. If any provision included in this manual conflicts with a federal or state law or City ordinance/resolution, then the law or ordinance/resolution takes precedence.
- F. **Administrators and Human Resources Manager.** References to “the administrator” means the City Administrator, the Fire Chief, or the Police Chief, whichever is appropriate based on the employee’s position and line of supervision. The City Secretary acts as the human resources manager for all City of Crockett employees.
- G. **Personnel Administration Authority and Prompt Attention to Personnel Matters:** With the exception of matters set aside by state law or City Ordinance for the City Council or disciplinary termination appeals reviewed by the Disciplinary Termination Review Board per PD-8.03, the appropriate administrator is the general and final authority for personnel administration, including resolution of grievances. The City Council does not handle grievances filed by an employee. The appropriate administrator or his designee will strive to provide prompt attention in the handling of all personnel matters.
- H. **Gender Terms:** The use of terms indicating male gender are strictly for grammatical convenience and refers equally to all genders.

City of Crockett

Personnel Policy and Procedure Manual

PD-1.01

Item 7.

Chapter: Employment-at-Will and EEO
Policy: Employment-at-Will

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

By law, all employment with the City of Crockett (City) is on an “at-will” basis. This means that employees are free to resign their employment at any time for any reason and the City can terminate the employment relationship at any time for any or no reason without liability.

Nothing contained in this Personnel Policy and Procedure Manual or in any other materials or information distributed by the City creates a contract of employment between an employee and the City nor creates a right to due process relating to continuation of employment, terms and conditions of employment, or any employment benefit or practice. No statement to the contrary, written or oral, made either before or during an individual’s employment, can change the employment-at-will policy and should not be relied upon by any person.

City of Crockett

Personnel Policy and Procedure Manual

PD-1.02

Item 7.

**Chapter: Employment-at-Will and EEO
Policy: Equal Employment Opportunity**

**Effective Date: mm/dd/yyyy
Page 1 of 2
New**

Policy.

The City of Crockett is an equal opportunity employer and strives to provide a work environment free from discrimination based on race, color, religion, sex/gender, national origin, age, veteran status, disability, or genetic information. The City considers sexual harassment, as defined in this policy, as a form of discrimination based on sex/gender.

Additional Resources.

PD-1.03, Inappropriate Sexual Misconduct

PD-1.04, American with Disabilities Act

Employee Handbook (Appendix B to Personnel Manual)

- Section VI. Equal Employment Opportunity (EEO)
- Section VII.C. Employee General Rules of Conduct, Group 4, Rules Relating to EEO and Protection of the Work Environment

Definitions.

“Sexual Harassment” means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if: (a) submission to the advance, request, or conduct is made a term or condition of an individual’s employment, either explicitly or implicitly; (b) submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual’s employment; (c) the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual’s work performance; or (d) the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

General Provisions.

- I. City management and supervisors are responsible for basing all employment-related decisions on job-related, non-discriminatory factors, and for complying with all laws applicable to the employment relationship.
- II. Employees are responsible for refraining from discrimination or harassment based on race, color, religion, sex/gender (including sexual harassment), national origin, age, veteran status, disability, or genetic information, and for promptly reporting any violations of this policy.
- III. The City will not tolerate retaliation against a person who opposes a discriminatory practice, makes or files a charge, files a complaint, or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relating to an allegation of discrimination.

Procedures.

- I. An employee who believes that discrimination has adversely affected his employment, assignment, compensation, advancement, career development, or any other employment condition should file a formal employee grievance in accordance with PD.8.02.
- II. An employee who believes that he has been subjected to retaliation in violation of this policy should file a formal employee grievance in accordance with PD.8.02.
- III. Other options for an employee who believes he has been subjected to employment discrimination or retaliation include filing a complaint with:
 - A. the Texas Workforce Commission, Civil Rights Division; or
 - B. the Equal Employment Opportunity Commission; or
 - C. the U.S. Department of Labor, Veterans Employment and Training Service, if the complaint relates to an alleged violation of the Uniformed Services Employment and Re-employment Rights Act of 1994.

City of Crockett

Personnel Policy and Procedure Manual

PD-1.03

Item 7.

Chapter: Employment-at-Will and EEO
Policy: Inappropriate Sexual Conduct

Effective Date: mm/dd/yyyy
Page 1 of 3
New

Policy.

The City prohibits and will not tolerate inappropriate sexual conduct. This policy applies to employees, contractors and contractor's employees, volunteers, delivery persons, vendors, citizens, and any other person having contact or doing business with the City.

The City also prohibits:

- retaliation against any employee who reports inappropriate sexual conduct, even if the report was in error; and
- deliberately making a false accusation of inappropriate sexual conduct.

Any City employee who engages in such prohibited behavior will be subject to disciplinary action, up to and including employment termination.

Additional Resources.

PD-1.02, Equal Employment Opportunity

Employee Handbook (Appendix B to Employee Personnel Manual):

- Section VI.A, EEO Policy
- Section VI.B, Sexual Harassment Prevention
- Section VII.C. Employee General Rules of Conduct, Group 4, Rules Relating to EEO and Protection of the Work Environment

General Provisions.

- I. Inappropriate sexual conduct is conduct of a sexual nature that is devastating to morale, interferes with job performance, or in any way has a negative impact on a safe, professional and pleasant work environment. It can occur in many ways, all of which are unacceptable.

Inappropriate sexual conduct includes but is not limited to:

- A. verbal, visual, or physical conduct of a sexual nature, or unwelcome requests for sexual favors, that occurs when:
1. submission to the conduct or request is an obvious or subtle employment condition; or
 2. rejection of or agreement with the conduct or request is used to make an employment decision; or
 3. the conduct or request interferes with work performance or creates an intimidating, hostile, or offensive work environment.

- B. off-color jokes, sexual horseplay or teasing, sexual innuendo, and other obscene, lewd, or sexually suggestive remarks or gestures; or
 - C. sexually suggestive workstation wallpaper or screen-savers, calendars, posters, T-shirts, cartoons, drawings, or other sexually suggestive displays; or
 - D. touching or threatening to touch another in an unprofessional manner; or
 - E. inquiring about another person’s sex life; or
 - F. discussing sexual conduct that is unrelated to work; or
 - G. using demeaning or inappropriate gender-related terms in reference to another person.
- II. The prohibition against sexual misconduct extends to subjecting an employee, male or female, to seeing or hearing sexual misconduct even if the sexual misconduct is directed toward another person.
- III. The prohibition against inappropriate sexual misconduct not only applies to conduct occurring on City premises, it also applies to conduct occurring at a City-sponsored or work-related event held away from the everyday worksite.
- IV. Inappropriate sexual conduct does not include occasional socially acceptable compliments.

Procedures.

- I. Reporting an Incident:
- A. Any employee who believes he has been subject to inappropriate sexual conduct must report it immediately by providing a completed Employee Grievance Form to the City Secretary per PD.8.02.
 - B. Any employee who observes or learns about conduct that may have been inappropriate sexual conduct directed toward another employee must promptly provide a written statement describing the inappropriate conduct to his immediate supervisor, appropriate administrator, or the City Secretary.
 - C. A supervisor who receives information regarding such conduct must promptly inform his administrator or the City Secretary of the allegation.

II. Action Pending Investigation Outcome.

Upon receipt of information regarding a credible allegation of inappropriate sexual conduct, the appropriate administrator will immediately take necessary steps to help prevent any inappropriate conduct while the City investigates the allegation. Such steps may include but are not limited to the following:

- A. temporarily re-assigning the accused or the accuser to a different work area;
- B. counseling the accused regarding the City’s prohibition against all forms of inappropriate sexual conduct and against retaliation against a person who has made a good faith report of inappropriate sexual conduct; and
- C. placing the accused on leave with or without pay pending the investigation’s outcome.

III. Investigation

- A. City management will promptly investigate all reports of prohibited conduct in as confidential a manner as possible. In some instances, the City may retain an outside investigator to conduct the investigation on behalf of the City. The investigation may include individual interviews with the parties involved and, when necessary, with other individuals who may have relevant knowledge. The City requires all employees to cooperate with the investigation.
- B. Except for information required to be released in compliance with the Texas Public Information Act or in response to an order of a court or administrative agency with jurisdiction over the matter, the City will not release information concerning a reported incident to any third party or to anyone within the City who is not directly involved in the investigation. Any such confidentiality breach will be grounds for disciplinary action, up to and including employment termination.
- C. An employee who believes he has been unjustly charged with sexual misconduct will be provided an opportunity to offer and present information in defense of the reported incident.
- D. The City strictly prohibits retaliating against any employee who assists in the investigation of the complaint and will take appropriate disciplinary action if retaliation occurs.

III. Disciplinary Action.

After the City completes investigation, the appropriate administrator will review the findings and make a decision whether disciplinary action, including employment termination, is appropriate.

City of Crockett

Personnel Policy and Procedure Manual

PD.1.04

Item 7.

Chapter: Employment at Will and EEO
Policy: Americans with Disabilities Act

Effective Date: mm/dd/yyyy
Page 1 of 3
New

Policy.

In compliance with the Americans with Disabilities Act (ADA), the City of Crockett prohibits subjecting an individual to unlawful discrimination in selection, promotion, discharge, compensation, training, or other terms or conditions of employment based on having a disability or record of a past disability. The ADA and this policy also prohibit treating an individual as disabled through stereotyping or assumptions about physical or mental conditions, real or perceived, or discriminating against any person due to the person's association with an individual who is protected by the ADA.

An employee must be able to perform his position's essential functions with or without a reasonable workplace accommodation, and it is an applicant's or employee's responsibility to request an accommodation under the ADA. When the City grants a reasonable workplace accommodation to an employee, the City will hold the employee to the same performance and production standards as other employees in a similar position.

The City prohibits retaliation against any applicant or employee who reports alleged discrimination in violation of the ADA and this policy.

Additional Resources.

PD-1.02, Equal Employment Opportunity

Employee Handbook (Appendix B to Employee Personnel Manual):

- Section VI.A, EEO Policy
- Section VI.C, Americans with Disability Act
- Section VII.C. Employee General Rules of Conduct, Group 4, Rules Relating to EEO and Protection of the Work Environment

Definitions.

See the Glossary (Appendix A to the Personnel Policy and Procedure Manual) for definitions of the following terms used in this policy.

- Disability
- Discrimination
- Reasonable Workplace Accommodation
- Undue Hardship

Procedures.

I. Requesting an Accommodation.

An applicant or employee desiring an accommodation under the ADA must submit a written request for the accommodation to the City Secretary. The written request must identify the functional limitations requiring the accommodation.

A supervisor who receives a request for an accommodation must submit the request to the City Secretary upon receipt and must not take any action in response to the request without prior approval.

II. Determination of Reasonable Workplace Accommodation.

The City Secretary and appropriate administrator will review each request on a case-by-case basis and determine if the requested accommodation is a reasonable workplace accommodation. This determination will be based on whether the requested accommodation is a modification or adjustment to the working environment that will:

- A. enable the individual to perform the essential functions of the position desired or held without resulting in a direct threat to the health or safety of the individual or others; and
- B. not cause undue hardship to the City.

III. Reporting ADA Discrimination.

- A. An employee who believes he has been subject to discrimination in violation of the ADA and this policy must promptly provide a statement of grievance to the City Secretary per PD.8.02.
- B. If a supervisor receives information regarding such a complaint, he must immediately inform the City Secretary of the allegation.

IV. Confidentiality.

- A. Except for information required to be released in compliance with the Texas Public Information Act or in response to an order of a court or administrative agency with jurisdiction over the matter, medical information, including requests for accommodation, are confidential and disclosed to others, including the employee's supervisors, on a "need-to-know" basis only.
- B. Information from all medical examinations and inquiries, and all other information and documents that would identify a person as having a disability, are kept apart from the primary personnel files as a separate, confidential medical record available only under the limited conditions specified in the ADA.

- C. If other employees ask questions about why the employee is getting “special treatment”, a supervisor may not respond in a manner that would identify the person as having a disability or disclose confidential medical information. The supervisor may respond that the City’s policy is to assist employees who encounter difficulties, and explain that the action is for legitimate business reasons which cannot be disclosed because of a concern for privacy.

City of Crockett

Personnel Policy and Procedure Manual

PD 2.01

Item 7.

Chapter: Conditions of Employment
Policy: Criminal History Standards

Effective Date: mm/dd/yyyy
Page 1 of 3
New

Policy.

The City of Crockett requires that applicants and employees meet certain criminal history standards as set out in this policy.

Additional Resources.

Employee Handbook (Appendix B to Employee Personnel Manual)

- Section III, Drug-Free Workplace
- Section VII.C, Employee General Rules of Conduct:
 - Rule 2.15, Report any arrest, criminal charge, or a change in status of a criminal charge.
 - Rule 2.16, Do not commit any criminal offense.

Definitions.

See the Glossary (Appendix A to the Personnel Policy and Procedure Manual) for definitions of the following terms used in this policy.

- Conviction
- Deferred Adjudication
- Pending Criminal Charge

Procedures.

I. General Provisions.

- A. The City will consider a conviction or deferred adjudication to have occurred on the date of disposition for the conviction or deferred adjudication.
- B. References in this policy to specific criminal offenses or offense levels include equivalent offenses under the Uniform Code of Military Justice.
- C. For purposes of this policy, the City may not consider expunged arrests or sealed juvenile records.

II. Background Checks.

To ensure that an applicant meets the City's criminal history standards, the City conducts a criminal history background check before hiring the applicant.

III. Criminal History Standards.

- A. An individual who has criminal charges pending or who has any outstanding warrants is ineligible for employment consideration by the City. For the purpose of this policy, the City does not consider minor traffic violations as a misdemeanor criminal charge.

However, the City will disqualify an applicant with an outstanding warrant for a minor traffic violation if the applicant fails to provide appropriate documentation verifying that the warrant has been withdrawn without arrest or the filing of criminal charges. The applicant must provide such documentation within three business days after the City informed the applicant of the outstanding warrant.

- B. The City may consider an outside applicant who has been convicted of a felony, or an equivalent offense under the Uniform Code of Military Justice, for employment on a case-by-case basis dependent upon the nature of the felony and other criminal history and upon the applicant’s work experience before and after the commission of the felony. Generally, the City will not consider applicants for employment until at least three (3) years have elapsed since the termination of the applicant’s sentence.

IV. Self-reporting Process.

Employees must report to their supervisor and City Secretary as soon as feasible and no later than the first business day after:

- A. being arrested; or
- B. receiving notification of criminal charges through an indictment or other official notification; or
- C. receiving notification of a change in the status of a previously reported criminal charge (e.g., dismissal, conviction, deferred adjudication, or the initiation of proceedings to revoke probation).

V. Management Actions.

- A. An employee may be subject to disciplinary action for conduct that resulted in an arrest or other criminal charge.
- B. When an employee is charged with a crime and a conviction would disqualify the employee from continued employment, the City will administratively suspend without pay and/or administratively separate the employee from employment with the City.
 - 1. During suspension, the employee is
 - a. required to use available leave recorded as “other compensatory leave”; and
 - b. given the option to use available vacation and overtime leave.
 - 2. The City will administratively separate the employee from employment if he:
 - a. has no available paid leave;

- b. has exhausted all leave recorded as “other compensatory leave” and chooses to not to use available vacation and FLSA compensatory leave;
or
 - c. has exhausted all available paid leave.
- B. If the City receives notice that an employee paid from funds received through a federal grant or contract has been convicted under a criminal drug statute for an offense that occurred on City premises, the appropriate administrator or designee must:
 - 1. notify the granting agency of the conviction, the employee's title, and the grant/contract ID number within 10 days after receiving notice of the conviction; and
 - 2. take appropriate management actions within 30 days after receiving notice of the conviction.

City of Crockett

Personnel Policy and Procedure Manual

PD.2.02

Item 7.

Chapter: Conditions of Employment
Policy: Ethics and Standards of Conduct

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The City of Crockett (City) expects employees to inspire public confidence and trust in public service by demonstrating ethical conduct in all activities. Ethical conduct generally means acting in accordance with accepted standards of professional behavior, acting in accordance with what is right, and avoiding even the appearance of what is wrong. As local government employees, City employees have a special responsibility for honesty and integrity. Employees are expected to always serve in the public's best interest.

- I. The City's Employee Handbook, which is Appendix B to this manual, is incorporated by reference into this policy. The handbook establishes the general rules of conduct for employees, including rules relating to conflicts of interest, ethics, and fraud and overall job expectations. Employees must become familiar with and comply with these rules of conduct. If an employee violates a general rule of conduct, he is subject to the employee disciplinary process.
- II. No policy manual can address every standard of conduct. It is an employee's responsibility to perform his duties in a lawful, professional, and ethical manner, understand what would be considered inappropriate conduct, and ask for clarification, if needed, from his supervisor, his administrator, or the City Secretary. If an employee's action that tends to discredit the City is not specifically prohibited by a policy or rule of conduct, this does not mean the act is condoned, is permissible, or that the employee will be excused from disciplinary action.
- III. The City makes no promise or representation that an employee will be guaranteed continued employment based on compliance with the rules of conduct.

City of Crockett

Personnel Policy and Procedure Manual

PD 2.03

Item 7.

Chapter: Conditions of Employment
Policy: Employment Probation Period

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

All new and rehired City of Crockett (City) employees hired to fill regular full-time or regular part-time positions must satisfactorily complete a minimum six-month probation period to retain employment. The maximum period of employment probation is nine months.

The City may terminate an employee's employment at any time during the employment probation period if the employee's quality of work does not justify continued employment. The City will retain only those employees who meet acceptable performance standards during the probation period. Successful completion of the probation period is no guarantee of continued employment nor does it create a contract of employment.

Procedures.

I. Supervisor's Responsibility During the Employment Probation Period.

During the employment probation period, the supervisor is responsible for:

- A. monitoring, evaluating, and assisting the employee as he adjusts to employment with the City in his position; and
- B. documenting instances of poor performance and counseling provided to the employee.

II. Supervisor's Responsibility Upon Completion of the Employment Probation Period.

Upon completion of a six-month or extended employment probation period, the supervisor must recommend one of the following actions to the appropriate administrator:

- A. remove the employee from probation and continue his employment;
- B. extend the employee's probation period for another three months if the employee has only completed six months of probation;
- C. terminate the employee for substandard performance.

Note: *Extending the employee's probation period is only an option if the employee has not already received an extension.*

City of Crockett

Personnel Policy and Procedure Manual

PD 2.04

Item 7.

Chapter: Conditions of Employment
Policy: Drug-Free Workplace

Effective Date: mm/dd/yyyy
Page 1 of 10
New

Policy.

The City of Crockett (City) makes a good-faith effort to maintain a drug-free and safe workplace by:

- requiring employees to report to work in a mental and physical condition which allows them to perform their duties in a satisfactory and safe manner;
- implementing an alcohol/drug testing program and other procedures in this policy with an intent to prevent accidents, fatalities, injuries, and property damage that could result from employee use of controlled substances or alcohol; and
- immediately terminating an employee upon notification from a collection site or medical review officer that an employee has failed to have a negative alcohol/drug test result.

The City strictly prohibits employees from the use, sale, possession, conveyance, distribution, or manufacturing of illegal drugs, intoxicants, alcohol, inhalants, or controlled substances, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer in any amount or in any manner while:

- on duty or on City premises;
- conducting City-related business off premises;
- driving a City-owned or leased vehicle;
- operating or using other City-owned or leased property or equipment;
- or wearing City of Crockett uniforms or any clothing with the City of Crockett logo.

Applicability.

This policy applies to all City employees and applicants for employment, including employees in positions funded by federal grants and employees subject to the alcohol and drug testing requirement for commercial drivers in PD-10.02.

Additional Resources.

The following resources contain additional information regarding the agency's efforts to maintain a drug-free workplace.

- PD-2.01 (Criminal History Standards). This policy:
 - requires an employee to notify the agency within two workdays after being arrested, charged, indicted, or convicted of any criminal offense, including drug or alcohol-related offenses; and
 - establishes the actions management will take in response to these notifications, including specific requirements when employees in positions funded by federal grants are convicted of drug crimes.

- Employee Handbook (Appendix B to the Employee Personnel Manual):
 - Section III, Drug-Free Workplace
 - Section VII.C, Employee General Rules of Conduct
 - Rule 2.20, Do not report to work or perform work while under the influence of alcohol or drugs.
 - Rule 2.21, Submit to alcohol or drug tests as required.
- PD-10.02 (Commercial Drivers). This policy establishes specific alcohol/drug testing procedures and limits on alcohol consumption for employees having a license to drive commercial motor vehicles.

Definitions.

See the Glossary (Appendix A to the Personnel Policy and Procedure Manual) for definitions of the following terms used in this policy.

- Alcohol
- Breath Alcohol Technician
- Collection Site
- Commercial Motor Vehicle
- **Disabling Damage**
- Medical Review Officer
- Safety Sensitive Function
- Safety-Sensitive Position (City)
- Security-Sensitive Position (City)

Drug-Free Awareness Program.

The City's drug-free awareness program is part of the agency's new employee orientation (NEO) session. During NEO, copies of the City's Employee Handbook and this policy are provided and discussed with newly hired employee. Providing this information helps ensure that employees are informed about the dangers of drug abuse in the workplace, the City's policy of maintaining a drug-free workplace, the availability of accrued leave to seek treatment for drug or alcohol abuse, the employee rules of conduct relating to drug abuse, and the agency's policy of immediate termination for failure to have a negative alcohol/drug test result.

Procedures.

- I. Program Manager and Designated Employer Representatives.
 - A. The appropriate administrator oversees the City's alcohol and drug testing program and is the primary designated employer representative (DER) for his department(s). The DER is authorized to:
 1. take immediate action(s) to have employees removed from duty;
 2. make required decisions in the alcohol/drug testing and evaluation processes;

3. receive test results and other communications, consistent with the requirements of this policy; and
 4. answer questions about the agency's alcohol and drug testing program.
- B. To ensure adequate coverage, the City Secretary is designated as the secondary DER and has the same authority as the primary DER.

II. Prescription Drugs.

An employee must not report to work or remain at work if the employee has used a prescribed or non-prescribed drug that would place the employee, his co-workers, or the public in danger due to potential impact from the drug. Examples of impact include but are not limited to drowsiness, dizziness, confusion, feeling shaky, and/or negatively affecting judgment, balance, vision, and reflexes or reaction time.

A. Reporting Requirement.

If an employee is taking a drug prescribed by the employee's health care provider and the employee believes the prescription drug's side effects, such as drowsiness or hallucinatory effects, may interfere with the performance of the employee's assigned duties, the employee shall provide the employee's supervisor with the drug information sheet received with the prescription(s) or a written statement from the health care provider containing the name of the prescribed drug, name of the prescribing health care provider, possible side effects, and approximate length of time the employee is required to take the drug. Such notification prevents side effects from being misinterpreted as substance abuse.

The employee shall provide the written notification directly to his supervisor prior to commencing work while taking such medication. All such information shall be kept confidential, and the written notification shall be maintained in the employee's medical file.

B. Effect on Job Performance.

If an employee's job performance appears to be affected as a result of taking a prescription drug, a supervisor must contact the appropriate administrator or City Secretary and determine, based on such consultation, whether the employee may remain at work. The supervisor must send an email documenting the consultation and resulting outcome to the City Secretary. The email will be filed in the employee's medical file

III. Substance Abuse Treatment.

The City encourages employees who need professional help due to substance abuse to voluntarily notify their supervisors of the need for help before their job performance is adversely affected.

- A. A supervisor must notify the DER as soon as practicable upon receipt of notification from an employee needing substance abuse counseling or treatment.
- B. An employee who voluntarily seeks treatment for drug or alcohol abuse **prior** to being notified of any required testing or disciplinary action may use leave in the same manner as for any other illness. The employee will be responsible for the cost of treatment not covered under the City's group insurance plan.
- C. An employee continues to be subject to:
 - 1. a random drug test the employee had already been made aware of prior to notifying the supervisor of the need for professional help;
 - 2. a reasonable suspicion alcohol and/or drug test, but only if one of the incidents described in this policy justifying such a test has occurred;
 - 3. random drug testing after completion of any treatment program and return to work; and/or
 - 4. disciplinary action in accordance with PRS 8.01 if the employee:
 - a. is charged with a rule violation;
 - b. rejects treatment; or
 - c. leaves a substance abuse treatment program prior to being properly discharged from the program.

Note: As provided in PD-8.01, Disciplinary Actions, failure to have a negative alcohol/drug test will result in immediate termination of employment.

IV. General Provisions for Alcohol and Drug Testing Program.

A. Testing Standards and Procedures.

The City pays for alcohol/drug testing and uses a contract vendor to conduct the alcohol/drug tests required by this policy. The vendor is responsible for complying with the collection and analysis procedures and standards for alcohol and controlled substance testing set forth in 49 CFR, Parts 40 and 382.

B. Time Reporting for Alcohol and Drug Testing.

An employee reports time required for travel to and from the collection site and the testing duration as time worked. This includes employees required to transport another employee to a testing site for a reasonable suspicion alcohol or drug test. To the extent possible, testing will normally be conducted during the employee's normal working hours.

C. Confidentiality of Test Results.

Alcohol and drug test results are confidential and may not be released to external parties without the employee's specific, written consent, except in connection with legal or administrative proceedings relating to the information (e.g., lawsuit or unemployment compensation hearing). The City Secretary maintains a copy of all test results, and the local HRA places all information relating to alcohol and drug test results in the employee's confidential personnel file.

V. Pre-Employment Drug Testing.

A. Except for positions assigned to the City's library, all external applicants selected for employment must pass a pre-employment drug test due to being selected for a City safety-sensitive or City security-sensitive position.

B. The City requires a current employee to pass a pre-employment drug test only when the employee is moving from a position that does not require pre-employment drug testing into a position requiring such testing.

C. The City Secretary coordinates the scheduling of pre-employment drug testing.

VI. Random Drug Testing.

Employees in a City safety-sensitive position are required to submit to random drug testing just before, during, or just after performance of the safety-sensitive function. The City Secretary will implement a system to randomly select the employees. Each employee subject to random testing will have an equal chance of being tested each time random selections are made.

A. Employees selected for random drug testing are notified of the selection on the day of the test and not beforehand.

B. The DER may delegate responsibility for notifying the employees to appropriate supervisory staff.

C. An employee who willfully discloses a random drug testing date to an employee selected for random testing prior to the date of the test will be subject to disciplinary action.

- D. If an employee selected for random testing is on approved leave on the date of the random testing, the employee will not be required to report for duty for random testing.
- E. The City will attempt to ensure that employees selected for random testing travel together to the testing site in a City vehicle immediately after being notified of the testing.

VII. Reasonable Suspicion Alcohol and Drug Testing.

An employee who is reasonably suspected of using alcohol or drugs in the workplace or conducting City business while under the influence of alcohol or drugs, regardless of position held, is required to submit to a reasonable suspicion alcohol or drug test. Reasonable suspicion testing must correspond to the specific nature of the suspicion. For example, reasonable suspicion of alcohol misuse does not justify drug testing. However, in some instances, an employee's appearance, behavior, speech, or body odor may result in reasonable suspicion of both alcohol and drugs, in which case both types of testing may be required.

A. Required Conditions for Reasonable Suspicion Testing.

Reasonable suspicion testing must not be based on hunches, guesses, complaints from other persons, or phone tips. Reasonable suspicion testing may be conducted only when:

- 1. a supervisor who has completed the City's required reasonable suspicion training:
 - a. observes an employee's specific, contemporaneous (it's happening now), and articulable (it can be described) appearance, behavior, speech, or body odors usually associated with alcohol or drug use, which may include indications of the chronic or withdrawal effects of controlled substances;
 - b. directly observes an employee using alcohol or drugs during the performance of duties; or
 - c. has reason to believe that alcohol or drugs may be a contributing factor in a work-related vehicular or industrial accident (e.g., blatant violation of safety regulations or procedures, refusal of supervisor's instructions); and
- 2. the DER approves the testing in advance.

B. Employee's Responsibility to Remain Readily Available for Testing.

- 1. An employee involved in a work-related accident must remain readily available for reasonable suspicion testing for a maximum period of 32 hours after the

accident, which means the employee must remain available by land line or cell phone and be prepared to arrive at the collection site within two hours after being notified to do so.

2. Failure to remain readily available or to arrive at the collection site as instructed for testing is considered a refusal to test. These requirements are not intended to delay necessary medical attention for an injured employee following a work-related accident or to prohibit an employee from leaving the employee's assignment to obtain assistance or necessary medical care.

C. Timeframes for Conducting Reasonable Suspicion Testing.

1. Alcohol testing should be administered as soon as practicable following the observable incident. The test must be administered no later than eight hours after the observable incident.
2. Drug testing should be administered as soon as practicable following the observable incident. The test must be administered no later than 32 hours after the observable incident.

D. Supervisor's Responsibilities for Reasonable Suspicion Testing.

1. When a trained supervisor concludes there is reasonable suspicion of alcohol and/or drug use, the supervisor must immediately:
 - a. confront the employee and remove the employee from duties;
 - b. keep the employee under direct observation, except in instances of off-site vehicular accidents when direct observation is not possible;
 - c. obtain a Reasonable Suspicion Alcohol/Drug Testing Decision Form, PERS 2.04-A,
 - d. immediately contact the DER by phone to discuss the observations upon which the conclusion is based on obtain the DER's verbal or written approval for reasonable suspicion testing; and
 - e. document the observations on the PERS 2.04-A.
2. As soon as possible, the observing supervisor must submit the original PERS 2.04-A form to the DER. If the original form was provided to the primary DER, a copy must also be provided to the City Secretary to be included in the employee's confidential personnel file (even if testing is not performed).
3. If the DER approves the request for reasonable suspicion testing, the observing supervisor or designee and another employee of the same gender as the

employee being tested must take the employee to the collection site. The employee to be tested may not drive to or from the collection site.

4. If an alcohol test and/or drug test is not administered with the time limits, the observing supervisor must notify the DER in writing (e.g., email) of the reasons why a test was not administered.
 5. If an employee has a positive alcohol test result or has been administered a reasonable suspicion drug test, the observing supervisor or the employee's supervisor must remove the employee from duty and place the employee in an administrative suspension without pay status once the employee has returned to the worksite. The employee is required to use the employee's available leave in accordance with the City's leave policies or use unpaid leave if no paid leave is available for use.
 6. The observing supervisor or designee must:
 - a. make every effort to ensure the employee does not drive home;
 - b. attempt to contact someone not employed with the City, such as a relative or friend of the employee, to provide the employee with a ride home;
 - c. offer to take the employee home after all possibilities of contacting relatives or friends have been exhausted;
 - d. immediately notify local law enforcement of the situation if the employee refuses to be driven home; and
 - e. document any refusal and forward the documentation to the DER.
- E. Supervisory Training Program.
1. Designated supervisors must complete training on alcohol misuse and controlled substances use before making determinations of reasonable suspicion of drug or alcohol impairment. Completion of this training is required every two years thereafter.
 2. The primary DER determines the appropriate training for supervisors.

VIII. Post-Accident Testing.

- A. An employee in a City safety-sensitive position will be automatically subjected to post-accident alcohol and drug testing when the employee is in a work-related accident that results in any injury or that causes any damage to City equipment/property.

B. Any employee will be automatically subjected to post-accident alcohol and drug testing when the employee is involved in an accident (also known as a “crash”) while driving a city vehicle at any time, driving a personal vehicle on city business, or while operating city-owned motor driven equipment AND the accident results in death, injuries that require the immediate services of a medical professional or disabling damage. If the employee is would also be subject to alcohol/drug testing under PD-10.02, Commercial Drivers, the procedures in PD-10.02 must be followed instead of the procedures in this policy.

C. All the provisions relating to reasonable suspicion testing in Section VII relating to an employee’s responsibilities, timeframes for conducting tests, and the supervisor’s responsibilities will apply to post-accident testing except for the requirement for the supervisor to complete a Reasonable Suspicion Alcohol/Drug Testing Decision Form. The law enforcement crash report or the Incident Review Form for Work-Related Accident / Near-Miss will be sufficient documentation to support the reason for the post-accident test.

IX. Failure to Have a Negative Test Result.

Refusing to test, tampering with a specimen, and having a verified, confirmed positive alcohol or drug test result are considered failure to have a negative test result.

A. Refusal to Test.

A refusal to test means an applicant or employee:

1. fails to arrive at the collection site on time unless a reason for the delay exists and is supported by verifiable documentation;
2. fails to remain at the test facility until the testing process is complete;
3. fails to provide a urine specimen;
4. fails to cooperate with any part of the collection process (e.g., refuses to empty pockets when directed or behaves in a confrontational way that disrupts the collection process) or fails to follow instructions provided by the DER, collector, observer, or medical review officer (MRO);
5. possesses or wears a prosthetic or other device that could be used to interfere with the collection process;
6. admits to the collector or MRO of having adulterated or substituted the urine specimen; or

7. is reported by the MRO as having a verified adulterated or substituted test result.

B. Specimen Tampering.

The DER will be notified by the collector when the collector determines there is evidence of specimen tampering (e.g., specimen temperature is outside the acceptable range, specimen has an unusual color, or there is a presence of foreign objects or materials such as the smell of bleach).

X. Impact on Employment for Failure to Have a Negative Test Result.

A. If an external applicant accepts a conditional offer of employment and fails to have a negative drug test result, the applicant will not be considered for any position with the City position for one year following the test date.

B. An employee, including a selected internal applicant required to pass a pre-employment drug test, will be subject to immediate disciplinary termination for failure to have a negative alcohol or drug test result.

XI. Suspension.

A. The City will suspend an employee **with** pay pending test results when the employee has been administered a reasonable suspicion drug test.

B. An employee will be suspended **without** pay pending employment termination if the DER receives notification from a collection site or medical review officer that an employee has failed to have a negative alcohol/drug test result.

City of Crockett

Personnel Policy and Procedure Manual

PD-2.05

Item 7.

Chapter: Conditions of Employment
Policy: Dress and Grooming Standards

Effective Date: mm/dd/yyyy
Page 1 of 6
New

Policy.

An employee must dress appropriately and professionally and present a professional standard of cleanliness and personal hygiene while performing work duties, conducting City business, or representing the City at a public event, training, or conference, regardless of location. The employee's job duties will determine what is appropriate and professional attire.

No dress or grooming policy can cover all possibilities. An employee must exercise good judgment in choosing work attire and grooming styles. If an employee's attire interferes with the performance of duties, with co-workers performing their job, or with the public being served, then the employee's attire is inappropriate. If an employee is unsure whether certain attire or a certain style is appropriate for the workplace, it is the employee's responsibility to ask his supervisor before coming to work wearing such attire or with such a grooming style.

Supervisors are expected to enforce the standards established by this policy and are not authorized to implement supplemental dress and grooming standards that diminish from the intent of this policy. However, Police and Fire Department employees may be covered under departmental policies regarding appropriate dress and appearance.

Definitions.

"Field Employee" means the building official, code enforcement official, a firefighter, a maintenance employee, a police officer, and a public works employee. *Note: An employee is either a field employee or an office employee.*

Procedures.

- I. Acceptable and Unacceptable Attire.
 - A. General Provisions for Office Employees.

An employee assigned to work in an office may wear business-casual attire. Business-casual attire is less formal in nature than professional business attire but remains appropriate for a conservative office environment. Examples of such attire include slacks, khakis, dresses, blouses, polo shirts, and presentable jeans or capris.

On Fridays (known as "casual" Fridays) or the last workday prior to a three- or four-day holiday weekend, an employee may wear a shirt representing a sports team, other appropriate t-shirt, and athletic shoes appropriate for the workplace.

With his supervisor's approval, an employee may wear appropriate athletic shoes when the employee's duties require physical exertion (e.g., loading/unloading or moving file cabinets) or when an employee has a documented medical need to do so.

B. General Provisions for Uniformed Field Employees.

A field employee hired into a position requiring the wearing of City-issued uniforms or other clothing must always wear the City-issued uniform/clothing while on duty to help the public easily identify the employee as a City employee. The employee must also ensure that clean, well-maintained, City-issued uniforms/clothing are available for immediate use in case of on-call duty or emergency situations.

1. Restrictions on Wearing City-Issued Uniforms/Clothing.

a. A field employee must not wear City-issued uniforms/clothing:

- (1) with other attire that would be inappropriate to wear to work or only partially if he has been issued a full uniform (e.g., police officer);
- (2) on days off or during non-duty hours other than while traveling to and from work and making appropriate convenience stops while coming to and from work (e.g., gas station, grocery store);
- (3) in a business where the sale of alcohol is the primary business activity (e.g., liquor store, bar) or while purchasing or drinking alcoholic beverages;
- (4) in an adult-oriented business; or
- (5) without the appropriate administrator's or his designee's specific written authorization when attending an event for the purpose of endorsing, supporting, opposing or contradicting:
 - (a) a political campaign or initiative;
 - (b) a social issue, cause, or religion;
 - (c) any product, service, company, or other commercial entity; or
 - (d) while appearing in a commercial, social or non-profit publication, any film, video, or public broadcast, or in an intentional pre-planned photo taken for the purpose of posting on social media (e.g., a website, Facebook).

b. When wearing City-issued uniforms/clothing, a field employee:

- (1) may wear only an appropriate headgear that:

- (a) does not display an unprofessional graphic/slogan or the name of another company or a vendor; and
 - (b) always faces forward;
 - (2) must wear a work boot appropriate for the employee’s assigned duties or appropriate waterproof footwear (e.g., rubber boots, waders) when necessary;
 - (3) may only wear a black, gray, or white undershirt if the undershirt is visible around the neck line or arms;
 - (4) must wear a belt; and
 - (5) must wear the shirt tucked in.
- 2. Responsibility for Maintaining, Replacing, and Returning City-Issued Uniforms/Clothing.
 - a. An employee must:
 - (1) maintain City-issued uniforms/clothing in as good a condition as possible with consideration given to the nature of the work performed;
 - (2) obtain prior authorization from the appropriate administrator or his designee before altering any City-issued uniform/clothing, and be responsible for paying for any alterations;
 - (3) return uniforms/clothing and request a replacement as soon as possible when the uniform/clothing is no longer appropriate for the work environment due to normal wear and tear or damage (e.g., excessive stains, tears) or when requiring a different size.
 - b. The City may provide an employee with uniforms/clothing previously used by another employee who separated from employment or had a change in size. If the City does not have any used uniform/clothing in the appropriate size when an employee needs a replacement, the City may issue new uniforms/clothing.
 - c. City-issued uniforms/clothing remain City property. Therefore, an employee must return his City-issued uniform/clothing upon separation from employment

C. Use of the City Logo.

1. City logos authorized by the City Administrator may be machine stitched or printed on the left chest area of a shirt or jacket. The City does not allow any other logos to represent the City.
2. If the shirt or jacket includes the employee’s name, the name must be machine stitched or printed on the right chest area in the same style of the logo.
3. Regardless of an employee’s position, the restrictions on when an employee may wear a city-issued uniform/clothing also apply to shirts and jackets with a City logo.

D. Inappropriate Attire for All Employees.

Inappropriate attire for all staff includes the following; however, this list is not all-inclusive:

1. noticeably wrinkled, torn, dirty, or stained attire;
2. shorts;
3. jeans with holes, are frayed or excessively faded, or sag or otherwise fit inappropriately;
4. attire with suggestive, offensive, or derogatory slogans, promoting tobacco, alcohol, or drug use, or advocating illegal/immoral conduct;
5. T-shirts with screen-printed or embossed graphics or slogans that do not project a professional image, except office staff may wear shirts representing sports teams on Fridays or the last workday prior to a three- or four-day holiday weekend;
6. excessively long shirts extending down to the legs and not tucked in;
7. tops that do not cover the shoulders, muscle shirts, midriff tops, halter tops, tank tops, backless tops, tops with elongated armholes, or any top that results in the display of undergarments, unless worn under another blouse, shirt, jacket, or dress with the result being that the shoulders and midriff are covered, or any attire that is see-through, low-cut (in front or back), or tight-fitting in a suggestive manner;
8. skirts or dresses shorter than or having a slit higher than the end of the employee’s fingertips when standing, sun dresses, beach dresses, spaghetti-strap dresses, or shorts;
9. leggings, unless worn under an appropriate skirt or dress;

- 10. flashy athletic shoes, beach-style flip-flops, sandals styled in the same manner as a beach-style flip-flop but made of different material, crocs, or slipper socks;
- 11. oversized belt buckles;
- 12. message buttons or message pins, except those issued by the City or approved by the City Administrator; and
- 13. headgear, other than:
 - a. appropriate headgear allowable under this policy for field employees; and
 - b. cold-weather headgear, such as beanies, when weather conditions dictate.

II. Grooming Standards.

Some standards include additional provisions for field employees because certain styles may increase risk of injury while performing certain duties in the field.

A. Hair.

- 1. Hair color shall be a natural shade such as blonde, brown, red, or black and may not be an unnatural shade such as purple, green, or other similar colors.
- 2. Shaved geometric patterns and letters and mohawks are prohibited.
- 3. No employee may wear their hair in a style that extends over the eyes.
- 4. Field employees with hair that extends over the top edge of the shirt collar must have their hair pulled back and secured during working hours.
- 5. Any sideburns must be neatly trimmed, straight, and end with a clean-shaven horizontal line. Sideburns of an exotic nature (e.g., muttonchops) are prohibited.
- 6. Any facial hair must be neatly trimmed, and a field employee's hair must not extend longer than one inch from the face.

B. Fingernails.

Fingernails must be clean and neatly manicured.

- 1. A field employee's or male office employee's fingernails must not extend more than one-quarter inch beyond the tip of the finger.

- 2. A female office employee’s fingernails must not be a length that interferes with job duties.
- 3. Fingernail jewelry is prohibited for all field employees.

III. Jewelry.

Jewelry must not jeopardize safety.

- A. The only jewelry a field employee may wear while on duty are a wristwatch, one ring on each hand, one pair of stud-type earrings worn in the earlobes, and a facial piercing that complies with the provisions in this policy.
- B. Facial piercings for any employee, other than pierced earrings and piercings required for religious purposes or to honor long-standing cultural traditions, are limited to one stud in the nose and one stud in the eyebrow.

IV. Body Art, Body Modifications, Dental Ornamentation.

- A. If there is a reasonable expectation that body art (e.g., tattoos) would be considered suggestive, offensive, or derogatory, the body art must always be covered. Except for cosmetic permanent make-up, an employee may not have a facial tattoo.
- B. Unless it can be covered by appropriate clothing at all times, an employee must not have a body modification that is a permanent or semi-permanent deliberate altering of the human body for non-medical reasons (e.g., abnormal shaping of the ears, eyes, nose or teeth).

V. Makeup, Perfume, and Cologne.

- A. Makeup must not be extreme to the point that it presents an unprofessional image.
- B. An employee should use perfume, cologne, and scented body lotions and sprays with restraint, and the scent must not be overbearing. The City may ask an employee to avoid wearing perfume, cologne, or scented body lotions or sprays if another employee is sensitive to the related chemicals.

Chapter: Conditions of Employment
Policy: Nepotism and Relationships Between Employees

Effective Date: mm/dd/yyyy
Page 1 of 3
New

Policy. To help prevent disruptions in the workplace, conflicts of interest, and appearances of favoritism, the City of Crockett (City) avoids nepotism and the employment in certain positions, as described in this policy, of employees involved in a dating relationship.

Additional Resources.

PD-3.02, Selection and Hiring Process

Definitions.

“Affinity” means relationship by marriage. A married couple is related to each other in the first degree by affinity. A married couple is also related by affinity to individuals related to their spouse by consanguinity. The degree of relationship by affinity is the same as the degree of the underlying relationship by consanguinity. The ending of a marriage by divorce or death ends relationships created by that marriage unless a child of the marriage is living, in which case, for the purpose of nepotism, the marriage is considered to continue as long as a child of that marriage lives.

“Chain of Supervision” means an employee’s immediate or successive supervisor up to the appropriate administrator. An employee who supervises a position on an intermittent or a temporary basis due to an unplanned or unscheduled event, such as illness or family emergency, is not included in the position’s chain of supervision. Two employees who report to the same immediate supervisor are not in each other’s chain of supervision.

“Consanguinity” means relationship by blood. Two individuals are related to each other by consanguinity if one is a descendant of the other or they share a common ancestor. For the purpose of nepotism, an adopted child is considered a child of the adoptive parent(s). The degree of relationship by consanguinity may be determined by the following: (1) the number of generations between an individual and the individual’s ancestor; (2) the number of generations between an individual and the individual’s descendant; or (3) the total of the number of generations between an individual and the nearest ancestor of both the individual and the relative in question, plus the number of generations between that common ancestor and the relative in question.

“Dating Relationship” means a relationship between individuals who have a continuing relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on consideration of the length of the relationship, the nature of the relationship, and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship.”

“Marriage” includes “ceremonial marriage” and “informal marriage,” which are the two types of marriage recognized by the state of Texas and are defined as follows:

- a. “Ceremonial Marriage” is a marriage documented by: (1) a marriage license recorded with a county clerk; and (2) a marriage certificate issued by the county clerk.
- b. “Informal Marriage,” previously known as common law, is a marriage that is not necessarily documented through a county clerk, but is valid when a couple agree to be married and after that agreement live together in the state of Texas as a married couple and represent to others they are married. An employee who claims to be married via an informal marriage for health insurance or any other benefit entitlement will be considered married via informal marriage for the purpose of a nepotism violation.

“Nepotism” is the employment of relatives within the third degree by consanguinity (blood) or within the second degree by affinity (marriage).

“Relatives” are individuals who are related by affinity to the second degree or consanguinity to the third degree as indicated on the Nepotism Chart (Attachment A).

Procedures.

I. General Provisions.

- A. The Nepotism Chart (Appendix C to this manual) lists an employee’s specific relatives that are related within the third degree by consanguinity or within the second degree by affinity.
- B. An employee must report any nepotism violation, potential nepotism violation, or dating relationship that would violate the provisions in Section II of this policy as soon as he becomes aware of such a violation or potential violation.
- C. The selection or assignment of a person to a position will be voided if it is determined that a supervisor or the selected or assigned person knowingly violated this policy. In addition, employees who knowingly violate this policy will be subject to disciplinary action.
- D. An employee must not participate in the selection of a supervisor for the employee’s relative.

II. Nepotism and Relationship Violations.

- A. The City may not employ a person who is a relative of the Mayor, a member of the City Council, or an administrator (City Administrator, Fire Chief, Police Chief). This prohibition does not apply to an employee who was already employed in his position for at least:
 1. 30 days prior to the appointment of his relative to an administrator position; or

2. six months prior to the election of his relative to the Mayor or City Council member position. However, the related public official may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the related employee if that action applies only to the related employee and does not apply to a bona fide class or category of employee.
- B. The City may not hire or assign an employee to a position that would result in:
1. a relative being in an employee’s chain of supervision; or
 2. an employee providing direction or assigning tasks to a relative on a routine basis (e.g., dispatcher).
- C. The provisions in Section B relating to nepotism violations also apply to persons in a dating relationship with a current employee.

City of Crockett

Personnel Policy and Procedure Manual

PD-2.07

Item 7.

Chapter: Conditions of Employment
Policy: Outside Employment

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) is considered the primary employer for all full-time and part-time City employees. Therefore, a City employee is obligated to give City job duties and work hours priority over outside employment. In addition, a City employee may work in an outside employment position only in accordance with the provisions of this policy.

Additional Resources.

Employee Handbook (Appendix B to the Personnel Policy and Procedure Manual), Section VII.C, Employee General Rules of Conduct, Rule 3.03, Do not accept other employment that could reasonably be expected to conflict with your duties as a City employee.

Discussion.

For purposes of this policy, outside employment includes a job, activity, or enterprise (including self-employment) or business outside the responsibilities of employment with the City. Outside employment does not include volunteer work with a non-profit organization, faith-based activities, or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

General Limitations.

I. Employment with Vendors/Potential Vendors.

The City prohibits an employee from accepting, or continuing, outside employment that involves employment as an employee, partner, consultant, or agent with a vendor or potential vendor to the City.

II. Other Conflicts of Interest.

To help City employees avoid a conflict between outside employment interests and their professional duties or responsibilities as a City employee, the City prohibits a City employee from accepting or continuing outside employment that:

- A. requires or expects the employee to disclose confidential information acquired by reason of his City position;
- B. impairs the employee's independence of judgment in the performance of his City duties;
- C. undermines the City's image, mission, or goals; or

- D. at any point adversely affects the employee’s ability, fitness, or readiness to work as a City employee.

Procedures.

I. Notification.

The City does not require an employee to obtain prior *approval* from his supervisor before accepting employment with an outside employer that is not prohibited by this policy. However, the employee must provide his supervisor with written notification (e.g., email or letter) of the outside employment, including self-employment, on the employee’s first full workday after accepting the outside employment.

- A. The notification must include the employer’s name, address, nature of business, and the employee’s work hours or indicate the range of possible work hours if the hours will vary.
- B. The supervisor must forward the notification to the appropriate administrator.

II. Use of City Resources.

The City prohibits City employees from using City resources while performing activities related to outside employment.

City of Crockett

Personnel Policy and Procedure Manual

PD-2.08

Item 7.

Chapter: Conditions of Employment
Policy: Political Activity

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) prohibits employees from engaging in any political activity while on City time and from using City resources for any political activity.

Additional Resources.

Employee Handbook (Appendix B to the Personnel Policy and Procedure Manual), Section VII.C, Employee General Rules of Conduct, Rule 3.04 - Do not engage in political activity or political influence at work or while on duty.

Definitions.

“Public Office” is an office created by a constitution or legislative act, having a definite tenure, and involving the power to carry out some governmental function.

Discussion.

The City encourages its employees to exercise their rights and responsibilities as citizens in the political process by voting, participating as a voter registrar, contributing personal money to the employee’s preferred candidates or political parties, and actively engaging in campaigning or fundraising and endorsements during off hours. However, employee political activities must comply with this policy.

Procedures.

- I. Political Campaign Materials.
 - A. City premises are nonpublic forums. Therefore, an employee on City premises is prohibited from distributing, displaying, or wearing any form of political campaign materials, for example, buttons, handbills, or posters. This prohibition applies even if the employee is off-duty while on City premises.
 - B. Political campaign bumper stickers affixed on an employee’s personal vehicle are permitted on City premises.

- II. Public Office Positions.

A City employee who becomes a candidate for election or appointment to a public office may continue his employment with the City during the election campaign or while being considered for appointment.

A. City Council.

An employee must resign or be administratively separated from employment with the City prior to being sworn in as a member of City Council.

B. Election or Appointment to Other Public Office.

If a City employee is elected or appointed to any other public office, he must report the election or appointment to his supervisor and the appropriate administrator by the end of the first business day following the election or appointment. The appropriate administrator will review the public office position's duties to determine if potential conflicts of interest or other reasons may exist that could require the employee to resign before the effective date of office.

City of Crockett

Personnel Policy and Procedure Manual

PD-2.09

Item 7.

Chapter: Conditions of Employment
Policy: Employee Organizations

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

A City of Crockett (City) employee may not: (1) enter into a collective bargaining contract with an employee organization regarding wages, hours, or conditions of employment of public employees; (2) recognize an employee organization as the bargaining agent for a group of City employees; or (3) strike or engage in an organized work stoppage against the City.

Additional Resources.

Employee Handbook (Appendix B to Employee Personnel Manual), Section VII.C, Employee General Rules of Conduct, Rule 2.23 - Do not incite, attempt to incite, or participate in a strike or work stoppage against the City.

Discussion.

The prohibitions relating to employee organizations are based on the provisions established by Texas Government Code §§ 617.001-.005.

City of Crockett

Personnel Policy and Procedure Manual

PD 2.10

Item 7.

Chapter: Conditions of Employment
Policy: Personal Use of Social Media

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) establishes limitations on the personal use of social media by City employees and may monitor social media sites to ensure compliance with these limitations.

The intent of the limitations in this policy is to protect confidential, privileged, and proprietary City information and to prevent significant workplace disruptions that could impact City operations.

The City does not intend to restrict an employee's right to use social media while off-duty to discuss employment-related matters such as wages, hours, and working conditions.

Additional Resources.

City of Crockett Social Media Policy (published on the City's website for persons accessing and posting on the City's social media sites).

Definition.

Social Media: Publicly available, internet-based platforms that publish user-generated content. This includes blogs and microblogs (e.g., Pinterest, Twitter, The Daily Beast), wikis, media-sharing sites (e.g., Instagram, YouTube, SlideShare), podcasts, social networking sites (e.g., Facebook, Myspace, LinkedIn), mash-ups, virtual worlds (e.g., gaming programs and sites), and similar application or technologies currently in existence or other platforms that may be developed in the future.

Limitations.

When using social media, City employees:

- A. must comply with limitations established by any City policy or employee general rule of conduct about communications, ethics, harassment, and related topics; and
- B. must not:
 - 1. post information in a manner that would give an ordinary member of the public the impression that the communication represents the City's views or positions;
 - 2. disclose, post or discuss any confidential information (e.g., information concerning individual employees or City investigations);
 - 3. post information that disparages the race, color, religion, gender, age, genetic information, sexual orientation, gender identity, veteran status, disability, or national origin of any City employee, contract employee, or volunteer;

4. post information that could reasonably be expected to provoke a fellow employee and hinder his ability to perform his job or cause significant disruption to the workplace.

Note: The Employee Handbook also prohibits provoking a fellow employee through emails or text messages (rule of conduct 2.05).

Procedures.

Any employee who observes or learns about a social media posting in violation of the provisions in this policy must promptly notify his immediate supervisor, administrator, or the City Secretary.

Chapter: Selection and Hiring
Policy: Job Descriptions

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The City of Crockett develops job descriptions to help applicants for employment and current employees be aware of a position’s duties, including essential functions, work environment, required knowledge, skills, and abilities, and required physical and mental characteristics with or without a reasonable accommodation.

Procedures.

I. Review Prior to Posting a Position Vacancy.

A job description must be developed before a position vacancy is posted to be filled. If a current job description already exists, it is the responsibility of the position’s chain of supervision to review the job description for necessary changes before the position is posted.

II. Employee’s and Supervisor’s Review and Signature.

A. Within one week of hire or new assignment (i.e., promotion, lateral transfer, or demotion) into a position with a different job description, the supervisor will review the job description with the employee. The employee and supervisor will sign the job description. By signing the job description, the employee is indicating that he understands:

1. the job description is not designed to cover or contain a comprehensive listing of activities, duties, or responsibilities that are required of the employee;
2. duties, responsibilities and activities may change or be assigned as needed; and
3. performance appraisals will be based on his performance of the position’s essential functions.

B. The supervisor will provide a copy of the signed job description to the employee and provide the original signed job description to the City Secretary for filing in the employee’s personnel file.

C. The supervisor and the employee have a shared responsibility to help identify inaccuracies in the job description and bring any inaccuracies and proposed changes to the attention of the appropriate administrator, City Secretary, or designee.

Chapter: Selection and Hiring
Policy: Selection and Hiring Process

Effective Date: mm/dd/yyyy
Page 1 of 4
New

Policy.

The City of Crockett (City) uses a whole-application approach in its selection process. This approach allows hiring authorities to select the best qualified applicant based on job-related and nondiscriminatory factors, including the applicant’s job-related experience, education, training, performance in the interview process, including any second interviews, and background references.

Additional Resources.

PD-2.06, Nepotism and Relationships Between Employees.

PD-3.01, Job Descriptions

Procedures.

- I. Recruitment and Job Postings.
 - A. The appropriate administrator determines when a position vacancy will be filled based on the City’s budget and need for the position to be filled to continue operational functions.
 - B. Upon determination that a position vacancy will be filled, a job posting is developed or revised as necessary based on the position’s corresponding job description. The job posting will include the job title, job summary, work environment description, minimum required education and experience, preferred experience and education if applicable, a description of City employment benefits, the FLSA status and salary range, and application procedures.
 - C. The City strives to promote from within. Therefore, the City will generally post position vacancies internally when the position could result in a promotion for current qualified employees. The appropriate administrator will determine on a case-by-case basis whether to also post such a position vacancy externally. Such a decision will be dependent upon any specialized skills required for the position and the qualifications and performance history of internal applicants.
 - D. When the appropriate administrator decides to post a position vacancy externally, the City will post the job posting on the City’s employment webpage and on the Texas Workforce Solutions website. The City may use other recruitment resources (e.g., classified ads, professional websites) on a case-by-case basis as determined by the appropriate administrator.

- E. The standard posting period of a job posting for internal applicants is five or ten calendar days. The appropriate administrator determines the closing date.
- F. The standard posting period of a job posting for external applicants is ten calendar days. The appropriate administrator may decide to extend the job posting beyond ten calendar days or to change the posting to “open until filled” when a job posting has not generated a pool of qualified applicants.

II. Job Posting not Required.

The City does not require a job posting when:

- A. the appropriate administrator is filling a vacant position through a management-directed transfer, which is a lateral transfer without a change in salary;
- B. a position is being filled through a voluntary or involuntary demotion;
- C. a position is created through a reorganization of a department and the appropriate administrator has approved filling the position with a current employee;
- D. a vacancy occurs within six months after posting a position with the same title and job description and an applicant from that applicant pool is offered employment in the current vacant position; or
- E. the position is an hourly appointment of short duration or requiring unpredictable hours and pay is on an hourly wage basis.

III. Applications.

- A. An internal applicant must submit a letter or email to the appropriate administrator advising of his interest in being considered for a position. The appropriate administrator may also require the applicant to provide a resume.
- B. External applicants must submit an employment application or resume with cover letter as directed in the job posting.
 - 1. All materials submitted for consideration becomes the property of the City and will not be returned.
 - 2. All information submitted with an application/resume is subject to verification.
 - 3. Applications/resumes will remain active until the position is filled.

IV. Hiring Process.

- A. The City Secretary or designee will review all letters of interest/applications/resumes to determine if the applicant meets the minimum qualifications of the position or if any

applicants should be disqualified for any reason prior to the interview process. (See Section V for reasons for disqualification.)

- B. The City may conduct a higher qualification (HQ) screening to reduce the number of applicants to interview. HQ screening must be based on objective, job-related factor such as years of applicable experience, licenses, or certifications.
- C. Generally, a panel of two or more City employees will interview qualified applicants. In addition, members of an oversight or advisory board or commission (e.g., Public Library Advisory Board) may also participate as a member of the interview panel.
- D. The appropriate administrator will generally conduct a second interview of the top applicant(s) selected by the interview panel.
- E. A conditional offer of employment is contingent upon successful completion of an applicable pre-employment drug screen and other medical examination as required for the position.

V. Reasons for Disqualification.

The City will disqualify applicants from further consideration for one or more of the following reasons:

- A. Failure to meet the minimum qualifications necessary for performance of duties for the position;
- B. Inability to perform the essential functions of the job applied for with or without a reasonable accommodation;
- C. False statements or material omissions on the application or during the application process;
- D. Failure to meet minimum age requirement of 17;
- E. Committing or attempting to commit a fraudulent act at any stage of the selection process;
- F. Being in debt to the City (e.g., unpaid water bill, citation, or property taxes);
- G. Failing any of the City's background and employment requirements including, but not limited to, drug testing and criminal history;
- H. Failure to have legal permission to work in the United States;
- I. Previous City employment resulted in disciplinary termination or resignation in lieu of termination due to unsatisfactory performance or conduct and/or violation of a City policy or procedure;

- J. Employment of the applicant will result in a violation of the City's nepotism policy; or
 - K. Any other objective job-related reason deemed to be in the best interests of the City.
- Vi. Job Posting Packet.

The City Secretary will maintain a job posting packet for each position filled, which will include the job posting, letters of interest/applications/resumes submitted for the position, and interview documentation in accordance with the State of Texas Records Retention Schedule.

City of Crockett

Personnel Policy and Procedure Manual

PD 3.03

Item 7.

Chapter: Selection and Hiring
Policy: New Employee Orientation

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

Each employee of the City of Crockett (City) participates in a new employee orientation (NEO) session upon hire. During the NEO session, an employee receives copies of various employment-related documents and personnel policies and makes decisions regarding various benefits. In addition, the employee is informed that a copy of the Personnel Policy and Procedure Manual is available at the Public Works Office and the City Hall receptionist area and that the City Secretary is available to assist with information on benefits and interpretation of personnel policies.

Procedures.

- I. The NEO session is coordinated by the City Secretary or designee. Documents provided to and discussed with the employee during the NEO session include but not limited to:
 - A. City of Crockett Employee Handbook, which includes sections discussing the City's policies regarding:
 1. equal employment opportunity;
 2. inappropriate sexual conduct;
 3. attendance and punctuality;
 4. safety and workers' compensation;
 5. drug-free workplace;
 6. the employee general rules of conduct and disciplinary process;
 7. leave benefits; and
 8. the employee grievance process;
 - B. PD-2.04, Drug-Free Workplace (and PD-10.02, Commercial Drivers, if the employee has a commercial drivers license);
 - C. PD-2.06, Dress and Grooming Standards;
 - D. Workers' Compensation Notice to New Employees (Texas Department of Insurance, Division of Workers' Compensation Rule 110.101); and
 - E. Notice of Employee Rights and Responsibilities Under the Family and Medical Leave Act (WH 1420).
- II. Other items discussed during the NEO session include but are not limited to pay periods, insurance benefits, retirement benefits, and other payroll deductions.
- III. Upon completion of the NEO session, the employee will sign the NEO Receipt and Acknowledgment form, PERS 3.03A. By signing the form, the employee acknowledges receipt and review of the documents provided. The form will be filed in the employee's personnel file.

City of Crockett

Personnel Policy and Procedure Manual

PD 4.01

Item 7.

Chapter: Compensation
Policy: FLSA Exempt / Non-Exempt Status

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City), in compliance with the Fair Labor Standards Act (FLSA), designates positions as FLSA exempt or FLSA non-exempt. The City also designates FLSA non-exempt positions as either hourly or salaried positions. A position's job description identifies the correct designation.

Additional Resources.

- PRS.4.02, Timekeeping, Pay Periods and Pay Methods - Describes time-reporting process and pay periods.
- PRS.4.03, FLSA Overtime and Compensatory Time - Describes when an employee earns overtime and other compensatory time.

Procedures.

I. FLSA Exempt Designation.

The City Secretary designates a position as FLSA exempt when he determines that a position's primary job duties meet the FLSA executive, administrative, or professional exemption tests. An employee in an FLSA exempt position:

- A. is paid on a salary basis, meaning that the employee regularly receives a predetermined amount of compensation each pay period; and
- B. is not subject to the wage and overtime provisions of the FLSA, meaning that the employee does not earn overtime regardless of the number of hours worked.

Note: The employee may earn other compensatory time as leave in accordance with PD-4.03, FLSA Overtime and Compensatory Time.

II. FLSA Non-Exempt Designation.

Any position that does not qualify to be FLSA exempt is automatically designated as FLSA non-exempt. An employee in an FLSA non-exempt position, either hourly or salaried, qualifies for overtime compensation when he physically works more than 40 hours in a workweek.

A. FLSA Non-Exempt – Hourly Position.

An employee in an FLSA non-exempt – hourly position earns a set wage for each hour worked (e.g., \$12.00 per hour) and the pay generally varies for each pay period. Any FLSA non-exempt position with a regular schedule less than 40 hours per week is an hourly position.

B. FLSA Non-Exempt – Salaried Position.

An employee in an FLSA non-exempt salaried position earns a set salary for each workweek and is generally paid the same amount each pay period.

City of Crockett

Personnel Policy and Procedure Manual

PD 4.02

Item 7.

Chapter: Compensation
Policy: Timekeeping, Pay Periods, and Pay Methods

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) strives to ensure that employees are paid promptly on regularly scheduled paydays and receive the correct amount of pay for each pay period based on accurate time reporting records.

Additional Resources.

- PRS.4.03, FLSA Overtime and Compensatory Time - Describes when an employee earns overtime and compensatory time.
- PD-4.04, On-Call Duty - Includes procedures for reporting on-call hours worked.
- PD-4.05, Work Breaks

Procedures.

I. Work Periods and Pay Periods

A. The City has three work periods for time reporting and determination of overtime pay. All work periods begin on Thursday and end on Wednesday.

1. Employees in a law enforcement position have a 28-day work period.

2. Employees in a fire protection position have a 14-day work period.

2. All other employees have a 7-day work period.

B. City employees are paid bi-weekly every other Friday, except when an observed Friday holiday results in an earlier payment. The bi-weekly pay generally results in 26 paydays each calendar year.

II. Time Reporting and Corrections.

A. All hourly employees are required to complete and review time reports showing their hours worked and leave taken each day of a work period. An employee's signature is acknowledgement that the hours reported are correct.

1. An employee may not complete another co-worker's time record or allow another co-worker to complete his time record.

- 2. When an employee is on leave, the employee’s time and leave record may be completed by the employee’s supervisor or higher level of authority or by the timekeeper.

- B. Salaried employees work on a fixed schedule from which they seldom vary. The City Secretary maintains a record with the schedule for such employees and merely indicates that the worker followed the schedule. When such an employee works additional hours or takes leave to be off, he is responsible for notifying the City Secretary of the exception to his fixed schedule to allow the exception to be properly recorded.

- C. **Time worked must be reported in 15-minute increments.**

- D. An employee’s supervisor is responsible for:
 - 1. ensuring the employee accurately reported the number of hours and minutes physically worked each day in a work period;
 - 2. ensuring the accurate reporting of any hours and minutes of leave used each day for each work period; and
 - 3. submitting time reports to the designated timekeeper as requested.

- E. An employee must notify his supervisor and the City Secretary of any timekeeping/pay errors upon receipt of his pay stub. The City Secretary or timekeeper will:
 - 1. correct an obvious data entry error; or
 - 2. discuss any other alleged error with the employee’s supervisor and inform the employee of the correction or outcome of the discussion.

- III. Direct Deposit of Pay.

The City pays employees by direct-deposit into a bank account designated by the employee. A newly-hired employee must provide direct deposit bank account information to the City Secretary within 14 days of effective hire date.

City of Crockett

Personnel Policy and Procedure Manual

PD 4.04

Item 7.

Chapter: Compensation
Policy: On-Call Duty

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) designates certain positions as being routinely in an on-call status to meet the City's operational needs. A position's job description will indicate whether the position is routinely in an on-call status. The appropriate administrator or designee may place employees in other positions in an on-call status under special or extenuating circumstances.

Additional Resources.

Employee Handbook (Appendix B to Employee Personnel Manual), Section VII.C, Employee General Rules of Conduct, Rule 1.04 - Be available while in an on-call status.

Procedures.

- I. On-Call Designation and Responsibility to be Available.
 - A. Departments requiring employees to be on-call must rotate the assignment throughout the department in an equitable and consistent manner determined by the appropriate supervisor.
 - B. An employee will not be in an on-call status when he is on approved vacation, sick, or other approved leave.
 - C. A designated on-call employee is free to pursue personal activities while on call, but he must:
 1. be easily accessible by cell phone;
 2. remain within travel range to be able to arrive at the worksite within a maximum of one hour after receiving a call; and
Note: An exception to the one-hour response time is if the employee is already on one call when he receives another call and he needs more than one hour to complete the current call. Upon completion of work at the current call site, the employee must travel to the next call site without delay.
 3. remain mentally and physically fit to accomplish necessary services within the required timeframe.
- II. Time Reporting and Pay.
 - A. An on-call employee does not report travel time as time worked.

- B. If the time that the employee arrives at the worksite and completes one or more call-outs before leaving the worksite is less than two (2) hours, the employee reports the time worked as two hours. Any time worked over two-hours on a single period of call-out(s) must be reported in quarterly (15-minute) increments.
- C. An employee who is on-call during off-hours on Wednesday night/Thursday morning (last and first days of work cycle) will report any hours worked on call-outs as follows.
 - 1. When work on a call-out starts before 12:00 pm (midnight) on Wednesday night, the employee reports all **consecutive** hours worked on that call-out as Wednesday's work hours regardless of how long it takes to complete the work on the call-out. If there is a work break where the employee leaves the worksite and then later returns to the same worksite after 12:00 pm (midnight), the employee will report only the hours up to the work break as Wednesday's workhours.
 - 2. When work on a call-out starts after 12 pm (midnight) on Thursday morning (e.g., 12:30 am), the employee reports the hours worked as Thursday's workhours.
- D. The City considers on-call work performed on an observed holiday (see PD-6.02) as holiday time worked. The City will pay an employee working such on-call hours at a rate of 1-1/2 times the employee's regular pay.
- E. Whether on-call hours worked other than on a holiday will result in overtime hours will be determined in accordance with PD-4.03, FLSA Overtime Hours and Compensatory Hours.

City of Crockett

Personnel Policy and Procedure Manual

PD 4.05

Item 7.

Chapter: Compensation
Policy: Work Breaks

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The City of Crockett (City) compensates employees for work breaks in accordance with the provisions of the Fair Labor Standards Act (FLSA) and the provisions of this policy.

Procedures.

I. Meal Breaks.

- A. An employee's schedule includes a one-hour lunch break each day. If an employee is unable to take a lunch break (e.g., emergency water leak, etc.) he must ensure that the time record indicates that he worked through his lunch break.
- B. To qualify as an unpaid meal break for an FLSA non-exempt employee, the employee must not be required to perform any duties during the break.

II. Rest Breaks.

A rest break is a privilege and not an entitlement. Immediate supervisors may schedule employees to take two 15-minute rest periods in the approximate middle of each shift segment (e.g., mid-morning and mid-afternoon). Scheduled rest breaks will be counted as time worked.

III. Break Times for Nursing Mothers.

For one year after a child's birth, an FLSA non-exempt employee who is a nursing mother is entitled by federal law to take work breaks each time she has a need to express breast milk for her nursing child. To ensure consistent treatment of all employees who are nursing mothers, the City also extends this entitlement to FLSA exempt employees.

An employee is responsible for providing reasonable written advance notice of the need for such breaks to her supervisor and the City Secretary. The City Secretary will coordinate efforts with the supervisor to ensure the employee is:

- A. provided an appropriate location that complies with federal requirements for such breaks;
- B. provided the location of an available refrigerator to store the milk or a location for the employee to store a cooler-type container; and
- C. provided an explanation of the employee's options to flex the use of rest and meal breaks and workhours as needed for this purpose.

City of Crockett

Personnel Policy and Procedure Manual

PD 5.01

Item 7.

Chapter: Separation and Rehire Status
Policy: Administrative Separation – Ineligibility for Continued Employment

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The City of Crockett may administratively separate an employee who no longer qualifies for employment in his current position due to a reason that does not warrant disciplinary termination. Administrative separation is not a disciplinary action.

Applicability.

This policy applies to situations in which an employee does not meet the criteria for continued employment in his current position. Examples of these situations include failure to acquire or maintain a required license or credential and lack or loss of authorization to work in the United States.

Procedures.

- I. Only the appropriate administrator in coordination with the City Secretary may administratively separate an employee under this policy. The appropriate administrator must provide written notice of the administrative separation to the employee upon separation.
- II. An employee who is separated from employment under this policy:
 - A. is subject to the provisions in PD 5.02 relating to the exit process, including the disposition of accrued leave;
 - B. is designated as eligible for rehire;

Note: Although the employee is eligible for rehire, the City may consider the circumstances of the separation during the applicant selection process.
 - C. is not entitled to automatic reinstatement, regardless of whether the employee regains eligibility for employment in his previous position (e.g., if he obtains the required license or credential or regains authorization to work in the United States); and
 - D. must meet a position's minimum standards and qualifications and any other job-specific criteria before being considered for rehire.

City of Crockett

Personnel Policy and Procedure Manual

PD 5.02

Item 7.

Chapter: Separation and Rehire Status
Policy: Exit Process

Effective Date: mm/dd/yyyy
Page 1 of 4
New

Policy.

The City Secretary coordinates the exit process for employees separating employment from the City of Crockett (City). During the exit process, the City Secretary informs the employee of his responsibility to return City resources and provides the employee with information regarding final pay and various benefits, including disposition of leave balances.

Definitions.

“Last Duty Day” is the last day that an employee:

- Is physically performing his job duties; or
- Uses leave for a reason other than the sole purpose of:
 - exhausting available leave balances after notice of employment separation; or
 - having a payroll termination date that coincides with the last calendar day of a payroll period.

“Payroll Termination Date” is the last day an employee is on City payroll.

Procedures.

I. Minimum Notice of Voluntary Separation.

An employee who is voluntarily separating from employment should notify his supervisor of his intent to separate employment at least two weeks before the employee’s last duty day. Failure to do so will result in an employee’s forfeiture of payment for any accrued vacation leave.

II. Supervisor’s Responsibility.

The supervisor of an employee who is voluntarily separating employment must:

- A. notify the appropriate administrator and City Secretary as soon as possible after becoming aware of the employee’s intent to separate employment;
- B. ask the employee to complete an Employee Resignation Notice, PERS 5.02-A, or to email a resignation notice to the supervisor;
- C. provide the completed PERS 5.02-A form or forward the resignation notice email to the City Secretary on the same day of receipt; and
- D. obtain a date and time for the employee to participate in an in-person exit process with the City Secretary or notify the City Secretary that the employee is not available to participate in person.

III. Leave Benefits.

A. General Provisions.

1. The City Secretary will determine an employee's payroll termination date and payable leave balances.
2. An employee may not remain on the payroll and exhaust available leave if the employee is:
 - a. separating employment due to disciplinary termination; or
 - b. resigning:
 - (1) in lieu of disciplinary termination;
 - (2) while under investigation for misconduct; or
 - (3) while awaiting a determination of disciplinary action.
3. The appropriate administrator may allow an employee to remain on the payroll after his last duty day for the sole purpose of exhausting available leave **up to the last workday within the same month as the employee's last duty day**. In such a case, the following provisions apply until the employee's payroll termination date:
 - a. The employee still receives the following compensation and benefits:
 - (1) paid holidays;
 - (2) paid leave for jury duty;
 - (3) insurance benefits (in accordance with rules governing the group benefits program); and
 - (4) a salary increase resulting from a job classification salary group reallocation or an across-the-board cost-of-living salary increase that takes effect before the employee's payroll termination date.
 - b. The employee does not accrue and may not use sick leave.
 - c. The employee does not accrue vacation leave.
 - d. The employee must exhaust leave in the following order:
 - (1) other compensatory time (includes accrued holiday and administrative leave);
 - (2) vacation leave;
 - (3) FLSA compensatory time.
4. The employee will not receive payment for unused other compensatory leave (includes holiday and administrative leave) or sick leave remaining after his payroll termination date.

5. Any lump-sum payments for accrued FLSA compensatory leave or vacation leave received per the following procedures are generally received within 30 days of the payroll termination date.

B. Lump-Sum Payment for FLSA Compensatory Leave.

After the payroll termination date, the employee receives payment for any remaining FLSA compensatory leave (overtime) balance.

1. If an employee resigns from employment, the employee will receive a lump-sum payment for his FLSA compensatory leave balance based on his current rate of pay.
2. If the City terminates an employee's employment, the employee will receive a lump sum payment based on whichever of the following rates of compensation is the higher rate:
 - (a) the average regular rate received by the employee during the last three (3) years of the employee's employment; or
 - (b) the final regular rate received by such employee.

C. Lump-Sum Payment for Vacation Leave.

1. An employee who provides less than a two-week separation notice, resigns in lieu of disciplinary termination, or is involuntarily terminated for any reason is not eligible to receive a lump-sum payment for available vacation leave.
2. An employee who is eligible for a lump-sum payment for available vacation leave may only receive a payment for up to 240 hours of vacation leave (same as the maximum amount of vacation leave that an employee is allowed to carry over into a new calendar year).
3. The available vacation leave does not include vacation hours accrued but not available for use because the employee has not been continuously employed for 90 days after hire or rehire.

D. Retirement through Texas Municipal League Retirement System (TMRS).

The effective date of retirement must be the last day of a calendar month. If an employee plans to retire, he should notify the City Secretary to ensure that he does not remain on payroll in the calendar month after the intended retirement date.

Note: TMRS will cancel an employee's application to retire if the employee is reported on the City's payroll in the calendar month after the intended retirement date.

E. Reduction in Force (RIF).

If the employee's separation is due to a RIF, the City will restore his available sick leave at the time of separation if he is reemployed by the City within 12 months after the end of the month in which the payroll termination date occurs. The available sick leave excludes any hours donated to the sick leave pool.

City of Crockett

Personnel Policy and Procedure Manual

PD 5.03

Item 7.

Chapter: Separation and Rehire Status
Policy: Rehire Status

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

A former City of Crockett (City) employee is generally eligible for rehire consideration, unless he was designated as ineligible for rehire due to misconduct while previously employed with the City. Being eligible for rehire consideration is not a guaranteed of an interview or selection for a position vacancy. In addition, a former employee who is offered a position is still subject to the City's employment background check and drug-testing process before rehire.

Procedures.

I. Automatic Ineligibility for Rehire Consideration.

The City Secretary will automatically designate an employee as ineligible for rehire if the employee:

- A. is separated due to a disciplinary termination of employment under PD-8.01; or
- B. resigns in lieu of disciplinary termination, which means the resignation occurred after:
 - 1. the employee was placed on suspension without pay in accordance with PD-8.01 (Disciplinary Actions) pending an investigation outcome or termination; or
 - 2. the employee was asked to provide a statement on an Employee Offense and Supervisor Investigation Report (PERS 8.01B) or received other written notice that disciplinary termination of employment was being considered.

II. Serious Misconduct Revealed after Employment Separation.

The appropriate administrator in coordination with the City Secretary may change a former employee's status to "ineligible for rehire" when an investigation confirms that the former employee engaged in serious misconduct during City employment that would have resulted in disciplinary termination if the misconduct had been revealed and confirmed before the employee's separation. When this occurs, the appropriate administrator will provide written notice of such a designation and the reason for the designation to the City Secretary (e.g., via email). The City Secretary will file the notice in the employee's personnel file.

City of Crockett

Personnel Policy and Procedure Manual

PD 5.04

Item 7.

Chapter: Separation and Rehire Status
Policy: Reduction in Force

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) may initiate a reduction in force (RIF) to conserve funds, eliminate program areas, promote organizational efficiency, or for other reasons as determined by the appropriate administrator in coordination with the City Secretary.

General Provisions.

Separation of employment through a RIF is an administrative separation and is not a disciplinary termination of employment. However, a RIF separation does not prevent the City from continuing or initiating an investigation of alleged misconduct. In addition, information regarding misconduct discovered or confirmed after a RIF separation may be considered in future hiring decisions and may result in a former employee's rehire status being changed to ineligible for rehire.

Procedures.

- I. RIF Position Identification.
 - A. When deciding which employees to retain during a RIF when one or more, but not all, positions with the same job title are being deleted, the appropriate administrator uses a systematic, objective evaluation of relevant factors. These factors include but are not limited to the following:
 1. length of City service;
 2. performance;
 3. the possession of skills or credentials unique to the position held or otherwise deemed to be of importance to the City's goals and objectives; and
 4. other legitimate, non-discriminatory, work-related factors as determined by the appropriate administrator in coordination with the City Secretary.
 - B. If two or more employees with the same job title are determined to be equally qualified for retention, the length of City service will be the determining factor.
- II. RIF Notification.
 - A. The appropriate administrator will provide an employee with written notice of the elimination of the employee's position. The notice will identify the effective date of separation.

- B. The notice will be provided to an employee at least two-weeks before the effective date of separation.
 - C. When possible, the City will provide an employee a longer notice of RIF separation up to a 60-day notice.
- III. Grievance Rights.
- A. A decision by the appropriate administrator to conduct a RIF is not grievable.
 - B. The process of how decisions were made to retain employees having the same job title may be grievable if the employee demonstrates in the grievance that the procedures within this policy were not followed. The deadline for filing the grievance is 21 calendar days after the date the employee receives written notice that he will be separated from employment (not 21 calendar days from the date of separation).

City of Crockett

Personnel Policy and Procedure Manual

PD 6.01

Item 7.

Chapter: Leave Benefits
Policy: Use of Leave Benefits

Effective Date: mm/dd/yyyy
Page 1 of 3
New

Policy.

The City of Crockett (City) allows employees to use leave benefits in accordance with applicable law and City policies.

Additional Resources.

- Employee Handbook (Appendix B to Employee Personnel Manual):
 - Section I, Attendance and Punctuality
 - Section VII.C, Employee General Rules of Conduct, Group 1 – Rules Relating to Attendance and Punctuality.
- Chapter 6 of the Personnel Policy and Procedure Manual contains several policies relating to the different types of leave benefits available to employees.

Definitions.

“Timekeeper” is the City Hall employee designated by the City Secretary to assist with keeping records of time worked by employees and with entering the information into the City’s payroll system.

Procedures.

- I. Authorization to Use Leave Benefits.
 - A. Authorized absence from work is available only if the absence is in accordance with one of the City’s leave policies. Once all available forms of paid or unpaid leave are exhausted, any additional time missed from work is an unauthorized absence.
 - B. Supervisors must approve or disapprove requests for use of leave in accordance with the applicable policy and work closely with the City Secretary and/or timekeeper regarding the recording and administration of leave.
 - C. Supervisors have no authority to grant time off in excess of available leave.

- II. Use of Administrative or Emergency Leave Granted for Special Purposes.

If the City grants administrative or emergency leave to an employee for a qualifying situation (e.g., emergency leave for death in a family or state active military duty, administrative leave for jury duty), the City will charge the employee’s time off against the granted administrative or emergency leave. This requirement applies even if charging the time off against the emergency or administrative leave results in the accrual of other compensatory leave in accordance with PD-4.03.

III. Order of Use of Available Leave Balances.

A. General Conditions.

1. Except for certain restrictions established by this policy, an employee may choose the order in which he uses available leave balances. The employee must make his choices before the end of the pay period in which he uses leave. The City is not required to retroactively apply choices made after the end of the applicable pay period.
2. If not used within one calendar year (12 months) after accrual, holiday, other compensatory, emergency, and administrative leave will lapse. Therefore, the City encourages employees, but does not require employees, to use these leave balances before other forms of paid leave.
3. All requirements for medical certification (including those in the FMLA leave and sick leave policies, as appropriate) will apply to all absences based on medical need to miss work, even if an employee uses a category of leave other than sick leave.

B. Employee’s Elections Regarding Use of Available Leave Options.

1. An employee who wants to use a specific category of leave or in a specific order must indicate this preference on his timesheet or time off request (e.g., via email).
2. The City Secretary or timekeeper may reject the employee’s election if the chosen leave category is inappropriate (e.g., requesting sick leave when the reason for missing work is not eligible for use of sick leave) or when there are no available leave hours available in the requested category (e.g., no available vacation leave hours). When this occurs, the City Secretary or timekeeper will coordinate designation of appropriate leave with the employee.

C. Standard Order of Use of Available Leave Benefits.

The employee’s use of accrued leave will be in the following standard order if the employee does not make a written election, with the exception that other compensatory leave, emergency, or administrative leave subject to lapsing within 30 days will be used first:

1. sick leave (only if the reason for absence qualifies for sick leave);
2. other compensatory leave;
3. administrative leave;
4. vacation leave; and
5. FLSA compensatory (overtime) leave.

IV. Employees on FMLA Leave Receiving Disability Income Benefits.

In accordance with the FMLA, an employee on FMLA leave who is receiving lost-time or lost-wage benefits through a disability insurance program may choose not to use (or “freeze”) all available leave balances until the exhaustion of FMLA leave or exhaustion of wage benefits through the disability insurance program, whichever occurs first.

1. It is the employee’s responsibility to provide written notification to the City Secretary prior to the end of the applicable pay period if he chooses to freeze his available leave balances.
2. Once the employee has exhausted FMLA leave, the employee must use all available leave balances. The procedures regarding the order of use of available leave accruals set forth in this policy will apply.

V. Employees on Leave due to On-the-Job Injury or Occupational Illness.

The City does not require an employee to use any of his leave accruals when he misses work due to a compensable work-related injury or occupational illness. If the employee is eligible for FMLA leave, any period of paid and/or unpaid leave will run concurrently with FMLA leave.

VI. Required Use of Leave Balances when Schedules are Reduced.

- A. The appropriate administrator may direct an employee to work a reduced schedule and charge the time off:
 1. against FLSA compensatory leave to reduce the City’s liability for such leave; or
 2. against other compensatory leave to help ensure that the employee uses such leave at a time convenient to the City.
- B. The City will not require an employee to use accrued FLSA compensatory leave in any other circumstance if the employee has other types of paid leave available for use.

City of Crockett

Personnel Policy and Procedure Manual

PD-6.02

Item 7.

Chapter: Leave Benefits
Policy: Holiday Leave

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) closes City offices in observance of national and certain state holidays. If an observed holiday falls on a Saturday, the City will generally close offices on the preceding Friday. If an observed holiday falls on a Sunday, the City will generally close offices on the following Monday. The City will continue to provide essential functions (e.g., police services, firefighter services, and on-call responses to emergency water leaks or sewage backups) on days that City offices are closed.

Observed Holidays:

New Year's Day – January 1st

Martin Luther King, Jr. Day – 3rd Monday in January

Presidents' Day – 2nd Monday in February

Good Friday – Friday before Easter

Memorial Day – Last Monday in May

Emancipation Day – June 19

Independence Day – July 4

Labor Day – 1st Monday in September

Columbus Day – 2nd Monday in October

Veterans Day – November 11

Thanksgiving – 4th Thursday in November and the following Friday

Christmas Eve and Christmas – December 24 and 25

(Note: When December 24 falls on a Saturday, and December 25 falls on a Sunday, the City Administrator will determine if City offices will close Thursday and Friday or Friday and Monday.)

Procedures.

- I. Full-time Employees.
 - A. The City pays an eligible employee who does not work on an observed holiday for 8 hours of holiday leave at his regular rate of pay.

1. If a full-time employee is already on paid leave on the observed holiday (e.g., vacation leave), the timekeeper will record the observed holiday as holiday leave.
 2. If a full-time employee is on unpaid leave the last workday before and the first workday after the observed holiday, he will not be paid for the holiday.
- B. A full-time FLSA non-exempt hourly employee who is required to work on an observed holiday or actual holiday (e.g., employee who is required to work on Friday, July 3rd, or Christmas Day that falls on a Saturday) will be paid 1-1/2 times his regular rate of pay for the hours worked, regardless of whether the hours result in overtime for the workweek.
- C. A full-time FLSA non-exempt salaried employee who is required or receives permission to voluntarily work on an observed or actual holiday will receive holiday leave at a rate of 1-1/2 times the number of hours worked. The leave will be recorded as other compensatory time, and the leave will be subject to provisions set forth in policies relating to use of other compensatory time.
- D. Full-time FLSA exempt employee who work on a holiday will be granted holiday leave on an hour-for-hour basis. The leave will be recorded as other compensatory time, and the leave will be subject to provisions set forth in policies relating to use of other compensatory time.
- II. Part-time Employees.
- Part-time employees do not receive holiday leave benefits.

City of Crockett

Personnel Policy and Procedure Manual

PD 6.03

Item 7.

Chapter: Leave Benefits
Policy: Vacation Leave

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

A City of Crockett (City) full-time employee accrues vacation leave in accordance with the provisions of this policy. An employee is not eligible to use accrued vacation leave until after he has been continuously employed for 90 calendar days after hire or rehire. A part-time employee does not accrue vacation leave.

Additional Resources.

PD-6.01, Use of Leave Benefits, allows an employee to choose the order in which available paid leave balances are used while taking leave for vacation purposes, with certain restrictions.

Procedures.

- I. Vacation Leave Accrual and Carryover.
 - A. Vacation leave accrual rates are based on total current service with the City as indicated in the schedule established by this policy.
 - B. An employee accrues vacation leave at the applicable rate at the end of each eligible pay period during which the employee was an active City employee. An employee's accrual of vacation leave ends on his last duty day (see PD-5.02, Exit Process).
 - C. An employee who is in an unpaid leave status for more than half of his regularly scheduled workdays within a pay period will not accrue vacation leave for that pay period.
 - D. An employee's unused vacation leave may carry over from one calendar year to the next subject to the maximum carryover limit of 240 hours.
 - E. If an employee was hired on the first workday of a month, the employee's increase in vacation leave accrual will be effective on the first calendar day of the employee's anniversary month. Otherwise, the increased accrual begins on the first calendar day of the following month.

F. The following is the schedule of vacation leave accrual rates.

Schedule of Vacation Accrual Rates	
Length of City Service	Pay Period Accrual Rate*
0 – 4 Years	3.08 Hours (= 80 hours per calendar year)
5 – 9 Years	4.62 Hours (= 120 hours per calendar year)
10+ Years	6.152 Hours (= 160 hours per calendar year)
*Accrual rate for last pay period in calendar year will be 3.00, 4.50, or 6.25 hours, whichever is applicable.	

II. Using Vacation Leave.

- A. An employee must use a minimum of 40 hours of vacation leave each full calendar year of employment. Supervisors are responsible for ensuring that employees are provided the opportunity to schedule their vacations throughout the year.
- B. Vacation leave requests must be approved by the employee’s supervisor. It is the employee’s responsibility to ensure that his leave request is approved prior to using leave. Approved requests for vacation leave are subject to rescheduling due to unforeseen crucial circumstances to ensure the continued effectiveness of the employee’s department.
- C. Vacation leave must be used in one-hour increments.
- D. If a holiday occurs when an employee is on vacation leave, the absence for that day is counted as holiday leave.

III. Disposition of Vacation Leave upon Separation from Employment.

The disposition of vacation leave upon separation from employment will be determined as part of the exit process in accordance with PD-5.02.

City of Crockett

Personnel Policy and Procedure Manual

PD 6.04

Item 7.

Chapter: Leave Benefits
Policy: Sick Leave

Effective Date: mm/dd/yyyy
Page 1 of 4
New

Policy.

A full-time employee of the City of Crockett (City) accrues sick leave in accordance with the provisions of this policy. An employee is not eligible to use accrued sick leave until after he has been continuously employed for ninety (90) days after hire or rehire. A part-time employee does not accrue sick leave.

Additional Resources.

- Employee Handbook (Appendix B to Employee Personnel Manual):
 - Section I, Attendance and Punctuality.
 - Section VII.C, Employee General Rules of Conduct, Group 1 Rules Relating to Attendance and Punctuality (including Rule 1.03 – Do not abuse any form of leave).
- PD-6.05, Sick Leave Pool
- PD-6.07, Family and Medical Leave
- PD-6.13, Quarantine Leave

Definitions.

1. “Immediate Family Member” – For the purpose of sick leave, an immediate family member includes:
 - A. an employee’s spouse, son or daughter under 18 years of age, son or daughter age 18 or older and incapable of self-care because of a mental or physical disability minor child, parent; and
 - B. a foster child of the employee residing in the same household as the employee and who is under the conservatorship of the Texas Department of Family and Protective Services.
2. “Medical Certification” - A written statement from an attending health care provider identifying the following: (1) the medical fact(s) associated with the injury/illness; (2) the expected duration of the injury/illness; and (3) if the statement is for the care of a family member, the type and duration of assistance required from the employee and projected date that the employee's assistance will no longer be required.
 - A “medical fact” is a description of a condition identifying the cause or nature of the illness or injury (e.g., viral illness, internal bleeding, back pain, upper respiratory infection).
 - A procedure identifying the body part (e.g., hysterectomy, appendectomy, or tonsillectomy) is sufficient information to serve as a “medical fact.”
 - Terms such as “under my care,” “surgery,” or “stress” are not acceptable as medical facts.
 - A medical fact does not require a diagnosis.

3. "Release to Return to Work" - A written statement from an employee's attending health care provider identifying a date the employee may return to work.

Note: A medical certification may meet the requirements for a release to return to work; however, a release to return to work does not automatically meet the requirements for medical certification.

Procedures.

- I. Sick Leave Accrual and Carryover.
 - A. Sick leave is accrued at the rate of 8 hours on the first of the month following an eligible month of employment.
 - B. An employee on unpaid leave for more than half of his regularly scheduled workdays within a calendar month will not accrue sick leave for that month.
 - C. An employee's unused sick leave may carry over from one calendar year to the next subject to the maximum carryover limit of 480 hours.
 - D. An employee stops accruing sick leave on the employee's last duty day (see PD-5.02, Exit Process).

- II. Absences Qualifying for Use of Sick Leave.

An absence qualifies for use of sick leave when:

- A. an employee's sickness, injury, or pregnancy and confinement prevents the performance of duty;
- B. an employee needs to care for and assist a member of his/her immediate family who is sick;
- C. an employee needs time to provide care and assistance to a spouse, child, or parent who is not described in the definition of immediate family and who needs the care and assistance as a direct result of a documented medical condition; or
- D. the employee or a member of the employee's immediate family requires a medical, dental, optical, or similar examination.

III. Medical Certification.

An employee must provide medical certification to the City Secretary:

- A. when he misses more than three consecutive days of work because of an absence qualifying for sick leave;
- B. when a significant change in the circumstances described by the most recently provided medical certification occurs; and
- C. every 30 calendar days of absence qualifying for sick leave.

Note: If the City designates the absence as family and medical leave under PD-6.07, the employee must provide medical certification as required by that policy.

IV. Release to Return to Work.

- A. An employee may not return to work until after he provides the City Secretary with a release to return to work if the employee:
 - 1. missed work for more than three consecutive days due to the employee's own medical condition; or
 - 2. was required to leave work and use leave because he could not perform essential functions due to a medical condition and he was instructed to provide a release before returning to work.

Note: The City may require the employee to obtain a release from a health care provider selected by the City.
- B. A medical certification is acceptable as a release to return to work only if it indicates the ending date of a medical condition.
- C. If the employee has been absent due to a work-related illness or injury, the completed DWC FORM-73, Texas Workers' Compensation Work Status Report, may be accepted as a release to return to work.
- D. If the release does not identify any restrictions or limitations, the City will consider the release to be an unconditional release to return to work.
- E. If an employee provides a release to return to work with restrictions temporarily limiting the performance of the employee's essential duties, the City may require the employee to continue taking leave until the employee provides the City Secretary with a release to return to work that does not include such restrictions.

V. Supervisor's Responsibility.

- A. A supervisor must notify the City Secretary within one business day of learning that a supervised employee is absent or will be absent:
1. for more than three consecutive calendar days due to any medical reason, including illness or injury, whether incurred on or off the job;
 2. to obtain inpatient care in a hospital, hospice, or other residential care facility;
 3. due to pregnancy or prenatal care;
 4. due to a chronic medical condition;
 5. to care for a family member with a serious health condition;
 6. for the birth of a child; or
 7. due to a qualifying exigency or military caregiver leave per PD-6.07.
- B. If a supervisor observes an employee's inability to perform essential functions due to what appears to be a physical or mental incapacity, the supervisor must notify the appropriate administrator, the City Secretary, or their designees as soon as practicable.
- Note: If the appropriate administrator, City Secretary or designee determine, based on a supervisor's observations, that there is sufficient reason to believe that the employee is unable to perform essential functions due to a medical condition, the City may require an employee to leave work and use leave.*
- C. When the City requires an employee to provide a release to return to work in accordance with Section IV above, the supervisor must receive written notification (e.g., email) from the City Secretary or designee that the employee may return to work before the supervisor allows the employee to return to work.
- D. When an employee returns to work after an absence of more than three days for a reason other than the employee's own medical condition and is therefore not required to provide a release to return to work, the supervisor must provide the appropriate administrator or timekeeper verbal or written notice of the employee's return to work on the same calendar day that the employee returns to work.
- E. A supervisor must not contact an employee's health care provider. Only the City Secretary or designee performing duties related to timekeeping may contact the employee's health care provider to verify documentation.

City of Crockett

Personnel Policy and Procedure Manual

PD 6.05

Item 7.

Chapter: Leave Benefits
Policy: Sick Leave Pool

Effective Date: mm/dd/yyyy
Page 1 of 3
New

Policy.

The City of Crockett (City) establishes a sick leave pool as a benefit for eligible employees. Except for sick leave hours that are lapsing, contributions to the sick leave pool are voluntary. Decisions regarding eligibility to grant sick leave pool hours to an employee will not be based on whether the employee donated to the sick leave pool.

The City Secretary administers the sick leave pool and reviews requests for use of sick leave pool hours with the appropriate administrator to determine whether the requesting employee meets the eligibility criteria in accordance with this policy.

Additional Resources.

- Employee Handbook (Appendix B to Employee Personnel Manual):
 - Section I, Attendance and Punctuality.
 - Section VII.C, Employee General Rules of Conduct, Group 1 Rules Relating to Attendance and Punctuality (including Rule 1.03 – Do not abuse any form of leave).
- PD-6.04, Sick Leave
- PD-6.07, Family and Medical Leave
- PD-6.13, Quarantine Leave

Procedures.

I. Administering the Sick Leave Pool.

The City Secretary is responsible for ensuring that:

- A. a process is in place to credit the sick leave pool with the amount of leave hours donated by an employee and to deduct a corresponding amount of time from the donating employee's appropriate accrued leave balance; and
- B. only the required number of hours for an employee to remain on paid leave are credited to the recipient employee.

II. Donations to the Sick Leave Pool.

- A. General Provisions.
 - 1. Any hours of sick leave that are lapsing at the end of a calendar year or upon an employee's separation of employment will be automatically added to the sick leave pool.

2. An employee may donate accrued sick leave hours to the sick leave pool at any time. There is no limitation for frequency of donations.
3. The City will not reimburse any hours donated to the sick leave pool. An employee who donates to the sick leave pool and then later requests use of sick leave pool hours will receive the same consideration as an employee who did not donate to the pool.
4. An employee who donates to the sick leave pool may not designate the donated hours for use by a specific employee.

B. Process for Donating Sick Leave Pool Hours.

To donate to the sick leave pool, an employee must complete a Sick Leave Pool Donation Form, PERS 6.05-A, and submit the form to the City Secretary for approval.

III. Withdrawals from the Sick Leave Pool.

A. General Provisions.

1. An employee may withdraw sick leave pool hours only as a result of his own illness or injury that will result in the employee being absent from work. An employee may request sick leave pool hours more than once for the same illness or injury.
2. The City does not require an employee who withdraws from the sick leave pool to pay back the used pool hours.
3. Any sick leave pool hours granted will be counted as medical leave and run concurrently with any applicable FMLA leave.
4. The requirements for medical certification and release to return to work applicable for the use of accrued sick leave/FMLA leave will apply to an employee who is using sick leave pool hours. Failure to provide supporting documentation upon request from the City Secretary or designee will be grounds for ineligibility for continued use of sick leave pool hours.
5. Approved sick leave pool hours will only be transferred to the employee's time as needed when payroll is processed to avoid unused balances.

B. Eligibility Criteria.

To be eligible for withdrawals, an employee must:

1. be a full-time employee;
2. have completed his new-hire probation period; and

3. be exhausting all leave entitlements, including compensatory (both FLSA and other), sick, and vacation leave, and be subject to being placed on leave without pay if sick leave pool hours are not granted.

C. Withdrawal Limitations.

1. For each injury/illness, the maximum hours that a full-time employee may receive is one-third of the sick leave pool balance. Establishment of this maximum benefit does not entitle an employee to one-third of the sick leave pool balance.
2. If an employee is requesting leave on an intermittent basis (e.g., for chemotherapy treatments), the employee must use all paid leave accruals each pay period before using granted sick leave pool hours.

D. Requesting a Withdrawal.

An employee must submit a Sick Leave Pool Withdrawal Request, PERS 6.05-B, to the City Secretary at least 5 workdays, but not more than 30 calendar days, prior to the exhaustion of all accrued paid leave entitlements to avoid a disruption in pay. The City Secretary in coordination with the appropriate administrator may make an exception to the 5-workday requirement due to extenuating circumstances.

1. If the request is approved, the City Secretary will:
 - a. notify the employee of the maximum number of hours that may be granted; and
 - b. coordinate efforts with the timekeeper to ensure the employee receives the appropriate number of sick leave pool hours.
2. If the request is not approved, the City Secretary will provide a copy of the disapproved PERS 6.05-B form to the employee with an explanation of why the request was not approved documented on the form.

City of Crockett

Personnel Policy and Procedure Manual

PD 6.07

Item 7.

Chapter: Leave Benefits
Policy: Family and Medical Leave

Effective Date: mm/dd/yyyy
Page 1 of 11
New

Policy.

The City of Crockett (City) grants family and medical leave to eligible employees in accordance with the federal Family and Medical Leave Act (FMLA). The City generally requires an employee to utilize/exhaust all available paid leave accruals before commencing unpaid family and medical leave except for an employee on FMLA leave who is receiving lost-time or lost-wage benefits through a disability insurance program and has chosen to freeze all available leave balances while receiving workers' compensation benefits.

Additional Resources.

- Employee Handbook (Appendix B to Employee Personnel Manual):
 - Section I, Attendance and Punctuality.
 - Section VII.C, Employee General Rules of Conduct, Group 1 Rules Relating to Attendance and Punctuality (including Rule 1.03 – Do not abuse any form of leave).
- PD-6.01, Use of Leave Benefits
- PD-6.04, Sick Leave
- PD-6.05, Sick Leave Pool
- PD-6.13, Quarantine Leave

Definitions.

See the Personnel Policy and Procedure Manual Glossary (Appendix A) for definitions of certain terms used in this policy.

General Provisions.

I. Employee Notification of Rights and Responsibilities.

In addition to this policy, the City notifies employees of their rights and responsibilities under the FMLA through the notice prescribed by the United States Department of Labor (Employee Rights and Responsibilities under the FMLA). This notice is:

- A. provided to each newly hired and rehired employee during the New Employee Orientation Session; and
- B. posted in employee common-use areas by the City Secretary.

II. Service Eligibility Requirements.

To be eligible for FMLA leave, an employee must meet the following two service requirements:

- A. An employee must have at least 12 months of total City service. If the employee had a break in City service longer than seven years, the service accrued prior to the break will not count toward the 12-month service requirement. The only potential exception is a break due to the employee’s fulfillment of his or her National Guard or Reserve military service obligation.
- B. An employee must have physically worked at least 1,250 hours during the 12-month period immediately prior to the beginning of FMLA leave. However, an exception may apply for an employee who was performing military duty.

III. FMLA Qualifying Events.

A. Birth, Adoption, or Foster Care.

An eligible employee is entitled to FMLA leave for the birth of his child, or for the placement of a child with the employee for adoption or foster care.

- 1. FMLA leave for the birth of a child is available to both the mother and the father of the child.
 - a. For the mother, leave for the birth of a child may include periods of leave based on:
 - (1) the mother’s physical/medical limitations, which requires supporting medical certification and may be taken intermittently; and
 - (2) time to bond with and care for the newborn child, which does not require medical certification but may not be taken intermittently.
 - b. For the father, FMLA leave for the birth of a child may include periods of leave based on:
 - (1) a medical need to care for his spouse during a period of incapacitation of the spouse due to pregnancy or childbirth, which requires medical certification and may be taken intermittently; and
 - (2) time to bond with and care for the newborn child, which does not require medical certification but may not be taken intermittently).
 - c. An employee’s entitlement to FMLA leave for the birth of the employee’s child expires at the end of the 12-month period after the birth date of the child.

2. An eligible employee is entitled to FMLA leave for the placement with the employee of a son or daughter for adoption or foster care as follows:
 - a. The employee may take FMLA leave when absence is required for the adoption or placement to proceed (e.g., counseling sessions, court appearances, attorney consultations, travel to another country to complete an adoption), and the leave may be taken intermittently.
 - b. The employee may take FMLA leave for time to bond with and care for the newly placed child. FMLA leave for this purpose may not be taken intermittently.
 - c. An employee's entitlement to FMLA leave for adoption or foster care expires at the end of the 12-month period after the date of placement.
- B. Serious Health Condition.
 1. An eligible employee is entitled to FMLA leave:
 - a. because of a serious health condition that makes the employee unable to perform the essential functions of the employee's job; or
 - b. to care for the employee's spouse, son, daughter, or parent with a serious health condition.
 2. FMLA leave to care for an employee's son or daughter is limited to a son or daughter who, at the time the leave is to begin, is:
 - a. under age 18; or
 - b. age 18 or older and incapable of self-care because of a mental or physical disability.
 3. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in work, school, or daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of:
 - a. incapacitation of more than three consecutive calendar days combined with:
 - (1) treatment by or at the direction of a health care provider two or more times within thirty days of incapacitation, with the first in-person treatment visit within seven days of the first day of incapacitation; or

- (2) at least one in-person visit to a health care provider within seven days of the first day of incapacitation followed by a regimen of continuing treatment (e.g., prescription medications or therapy).
 - b. incapacitation due to pregnancy or for prenatal care;
 - c. incapacitation due to a chronic serious health condition which continues over an extended period of time and requires periodic visits to a health care provider for treatment at least twice a year;
 - d. incapacitation due to a permanent or long-term condition for which the employee or family member is under the continuing supervision of a health care provider; or
 - e. conditions requiring multiple treatments by or on orders or referral from a health care provider due to restorative surgery or for a condition that if left untreated would likely result in incapacity of more than three days (e.g., chemotherapy, radiation treatments, physical therapy or dialysis).
- C. Military Family Leave – Qualifying Exigency Leave.
 - 1. An eligible employee is entitled to FMLA leave because of any “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. The son or daughter may be of any age.
 - a. Covered active duty means:
 - (1) for members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
 - (2) for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.
 - b. Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.
 - 2. A qualifying exigency is a non-medical activity directly related to the covered military member’s deployment (e.g., to make alternative child care

arrangements or legal or financial arrangements, attending certain military ceremonies). The City Secretary will review the reason for the leave request to determine if the event is a “qualifying exigency” per the FMLA.

D. Military Family Leave - Military Caregiver Leave (also known as Covered Servicemember Leave).

1. An eligible employee is entitled to FMLA leave to care for a covered servicemember with a serious injury or illness if the employee meets the FMLA definition of spouse, son, daughter, parent, or next of kin of the covered serviceman.
2. A covered servicemember is either:
 - a. a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or
 - b. a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a coverer serviceman.
3. A serious injury or illness is:
 - a. for a current servicemember, one that may render the servicemember medically unfit to perform his military duties; or
 - b. for a veteran, is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran’s ability to work. It includes injuries or illnesses that were incurred or aggravated during military service but that die not manifest until after the veteran left active duty.
4. If the covered servicemember’s medical condition does not fall under the requirements for military caregiver leave, the employee may still be eligible for FMLA leave due to a serious health condition of a family member.

IV. Maximum Amount of FMLA Leave.

- A. Except for military caregiver leave, an eligible employee’s total FMLA leave entitlement is limited to 12 workweeks within a “rolling” 12-month period. The “rolling” 12-month period will be measured backward from the date the employee uses any FMLA leave for reasons other than military caregiver leave.

- B. An eligible employee's military caregiver leave entitlement is limited to 26 workweeks during a single 12-month period. The single 12-month period will be measured forward from the date the employee first uses military caregiver leave.
 - C. An eligible part-time employee will be entitled to unpaid FMLA leave on a proportionate basis.
- V. Intermittent or Reduced Schedule Leave.
- A. An eligible employee may take FMLA leave on an intermittent or reduced schedule basis when it is certified as medically necessary due to a serious health condition of the employee or the employee's spouse, son, daughter, or parent (e.g., for periodic medical treatments), certified as medically necessary for military caregiver leave; or necessary because of a qualifying exigency.
 - B. If an employee needs intermittent or reduced schedule leave for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.
- VI. Impact of Unpaid FMLA Leave on Employee Benefits.
- An employee's benefits will be impacted by unpaid FMLA leave only if the employee is on unpaid FMLA leave for a full calendar month (i.e., on the first day of the month through the end of the last day of the same month) except insurance coverage will be reduced to employee-only coverage if the employee does not work sufficient hours and otherwise fails to pay the employee portion of the monthly premiums for dependent coverage.
- A. The employee will not accrue or be paid for any other leave benefits.
 - B. The City Secretary will explain the impact on insurance coverage and retirement contributions to the employee.
- VII. Reinstatement Entitlement.
- A. Except as provided in paragraph B below, when an employee who takes FMLA leave returns to work on or before the expiration of approved leave, he is entitled to be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment.
 - 1. The employee may be subject to applicable fitness-for-duty certification requirements before returning to work.
 - 2. Requesting or being on FMLA leave does not prevent disciplinary action or other employment action, which would have been taken in the absence of FMLA leave, including termination or administration separation.

- B. If the employee on FMLA leave is a salaried employee and is among the highest paid ten percent (10%) of City employees living within 75 miles of the City and keeping the job open for the employee would result in substantial disruption to City operations, reinstatement to the position may be denied. In such a situation, the employee will still be given an opportunity to return to work but in a different position.

Procedures.

- I. Notice of Intent to Use Leave.

- A. Employee's Responsibilities.

- 1. When an employee can foresee the need to use leave, the employee is required to provide at least 30 days advance notice to his supervisor and the City Secretary before the leave period is to begin. If the employee is not able to provide 30 days advance notice, he must provide notice as soon as practicable.
 - a. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee is required to provide notice of an absence as soon as practicable, the employee should provide the notice on the same day or the next business day after the employee becomes aware of the need for leave.
 - b. If a 30-day notice is not provided and facts support that such a notice would have been possible, the employee may be required to explain the reason why a 30-day notice was not provided.
 - c. If circumstances prevent the employee from providing personal notice, the employee's spouse, adult family member, or other responsible party may provide the notice.
 - d. When providing notice of intent to use leave, the employee or other appropriate individual is not required to mention the term "FMLA."
 - (1) The employee must respond to questions from the City Secretary in order to provide sufficient information for the City Secretary to determine whether the need for leave is due to an FMLA qualifying reason. Failure to respond to such questions may result in denial of FMLA protection if the City is unable to determine that the leave is for an FMLA qualifying reason.
 - (2) The employee must advise the City Secretary if he was previously granted FMLA leave for the same condition for which leave is currently being requested.
 - d. Once a period of absence has been conditionally designated as FMLA leave, the employee should communicate with the City Secretary

regarding use of leave. Any required documentation (e.g., medical certification, recertification, or release for return to work) should be provided to the City Secretary. The employee must advise the City Secretary as soon as practicable when dates of scheduled leave become known, change, or are extended.

B. Supervisor's Responsibilities.

To help ensure the City Secretary is aware that an employee is absent due to an FMLA qualifying reason, a supervisor must notify the City Secretary within one business day of learning that a supervised employee is or will be absent for reasons qualifying for use of sick leave (see PD-6.04, Sick Leave).

II. Documentation Requirements.

Upon notification of the employee's need to use leave for an FMLA qualifying event, the City Secretary or designee will provide the employee with a Notice of Family and Medical Leave Eligibility form, PERS 6.08-A, generally within five business days of receipt of the facts from which a preliminary designation of FMLA can be made. The PERS 6.08-A form will indicate whether the employee is eligible for FMLA leave and whether complete and sufficient documentation has been provided or must be provided by a date identified on the form.

A. Birth, Adoption, or Foster Care.

When FMLA leave is based on birth, adoption, or foster care, the employee must provide proof of the event for the birth of the employee's child, or the placement of a child with the employee for adoption or foster care. For the birth of a child, a birth bracelet, hospital certificate, health care provider's statement, or birth certificate may be used as proof of the event.

B. Serious Health Condition.

(See (D) for documentation requirements for military caregiver leave.)

When FMLA is based on a serious health condition of the employee or the employee's family member, the employee is required to provide a certification of medical need for leave from a health care provider. The employee must provide the certification no later than 15 calendar days after receipt of the PERS 6.08-A, unless the employee is granted additional time due to special circumstances.

1. The employee must have the health care provider complete the "Certification of Health Care Provider for Employee's Serious Health Condition (*Family and Medical Leave Act*)," Form WH-380-E or "Certification of Health Care Provider for Family Member's Serious Health Condition (*Family and Medical Leave Act*)," Form WH-380-F, whichever is appropriate. Both forms are available from the U.S. Department of Labor website (www.dol.gov).
2. A new medical certification (a recertification) is required:

- a. upon any significant change in the circumstances described in the initial or previous medical certification (e.g., upon any extension of the projected return to work date, any significant change in the severity of the condition, applicable work restrictions, diagnosis, etc.);
- b. upon expiration of the minimum period of incapacitation indicated on the most recent certification (unless the employee is released for return to work at or before the minimum period of incapacitation indicated on the medical certification);
- c. within 30 days of the date of a previous medical certification that did not indicate a minimum period of incapacitation (unless the employee is released to return to work at or before the end of 30 days); and
- d. every six months (for long-term or chronic serious health conditions that result in a continuing or periodic need for FMLA leave, even if the minimum period of incapacitation in the previous medical certification is longer than six months).

C. Military Family Leave – Qualifying Exigency Leave.

An employee taking FML for military exigency leave must provide a completed “Certification of Qualifying Exigency for Military Family Leave (*Family and Medical Leave Act*),” Form WH-384, to the City Secretary. The employee may obtain the form from the U.S. Department of Labor website: <http://www.dol.gov>.

1. The employee will only be required to provide the written documentation confirming a covered military member’s active duty or call to active-duty status in support of a contingency operation the first time the employee requests leave for the same contingency operation.
2. The employee will be required to provide a completed WH-384 form whenever the leave is due to a reason unrelated to a previous qualifying exigency (e.g., the first request was for short-notice deployment and the second request is one year later for rest and recuperation).

D. Military Family Leave – Military Caregiver Leave.

An employee taking FML to care for a military member must provide a completed “Certification for Serious Injury or Illness of Current Servicemember – for Military Family Leave (*Family and Medical Leave Act*),” Form WH-385 or “Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (*Family and Medical Leave Act*),” Form WH-385-V, whichever is appropriate, to the City Secretary. The employee may obtain the form from the U.S. Department of Labor website: <http://www.dol.gov>. Recertification is not required for military caregiver leave.

E. Failure to Provide Certification or Recertification.

An employee must provide completed certification and recertification forms to the City Secretary for approval. If an employee fails to provide required certification or recertification forms by the due date or if a submitted certification or recertification form does not support the need for leave, any time missed:

1. will be deducted from the employee's available leave balances; and
2. may be counted as unauthorized absence, subjecting the employee to disciplinary action up to and including termination of employment.

F. Incomplete or Insufficient Certifications.

All required certifications must be complete and sufficient. A certification is considered to be insufficient if it is vague, ambiguous, or non-responsive. Upon receipt of written notice that a certification is incomplete or insufficient, the employee will have seven calendar days to submit or have the health care provider submit the requested additional information (unless not practical to do so under the circumstances despite the employee's diligent, good faith efforts, in which case he must submit the requested additional information or authorize the health care provider to provide the information as soon as is practicable).

Note: The provision regarding a seven-calendar-day period to resubmit complete or sufficient certification does not apply when the employee has failed to submit a required certification. It only applies when the certification submitted is incomplete or insufficient.

III. Return to Work.

A. Employee's Responsibilities.

1. While on leave, the employee is responsible for promptly notifying the City Secretary in writing if he does not intend to return to work as scheduled.
2. If the circumstances of the employee's leave change and he is able to return to work earlier than the scheduled return date, he will be required to notify the City Secretary prior to the date he intends to report for work.
3. If FML is due to an employee's own serious health condition, he must provide a fitness-for-duty certification to the City Secretary prior to being allowed to return to work. The employee may not return to work until the City Secretary provide the employee's supervisor with email notification that the employee may return to work.

B. Supervisor's Responsibilities.

1. The supervisor must not allow an employee who has been on FMLA leave due to the employee's own serious health condition to return to work unless the supervisor has received email notification from the City Secretary or designee that the employee may return to work.
2. Upon an employee's return to work from FMLA leave for a reason other than the employee's own serious health condition, the supervisor must provide the City Secretary or timekeeper verbal or written notice of the employee's return to work on the same calendar day that the employee returns to work.

City of Crockett

Personnel Policy and Procedure Manual

PD-6.08

Item 7.

Chapter: Leave Benefits
Policy: Emergency Leave – Bereavement Leave

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The City of Crockett grants paid bereavement leave in accordance with the provisions of this policy for the death of an employee's immediate family member. The purpose of the leave is to allow the employee time to grieve, take care of family matters related to the death, and to have time to attend a funeral or other formal service. The employee is not required to attend a funeral or other formal service in order to be granted the paid leave.

Procedures.

I. Immediate Family Member.

For the purpose of leave granted under this policy, an immediate family member includes:

- A. the employee's spouse;
- B. the employee's or spouse's parent, step-parent, child, step-child, brother, sister, grandparent, grandchild, great grandparent, or great grandchild; and
- C. the employee's daughter-in-law or son-in-law.

II. Emergency Leave Entitlement.

Except as provided in (A) below, the City grants a full-time employee three consecutive days of paid emergency leave for a death in the employee's immediate family.

- A. The City does not grant paid emergency leave to an employee who:
 - 1. is in an unpaid leave status for the entire month in which the death occurs; or
 - 2. has separated employment but is still on the payroll while exhausting leave accruals.
- B. If the employee takes the leave more than one week after the date of death, the employee must provide his supervisor sufficient notice of the leave in order to allow the supervisor to make scheduling arrangements.
- C. Upon request from the City Secretary, the employee must provide satisfactory documentation of the death of a family member (e.g., obituary, funeral program, social media notice).

City of Crockett

Personnel Policy and Procedure Manual

PD 6.09

Item 7.

Chapter: Leave Benefits
**Policy: Emergency Leave – Inclement Weather and
Other Good Cause**

Effective Date: mm/dd/yyyy

Page 1 of 2
New

Policy.

The appropriate administrator or designee, in coordination with the City Secretary, may grant paid emergency leave:

- due to inclement weather;
- when emergency conditions warrant temporary suspension of non-essential operations; or
- when there is other good cause for granting such leave.

In compliance with state law, the appropriate administrator will grant paid emergency leave for an employee who leaves work to participate in a general public evacuation ordered under an emergency evacuation order.

Definitions.

“Emergency Evacuation Order” mean an official statement issued by the Governor or a political subdivision of this state to recommend the evacuation of all or part of the population of an area stricken or threatened with a disaster. The term includes a declaration of local disaster under Section 418.108, Government Code (e.g., declaration issued by county judge or mayor). [Source: Texas Labor Code, Chapter 22]

Procedures.

- I. City Operations Affected by Inclement Weather or Other Emergency Conditions.
 - A. Authority to Close Office or Suspend Non-Essential Operations.
 1. Only the appropriate administrator or designee may decide to close an office or suspend non-essential operations for all or part of a day due to inclement weather or other emergency conditions.
 2. If a supervisor allows an employee to come in late, stay home, or leave early due to such conditions but the appropriate administrator has not closed offices or suspended non-essential operations or otherwise authorized paid emergency leave, the employee must use eligible paid leave accruals or unpaid leave for the hours missed.
 - B. Essential Personnel.

Firefighters, police officers, public works employees needed for emergency water leaks, sewer problems and similar issues, and any other employee designated as essential by the appropriate administrator must report to work even when other City departments

are officially closed due to weather or other type of extraordinary circumstances. The appropriate administrator or designee will be responsible for advising employees if they are not required to report to work.

C. Time Reporting.

1. An employee is granted emergency leave equal to the amount necessary to cover the work time he missed because of a full or partial closure or suspension of non-essential operations authorized by the appropriate administrator or designee.
2. A non-essential employee who worked during the hours covered by the closure/suspension is granted emergency leave (recorded as other compensatory leave) for time worked.
3. An employee who was not scheduled to work and does not work during the closure/suspension does not receive emergency leave.

II. Other Good Cause for Emergency Leave.

- I. The appropriate administrator or designee may grant emergency leave for incidents or occasions when there is good cause for taking emergency leave. The administrator or designee must advise the City Secretary of such leave, and the City Secretary will ensure the employee receives credit for emergency leave granted.
- II. When an employee is granted emergency leave to participate in a general public evacuation ordered under an emergency evacuation order, the City Secretary will file a copy of the order with the time-keeping records.

City of Crockett

Personnel Policy and Procedure Manual

PD-6.10

Item 7.

Chapter: Leave Benefits
Policy: Jury Service and Other Judicial Proceedings

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The City of Crockett grants paid administrative leave for the time required for an employee to be screened as a potential juror, for the time required to perform jury duty, and for the time required to appear as a subpoenaed witness in judicial proceedings where the employee has no personal benefit. This includes travel time to and from the court location, if the travel occurs during regularly scheduled work hours.

Discussion.

An employee appearing in a judicial proceeding as a plaintiff, petitioner, defendant, or respondent in a judicial proceeding relating to a personal matter or as a witness in a judicial proceeding that benefits the employee must use available accrued vacation or compensatory leave or unpaid leave for such absences that occur during his regularly scheduled work hours.

Procedures.

- I. Notice and Documentation.
 - A. Upon receipt of a summons to report for jury screening or a subpoena to appear as a witness, an employee must provide a copy of the summons or subpoena to his supervisor and the City Secretary as soon as practicable.
 - B. Upon return to work from jury screening, jury duty, or appearance as a witness, the employee must provide the City Secretary with documentation indicating the date and time of court dismissal.
 - C. If the employee receives notice prior to the court date that the jury screening, jury duty, or judicial proceeding has been cancelled, the employee must report to work at the regularly scheduled time. Administrative leave will not be granted when this occurs.

- II. Leave.

If an employee reports to court and is dismissed prior to the end of the employee's regularly scheduled workday with sufficient time remaining for the employee to perform work after traveling from the court site to his/her worksite, the employee must:

- A. report to duty as soon as travel time allows; or
- B. receive approval from his supervisor to use available accrued leave or unpaid time off for the remainder of the employee's regularly scheduled workday.

City of Crockett

Personnel Policy and Procedure Manual

PD 6.11

Item 7.

Chapter: Leave Benefits
Policy: Military Service and Leave
New

Effective Date: mm/dd/yyyy
Page 1 of 4

Policy.

The City of Crockett (City) complies with federal and state laws that establish leave entitlements for employees who are members of the U.S. uniformed services or Texas military forces and are on leave for active duty, active duty for training, initial active duty for training, inactive duty training, or performing full-time National Guard duty (Texas Military Forces).

Definitions.

1. Disaster – The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency. [Source: Sec. 418.004(1), Texas Government Code]
2. Military Service – Voluntary or involuntary duty performed in the U.S. uniformed services or Texas military forces, including:
 - active duty;
 - active duty for training;
 - initial active-duty training;
 - inactive duty training;
 - full-time National Guard duty;
 - absence from work for an examination to determine a person's fitness for any of the above types of duty;
 - funeral honors duty performed by National Guard or reserve members;
 - approved training or duty performed by intermittent disaster response personnel for the Public Health Service; and/or
 - authorized training or duty performed as a member of a state- or federally-authorized urban search-and-rescue team.
3. State Active Duty – Military or emergency service performed for the state of Texas at the call of the governor or the governor's designee.
4. State Training and Other Duty – Service and training typically performed by service members to prepare for state active duty, including training for man-made and natural-disaster response and for equipment and property maintenance.
5. Texas Military Forces – The Texas National Guard (Texas Army National Guard and the Texas Air National Guard), the Texas State Guard, and any other military force organized under state law.

6. Texas State Guard – Volunteer military forces that provide community service and emergency response activities for Texas, as organized under the Second Amendment to the U.S. Constitution and operating as a defense force authorized under 32 U.S.C. Section 109.
7. Uniformed Services – Consist of the following:
 - Army, Navy, Marine Corps, Air Force, or Coast Guard;
 - Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve;
 - Army National Guard or Air National Guard;
 - Commissioned Corps of the Public Health Service; or
 - any other category of persons designated by the President in time of war or emergency.

Procedures.

I. Notice of Need for Leave.

An employee must provide as much advance written or verbal notice as possible for all military duty unless giving notice is impossible, unreasonable, or precluded in military necessity. Unless unusual circumstances exist, such notice must be given to the employee’s supervisor and the City Secretary no later than twenty-four (24) hours after the employee receives the military orders.

II. Military Leave.

A. Annual Military Leave Entitlement.

1. An employee who is a member of the Texas military forces, the U.S. Armed Forces Reserve, or a state- or federally-authorized urban search-and-rescue team is entitled to the following paid leaves of absence:
 - a. not more than fifteen (15) workdays in a fiscal year (equivalent to 120 hours based on 8-hour workdays) when engaged in authorized training or duty ordered or authorized by proper authority; and
 - b. not more than 7 workdays in a fiscal year (equivalent to 56 hours based on 8-hour workdays) when called to state active duty by the governor or another appropriate authority in response to a disaster.
2. During such a leave of absence, the employee may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.
3. An employee who is a member of more than one group eligible for annual military leave does not receive a greater leave entitlement.

B. Other Paid Leave.

An employee who has exhausted all available paid military leave may choose, but is not required, to use any other available paid leave time (i.e., vacation leave, holiday leave, and compensatory time) to cover his absence from work due to military leave.

C. Unpaid Leave.

After an employee has exhausted paid military leave benefits and any other paid leave that the employee chooses to use to cover a military leave of absence, the employee will be placed on military leave without pay for up to five (5) years.

III. Leave Balance and Accrual While on Military Leave.

A. An employee’s accrued leave balances will not lapse while on military leave.

B. Vacation and sick leave do not accrue while an employee is on unpaid military leave. After the employee returns to work from unpaid military leave, the employee will be treated as though continuously employed for purposes of determining his vacation accrual rate.

IV. Reinstatement Rights under Federal and State Law.

A. Federal law (the Uniformed Services Employment and Reemployment Rights Act of 1994, or “USERRA”) provides rights to employees absent from work due to voluntary or involuntary service in the uniformed services.

1. Employment reinstatement rights established by USERRA apply to an employee who:
 - a. remained on leave from his job while on active duty; and
 - b. separated employment to perform active duty.
2. State law extends the same benefits and protection provided by USERRA to an employee who is a member of the:
 - a. Texas military forces or another state’s military forces and who is ordered to authorized training or duty by a proper authority; or
 - b. Texas military forces ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority under Texas state law.

B. In order to be entitled to reinstatement rights under USERRA, the following conditions must generally be met. However, limited exceptions set forth in USERRA may apply to some of the condition. The City Secretary must conduct a case-by-case review must

occur whenever an employee returns from military leave or applies for reinstatement upon return from active duty before denying reinstatement.

1. The employee complied with provisions in this policy regarding advance notice of military service.
2. The period of military service did not exceed five years.
3. The employee received an honorable release from military service.
4. The employee reported to work or applied for reinstatement within the following time limits

Period of Service	When Employee Must Report to Work or Apply for Reinstatement
1 to 30 days	<p>The employee must report to work:</p> <p style="padding-left: 40px;">no later than the next work day after eight hours have expired following the completion of military service, or</p> <p style="padding-left: 40px;">as soon as possible after this eight-hour period if reporting for work by the next work day is impossible or unreasonable through no fault of the employee.</p>
31 to 180 days	<p>The employee must apply for reinstatement no later than 14 days after military service or as soon as possible if applying for reinstatement within 14 days is impossible or unreasonable through no fault of the employee.</p> <p>If the 14th day is not a regular business day, the application deadline is the next business day.</p>
181 or more days	<p>The employee must apply for reinstatement no later than 90 days after completing service.</p> <p>If the 90th day is not a regular business day, the application deadline is the next business day</p>

City of Crockett

Personnel Policy and Procedure Manual

PD 6.12

Item 7.

Chapter: Leave Benefits
Policy: Personal Unpaid Leave

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The appropriate administrator may grant an employee up to 21 calendar days of personal unpaid leave when justified by compelling circumstances and the leave will not adversely affect the employee's work area. An employee on personal unpaid leave for more than 10 workdays in a calendar month does not accrue vacation and sick leave benefits for that month.

Procedures.

- I. An employee may request personal unpaid leave only if he has less than 5 days of accrued vacation leave and less than 10 days of accrued sick leave and the use of personal unpaid leave will allow the employee to build up his leave accruals.
- II. The employee should request the leave as soon as he becomes aware of the need for such leave and prior to the exhaustion of all available leave.
- III. The appropriate administrator will discuss the request with the employee's supervisor and will consider the employee's performance record and previously granted time off before granting the requested leave.

City of Crockett

Personnel Policy and Procedure Manual

PD 6.13

Item 7.

Chapter: Leave Benefits
Policy: Quarantine Leave

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

If a supervisor orders a City employee in a position of fire fighter, peace officer, detention officer, or emergency medical technician to quarantine or isolate due to the employee's possible or known exposure to a communicable disease while on duty, the employee will be placed on paid administrative leave. The employee will not lose any paid leave accruals or any benefits for the duration of the ordered quarantine or isolation.

Procedures.

A City employee in one of these positions must immediately notify his supervisor upon becoming aware that he was possibly or definitely exposed to a communicable disease while on duty.

If the employee's supervisor orders the employee to quarantine or isolate due to the work-related exposure incident, the supervisor must notify the City Secretary via email of the effective dates of the order as soon as possible.

The City Secretary or designee will designate the employee's time off during the duration of the ordered quarantine or isolation as paid administrative leave.

City of Crockett

Personnel Policy and Procedure Manual

PD 7.01

Item 7.

Chapter: Performance Evaluations and Personnel Records
Policy: Personnel Files

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City Secretary maintains a personnel file for each employee in accordance with applicable law, to include protecting the confidentiality of an employee's medical records and in accordance with the State of Texas Records Retention Schedule. Access to employee personnel files is limited to authorized staff in accordance with this policy.

Additional Resources.

PD-7.03, Release of Employee Information - Provides the procedures relating to the release of information contained in employee's personnel files.

Procedures.

I. Primary Personnel File and Medical File.

Personnel files consist of a primary personnel file and a medical file.

A. An employee's primary personnel file generally includes, but is not limited to, the following applicable documents:

1. Application for Employment and resume;
2. Documents relating to insurance elections and other benefit elections;
3. Documents relating to the employee's pay;
3. Signed job descriptions;
4. Performance evaluations;
5. Counseling memos or disciplinary actions;
6. Employee grievances;
7. Training records/certifications; and
8. Employment-related correspondence.

B. Federal law requires that the City maintain all employee medical information in separate, confidential files. Documents to be filed in an employee's medical file include, but are not limited to, the following:

1. Requests for accommodation under the Americans with Disability Act;
2. Documents relating to workers' compensation claims; and
3. Health care provider statements and other medical documents, including those relating to use of FMLA leave, sick leave, or other leave for a medical reason.

II. Availability of Personnel Files

All information contained in the employee's personnel file is the property of the City and is maintained by the City Secretary. The only other persons that may review an employee's file are the employee, appropriate administrator, and City Attorney. The City Secretary must be present when an authorized person is reviewing a personnel file.

- A. At no time may an original personnel file or part thereof be removed from City Hall premises.
- B. Copies may be provided to employees and/or their representatives with written authorization. A minimum reasonable charge for copies may be required as established by the City Secretary.

City of Crockett

Personnel Policy and Procedure Manual

PD 7.02

Item 7.

Chapter: Performance Evaluations and Personnel Records
Policy: Performance Evaluations

Effective Date: mm/dd/yyyy
Page 1 of 4
New

Policy.

The City of Crockett (City) uses performance evaluations to periodically provide employees with a formal written acknowledgment of job performance based on a common set of performance standards. The City also uses performance evaluations to support personnel actions.

Additional Resources.

PD-8.01, Disciplinary Actions – Contains procedures for the use of a counseling memos to address an employee’s need to perform duties in a more competent manner and improve use of good judgment.

Procedures.

I. Ongoing Communication.

A. General Expectations.

In addition to communicating during the performance evaluation process, the City expects supervisors to adopt a proactive approach to employee development and to engage in regular, candid, and responsive communication with employees. Such communication may include informal discussions in which supervisors periodically: (1) inform employees of their overall performance; (2) reinforce effective behavior; and (3) identify opportunities for improvement.

B. Use of the Employee Performance Log.

A supervisor may use the Employee Performance Log (PERS 7.02-A) as a tool to assist with the completion of an employee’s performance evaluation by making entries throughout the year to record exceptional achievements and to record an employee’s actions that demonstrate the need for the employee to improve performance. The supervisor must ensure that all entries are objective, job-related, and applicable to performance.

If used, the supervisor is responsible for maintaining the PERS 7.02-A in a supervisory file created for the purpose of maintaining such logs. The only time a PERS-7.02-A is filed in an employee’s personnel file is when it is used to support a disciplinary action.

II. Routine Performance Evaluations.

An employee receives a performance evaluation:

A. to correspond with completion of his six-month probation period after hire;

B. six months after promotion to a supervisory or team lead position; and

- C. every year during the months of August and September as instructed by the City Secretary so that administrators can use current performance evaluations to determine merit eligibility for the next fiscal year. However, a supervisor may elect to postpone an annual performance evaluation until the following year for an employee who has received a routine performance evaluation within the previous six-month period. (Example: If an employee received his initial performance evaluation in August of that year, the supervisor may postpone the annual performance evaluation until the following year.)

III. Follow-up or Interim Performance Evaluations.

A. Follow-up to “Unsatisfactory” Performance Evaluation.

An employee who receives a rating of “needs improvement” or “unacceptable” for two or more performance standards and remains employed in the same position must be provided another performance evaluation in 90 days.

B. Interim Evaluation Due to Significant Change in Employee’s Job Performance.

1. A supervisor may provide an employee with an interim performance when:

- a. an employee’s job performance for at least a three-month period indicates a significant improvement or decline since the employee’s most recent performance evaluation; and
- b. the next routine performance evaluation is not due for at least three months.

2. The supervisor must obtain the appropriate administrator’s written approval (e.g., email) before completing an interim performance evaluation. The email approval will be provided to the City Secretary to file in the employee’s personnel file along with the interim performance evaluation.

C. Follow-up and interim performance evaluations will not postpone future annual performance evaluations.

IV. Completing the Performance Evaluation Form.

The supervisor will identify the rating that most accurately describes the employee’s performance of the objectives listed for a performance standard. An employee’s performance rating for one standard should not affect the employee’s performance rating for another standard, either positively or negatively.

Note: If an employee received a counseling memo or was disciplined during the review period, the supervisor should carefully review the ratings for the performance standards to ensure the ratings do not contradict the fact that the employee received a counseling memo or disciplinary action.

V. Review Process.

A. Review with Second-Line Supervisor.

The immediate supervisor must review an employee's performance evaluation with the employee's second-line supervisor before discussing the evaluation with the employee. The immediate and second-line supervisor are responsible for ensuring that:

1. the performance ratings appropriately reflect the employee's performance;
2. descriptions of the employee's performance are objective and job-related; and
3. the reasoning used to determine the employee's performance ratings is consistent with the reasoning used for other employees in the same or similar position and reporting to the same supervisors and were not unfavorably affected by the employee's race, color, religion, sex/gender, national origins, age, or disability.

B. Review with Employee.

1. The immediate supervisor must meet with the employee to discuss the ratings when providing an employee with an evaluation. The discussion should include recognition of accomplishments, encouragement for improvement where needed, and goals for next review period.
2. The supervisor will advise the employee that after signing the evaluation form indicating receipt of the form, the employee may provide whether the employee agrees or disagrees with the performance evaluation. The employee may provide additional comments on issues covered by the current evaluation.
 - a. The employee must limit comments to a single page, and he must sign the page of comments.
 - b. The employee must provide any comments within three workdays after receipt of the evaluation.
3. If the employee refuses to sign the evaluation form:
 - a. the employee will not be allowed to provide any comments on or attach any comments to the form; and
 - b. the supervisor will record on the employee's signature line "Refused to Sign", the date of discussion and the supervisor's initials.

VI. Maintenance of Evaluations.

After the supervisor has reviewed the performance evaluation with the employee and the employee has been provided the opportunity to add any comments, the supervisor will provide the original evaluation form to the City Secretary and a copy of the form to the employee. The City Secretary will file the form in the employee's personnel file.

VII. Grievances.

The City encourages an employee to discuss negative performance ratings with his supervisor. However, an employee who is dissatisfied with a performance evaluation rating may file a grievance in accordance with PD-8.02, Employee Grievances.

If a performance rating is changed as a result of the grievance, the supervisor will complete a new evaluation form and mark "Corrected Copy" on the new evaluation. The City Secretary will attach the corrected copy on top of the original evaluation and file the documents in the employee's personnel file.

City of Crockett

Personnel Policy and Procedure Manual

PD 7.03

Item 7.

Chapter: Performance Evaluations and Personnel Records
Policy: Release of Employee Information

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) releases information about current or former employees in accordance with applicable law and the provisions of this policy. Only the appropriate administrator or City Secretary may release information about current or former employees.

Applicability.

- I. The procedures in this policy apply to:
 - A. verbal or written requests for information about current or former employees received from persons or entities outside City government; and
 - B. requests from current or former employees for letters of reference.
- II. This policy does not apply to internal requests for information by City supervisors or administrators with a business need for information about a current or former employee (e.g., internal background reference checks, internal fact-finding processes or investigations, or a supervisor's request to review only performance-related documents from a supervised employee's personnel file to prepare for a performance evaluation).

Procedures.

- I. Forwarding Information Requests.

All requests for information about current or former employees, whether verbal, telephonic, or written, must be forwarded to the City Secretary. This includes but is not limited to employment verifications, employment reference requests, notifications relating to garnishment of wages, external investigations, lawsuit notices, media requests, unemployment compensation claims, or workers' compensation claims. The City Secretary will coordinate responses to such requests with the appropriate administrator as needed.

- II. Employment Reference Letters.

Only the appropriate administrator (City Administrator, Police Chief, or Fire Chief) or City Secretary may provide an employment reference letter to a current or former employee.

1. An employment reference letter will only be provided for a current or former employee who consistently demonstrated outstanding performance of duties during employment and did not have any disciplinary actions. The appropriate administrator will decide on a case-by-case basis whether to provide a reference letter for such an employee.

2. Any reference letter must be reviewed by the City Secretary before it is provided to the current or former employee. Upon approval, the City Secretary will file a copy of the employment reference letter in the employee's personnel file.

III. Employment Verification.

- A. The only information that the City Secretary will release without a written request is whether a person is a current or former employee.
- B. The City Secretary will disclose additional information in writing only if the information has been:
 1. specifically requested on a written release form signed by a current or former employee; or
 2. has been requested in writing under the Texas Public Information Act and the release of the information is allowed by the Texas Public Information Act.
- C. When the City Secretary provides employee information via a written response, the City Secretary will file a copy of the response in the employee's personnel file.

City of Crockett

Personnel Policy and Procedure Manual

PD-8.01

Item 7.

Chapter: Discipline, Grievances, and Mediation
Policy: Disciplinary Actions

Effective Date: mm/dd/yyyy
Page 1 of 8
New

Policy.

The City of Crockett (City) expects employees to abide by the employee general rules of conduct and all City ordinances/policies/procedures that apply to the position they hold. The City uses a progressive employee disciplinary system designed to help ensure timely, fair, and consistent disciplinary action when an employee violates a rule of conduct or fails to comply with City ordinance/policy/procedure or exhibits other unacceptable behavior.

The City makes no promise or representation that compliance with the employee general rules of conduct and City ordinances/policies/procedures is a guarantee of continued employment. The progressive employee disciplinary system does not limit the City's authority to terminate an employee at will.

Additional Resources.

- (1) The City of Crockett Employee Handbook (Appendix B to the Personnel Policy and Procedure Manual)– Lists and describes the employee general rules of conduct and each employee receives a copy upon hire.
- (2) The City of Crockett Employee Disciplinary Hearing Guidelines (Appendix E to Personnel Policy and Procedure Manual) – Explains the purpose of an employee disciplinary hearing, the responsibilities of the employee and his representative, expectations for conduct during the hearing, and other aspects of the hearing.
- (3) PD- 8.02, Employee Grievances - Establishes the employee grievance process, including employee grievances about disciplinary actions other than termination.
- (4) PD-8.03, Disciplinary Termination Appeal – Establishes the disciplinary termination appeal process.

Termination Due to Failure to Have a Negative Alcohol/Drug Test Result.

When the City receives notification from a collection site or medical review officer that an employee has failed to have a negative alcohol/drug test result, termination is the only appropriate disciplinary action. Therefore, the procedures for the disciplinary process do not apply and the termination is effective immediately. In addition, the only grievable issue is whether the medical review officer changed a verified positive test result to a negative test result after the employee's termination.

Note: Failure to have a negative test result includes refusing to test, tampering with a specimen, and having a verified, confirmed positive alcohol or drug test result. See Personnel Policy 2.04 for additional information regarding a refusal to test and specimen tampering.

Use of Employee Counseling Memo before Imposing Disciplinary Action.

The City encourages a supervisor to use an Employee Counseling Memo before pursuing disciplinary action when such a memo appears to be sufficient to address an employee's unacceptable performance or behavior. The City also expects supervisors to pursue disciplinary action if the employee does not change his conduct after receiving a counseling memo or if the situation warrants disciplinary action without a prior counseling memo. Supervisors must use written counseling memos in a consistent manner.

I. Criteria for Use.

Use of the Employee Counseling Memo is sufficient when:

- A. the supervisor determines that an employee's overall job performance, attitude, and potential for improvement justifies use of a counseling memo, before pursuing disciplinary action, to address the employee's need to perform duties in a more competent manner and improve use of good judgment; and
- B. the employee has not been issued a counseling memo or any disciplinary action within the preceding 12 months.

II. Counseling Memo Contents.

Written counseling memos must be objective and job-related. A counseling memo must identify a specific unacceptable conduct or ongoing performance issue and explain expectations for improved conduct/performance. If the memo identifies an ongoing performance issue, the memo must include a specific timeframe to correct the issue (e.g., immediately, three months, six months).

III. Review and Distribution.

- A. The supervisor must provide the counseling memo to the administrator for approval before providing the memo to the employee.
- B. After obtaining the administrator's approval, the supervisor:
 - 1. reviews the document with the employee;
 - 2. requests the employee to sign the document;

Note: If the employee refuses to sign the document, the supervisor writes "employee refused to sign" on the document.
 - 3. provides the employee with a copy of the document; and
 - 4. provides the original document to the City Secretary to maintain in the employee's personnel file.

Procedures.

All required actions in the disciplinary process should occur as soon as reasonably possible.

I. Reporting and Investigating Alleged Violations.**A. Alleged Criminal Offense.**

When a supervisor or any employee believes that he has observed another employee committing a criminal offense, the supervisor/employee must immediately contact the administrator or designee to advise of the conduct and then follow-up the notification with an email describing the conduct.

1. Supervisors must not discuss the alleged criminal offense with the employee or witnesses while the administrator or designee is deciding whether an action warrants an official investigation by law enforcement or while law enforcement is conducting an official investigation.
2. If the administrator or designee advises the supervisor that the conduct warrants only a supervisory investigation instead of an official investigation, the supervisor proceeds with his investigation.

B. Observation of Other Misconduct by Another Supervisor.

If a supervisor other than an employee's immediate supervisor observes an employee committing a rule/policy violation, the observing supervisor must send an email to the employee's immediate supervisor with a copy to the administrator. The email must describe the observed misconduct in detail and identify any other first-hand witnesses.

C. Supervisor Investigation.

When an employee's immediate supervisor observes a rule/policy violation or receives email notice of a rule/policy violation that does not require an official investigation, the supervisor must conduct an investigation to determine whether:

- there is sufficient reason to believe that a rule/policy violation occurred; and
- whether an employee disciplinary hearing (employee hearing) with the administrator is appropriate.

1. The investigation must include:
 - a. reviewing any relevant documentation or video evidence;
 - b. discussing the incident with the employee and describing the employee's specific conduct on an Employee Offense and Supervisor Investigation Report (PERS 8.01B);

- c. allowing the employee to review the description of the conduct on the PERS 8.01B form and provide a written statement on the form along with names of any first-hand witnesses;
- d. discussing the incident with any first-hand witnesses identified by the employee or that the supervisor otherwise knows to be first-hand witnesses, and obtaining and attaching a written statement describing their version of relevant events to the PERS 8.01B form;

Note: If at any point in these discussions it becomes obvious that a criminal offense occurred, the supervisor must stop the discussion and not have any further discussions with the employee or witnesses.

Note: If the employee or a witness is on leave, the supervisor should consult the administrator or City Secretary on how to proceed.

- e. determining whether an employee hearing is appropriate and, if so, including the recommendation on the PERS 8.01B form along with the alleged rule violation number; and
- f. providing a copy of the completed PERS 8.01B form with any attached statements to the administrator.

- 3. The supervisor may charge an employee with only one violation for one action, even if the single action violates more than one rule. However, if an incident involves more than one action that is a rule violation (e.g., an employee refuses to work overtime and uses profanity while refusing to use overtime), the supervisor may charge the employee with a rule violation for each action.
- 4. The supervisor should discuss the incident with the administrator before making a recommendation regarding the employee hearing on the PERS 8.01B form if:
 - a. the supervisor is not sure whether the incident involves a rule/policy violation even after obtaining available information; or
 - b. the supervisor is not sure which rule violation is the most appropriate.

D. Upon receipt of official investigation results relating to a criminal offense or upon receipt of the completed PERS 8.01B form and any follow-up discussions with the supervisor as needed for clarification, the administrator will decide whether to proceed to an employee hearing, take no action, or take action other than an employee hearing (e.g., counseling memo, training).

II. Employee Status Pending Outcome of Investigation.

The administrator may suspend an employee without pay pending the outcome of an investigation when the disciplinary action for the alleged violation would generally be termination and the alleged misconduct is so severe that the employee’s continued presence in

the workplace could present a safety and/or security risk to other employees or property. When this occurs, the employee uses leave as follows:

- A. Involuntary use, in the order listed, of the employee's accrued compensatory time then holiday time;
- B. Voluntary use of overtime or vacation time (the employee must request use of such leave in writing); and
- C. Unpaid leave if the employee does not have any accrued leave other than sick leave or refuses to voluntarily use accrued overtime and vacation time.

III. Employee Hearing.

- A. If, after review of the PERS 8.01B form, the administrator determines that an employee hearing is appropriate, the administrator:
 - 1. decides whether to conduct the hearing in person, by telephone, or by videoconference;
 - 2. schedules the hearing on a weekday during normal business hours and only after a 24-hour notice to the employee unless the administrator and employee agree otherwise; and
 - 3. provides the employee with a copy of the PERS 8.01B form and a copy of the Employee Disciplinary Hearing Guidelines.
- B. The administrator may reschedule the employee hearing due to unforeseen circumstances.
- C. The employee may elect to have a representative of the employee's choice at the employee hearing, except the representative must not claim the right to strike.
 - 1. The administrator does not have to schedule the employee hearing around a representative's schedule.
 - 2. A representative will not receive compensation or reimbursement for expenses, even if the representative is a City employee.
- D. The administrator determines whether to further interview a first-hand witness at the employee hearing.

Note: It is not necessary to do so if the investigation adequately disclosed the facts relating to the witness's expected testimony.

- E. The employee or his representative may ask questions of a witness during the hearing.

- F. The administrator conducts the employee hearing in accordance with the Employee Disciplinary Hearing Guidelines.
 - G. At the end of the hearing, the administrator will generally make the final determination regarding whether a violation occurred based on preponderance of the evidence and determine the disciplinary action based on the factors in Sections V and VII.
 - 1. The administrator will record the employee hearing's outcome on the PERS 8.01C, Employee Disciplinary Action Form.
 - 2. Based on information presented during the employee hearing, the administrator may recharacterize a rule violation and identify a violation on the PERS 8.01C form that is different from the violation identified on the PERS 8.01B form. The recharacterized violation must stem from the same facts described on the PERS 8.01B form to ensure the employee had sufficient opportunity to respond to the charge.
 - 3. If the disciplinary action is less than termination, the administrator will provide the employee with a copy of Personnel Policy 8.02, Employee Grievances.
 - 4. If the disciplinary action is termination, the administrator will provide the employee with a copy of Personnel Policy 8.03, Disciplinary Termination Appeals.
 - H. If the employee fails to appear at the scheduled hearing or leaves during the hearing, the administrator holds and concludes the hearing in the employee's absence. In addition, such conduct will be justification for imposing disciplinary termination without any further investigation or hearings.
- IV. Factors Influencing Decision to Impose Disciplinary Action.

When making a decision regarding disciplinary action, the administrator must consider the following job-related, nondiscriminatory factors:

- A. the documented facts or events of the reported incident;
- B. the range of disciplinary actions or "grid" published in the City of Crockett Employee Handbook, which identifies the disciplinary actions generally appropriate for the corresponding violation level;

Note: Because the "grid" is not the only factor considered when determining a disciplinary action, the administrator may impose a disciplinary action that is more severe than indicated on the grid. A single infraction may warrant termination. Likewise, imposed disciplinary actions may be less severe than the disciplinary actions indicated on the grid.

C. the employee’s disciplinary history, especially any violations for which the employee received disciplinary action within the two-year period prior to the current violation (resulting in the current violation being a “subsequent violation”);

D. whether the employee is currently on disciplinary probation;

Note: The administrator should elevate disciplinary action for an employee who is currently on disciplinary probation to a more severe disciplinary action.

E. whether the employee is a supervisor;

Note: Because the City expects supervisors to conduct themselves as role models for employees, they should be subject to a more severe penalty than other employees.

F. any aggravating or mitigating circumstances;

Note: Aggravating or mitigating circumstances include evidence of willfulness or lack of willfulness, environmental factors that may have contributed to the employee’s action, previous efforts or lack of efforts to help the employee overcome the problem, and other circumstances similar in nature.

G. disciplinary actions imposed for other employees with similar violations; and

H. the employee’s training record, length of service, position, job responsibilities, and performance history.

V. Disciplinary Action Not Determined During Initial Employee Hearing.

If the administrator does not determine during the initial employee hearing whether a violation occurred or does not determine the appropriate disciplinary action, he must:

A. document the reason he did not make a decision during the employee hearing and attach the documentation to the PERS 8.01B form from the initial hearing;

B. schedule a date and time to reconvene the employee hearing within 15 workdays after the original hearing and advise the employee of the date and time;

C. notify the employee of the disciplinary decision in person, telephonically, or through video conference, during the reconvened hearing.

VI. Options for Disciplinary Action.

Disciplinary Action	Explanation
Reprimand Only	A reprimand without any other disciplinary action may be imposed for minor violations.
Disciplinary Probation	<ul style="list-style-type: none"> • Disciplinary probation must be for either a three-month or a 12-month period. • If the employee is on disciplinary probation for one violation and another disciplinary probation is imposed, the new probation period starts immediately after the first probation ends. • During a disciplinary probation period, the employee is not eligible for a promotion. • If an absence or break in service of 30 or more consecutive calendar days occurs during a disciplinary probation period, the length of the probation is extended by the length of the absence or break in service.
Suspension without Pay	<ul style="list-style-type: none"> • Suspension without Pay will be for one pay period to begin on the first day of a pay period and end on the last day of the pay period. • When suspension without pay is imposed, a 3-month disciplinary probation period must also be imposed. • The employee may use available vacation leave and compensatory time leave while on suspension without pay.
Involuntary Demotion	<ul style="list-style-type: none"> • Involuntary demotion should only be considered when: <ul style="list-style-type: none"> ○ performance or conduct is unacceptable to the degree that it is in the City’s best interest for the employee to no longer be employed in the current position; but ○ continued employment in a lower-level job is believed to be beneficial to the City. • Before imposing an involuntary demotion, the administrator must ensure that: <ul style="list-style-type: none"> ○ a valid position exists and is within the City’s budget; and ○ the employee meets the position’s minimum qualifications. • When an involuntary demotion is imposed, a 3-month disciplinary probation period must also be imposed. • Involuntary demotion cannot be used to reduce an employee’s pay without a change to a position involving different duties. • The effective date for a demotion will be based on payroll deadlines. If suspension without pay is imposed, the effective date of the demotion will be the day after the period of suspension without pay is completed.
Disciplinary Termination	The employee is provided the opportunity to appeal the termination in accordance with Personnel Policy 8.03.

VII. The City Secretary files the documentation relating to the investigation and disciplinary process in the employee’s personnel file.

City of Crockett

Personnel Policy and Procedure Manual

PD.8.02

Item 7.

Chapter: Discipline and Grievances
Policy: Employee Grievances

Effective Date: mm/dd/yyyy
Page 1 of 4
New

Policy.

The City of Crockett (City) has established an employee grievance process to allow employees to address concerns regarding employment-related matters. The City prohibits retaliation against an employee for filing a grievance. However, an employee will be subject to the disciplinary process for filing a grievance containing false information.

Additional Resources.

PD.8.03, *Disciplinary Termination Appeal*. In cases of disciplinary termination, the discharged employee may appeal the termination through the process established by PD.8.03. The employee grievance process is not applicable for a disciplinary termination.

General Provisions.

- I. Subject to certain exceptions and limitations established by this policy, an employee may file a grievance regarding an employment-related matter, including working conditions, employment discrimination, harassment, and adverse personnel actions. Submission of a formal grievance by an employee will not reflect unfavorably on an employee's good standing, performance, or loyalty to the City. Similarly, formal grievances will not reflect unfavorably on the quality of supervision or the City's general management.
- II. The City will not consider requests for inappropriate relief. An example of inappropriate relief is a request to discipline another employee.
- III. Only one employee may submit a formal grievance. The City will not accept a formal grievance submitted by a group of employees.
- IV. An employee may not submit a formal grievance on behalf of another employee.
- V. If an employee's grievance relates to another employee's actions, the Administrator may require both employees to participate in dispute resolution in accordance with PD-8.04, Dispute Resolution.
- VI. This policy establishes grievance processing and resolution timelines to provide a grievant with a clear expectation of the approximate date that he will receive a grievance response. A delay in processing or resolving a grievance does not create any additional right for the grievant or have any impact on whether the City will grant the requested relief. If the Administrator does not provide a written grievance decision within the time limits established in this policy, the Administrator must include an explanation for the delay in the response.
- VII. Employees may not use City time or City resources to prepare a formal grievance.

- VIII. Issues that an employee may not grieve (“non-grievable issues”) include but are not limited to the following:
- A. legislative or city council action;
 - B. employee position assignment when the job title remains the same (e.g., change from street crew to water crew while remaining a Public Works Crew Member);
 - C. administrative suspension with pay;
 - D. discipline in progress but not yet issued;
 - E. discipline or other adverse personnel action issued to another employee;
 - F. a decision to conduct an investigation;
 - G. the findings resulting from an official criminal investigation;
 - H. a decision by the City Secretary to dismiss or accept a grievance;
 - I. a delay in grievance processing or resolution;
 - J. an agreement reached through dispute resolution;
 - K. acceptance of voluntary resignation; and
 - L. an ineligible for rehire designation.

Procedures.

I. Informal Grievance Discussion.

Normal day-to-day discussions between an employee and a supervisor regarding working conditions and employment-related matters are the most constructive and efficient ways to develop and enhance favorable and effective work relationships. Therefore, the City requires an employee to first discuss concerns with his immediate supervisor before filing a formal grievance. The supervision must provide the employee with an answer to his concerns within five (5) workdays of the discussion.

II. Filing Formal Grievance.

If the employee is not satisfied with the supervisor’s decision in response to an informal grievance discussion, the employee should submit an accurately completed Employee Grievance Form, PERS-8.02A, to the City Secretary, who acts as the employee grievance coordinator.

- A. Employees are encouraged to submit the grievance within five (5) workdays after the supervisor’s decision.
- B. The City Secretary will accept a grievance if the grievant submits it:
 - 1. within 21 calendar days after the action, event, or condition that is the subject of the grievance; or
 - 2. within 90 calendar days after an alleged violation of illegal discrimination or inappropriate sexual conduct.

- C. if the grievant provides good cause for the submission delay, the City Secretary may accept a grievance submitted after the deadlines set out above on a case-by-case basis.

III. Requirement to Revise Grievance.

The City Secretary may require a grievant to revise and re-file any grievance that is incomplete, unclear, or deals with more than one employment-related matter. If the City Secretary requires a revision, the City Secretary will also set a deadline by which the grievant must file the revised grievance.

IV. Grievance Dismissal.

- A. The City Secretary may dismiss any grievance, or any separate issue within a grievance, when:
 - 1. the complaint is a non-grievable issue as established by this policy;
 - 2. the City Secretary did not receive the grievance within the applicable deadline and the grievant did not provide good cause for the delay;
 - 3. the grievant has been given notice and a reasonable opportunity to make required revisions, but the grievance remains so unclear that the nature of the complaint or the relief requested cannot reasonably be determined;
 - 4. the complaint is the same or substantially the same as a pending grievance filed by the same employee;
 - 5. the complaint concerns a working condition that has already been resolved through the grievance process within the preceding 12 months.
- B. If the City Secretary dismisses a grievance, he will provide the grievant written notice of the reason for the dismissal. The City Secretary's decision to dismiss a grievance is final, and the grievant cannot appeal the decision.

V. Grievance Meeting and Final Decision.

Upon acceptance of a grievance, the City Secretary will arrange a meeting with the employee and the employee's chain of supervision up to the Administrator to address the employee's grievance.

- A. The City Secretary will schedule the meeting to be held within ten (10) workdays after acceptance of the grievance on a regularly scheduled workday during normal business hours, unless the grievant agrees otherwise.
- B. The employee may elect to be represented at the employee hearing by a representative of the employee's choice, except the representative must not claim the right to strike.
 - 1. The employee must have named the representative on the PERS-8.02A form.

- 2. The City Secretary is not required to schedule the employee hearing around a representative’s schedule.
- 3. A representative will not receive compensation or reimbursement for expenses, regardless of whether the representative is a City employee.
- C. The Administrator may delegate a grievance investigation and the composing of a written grievance resolution, but he may not delegate the grievance decision.
- D. The final decision resulting from this meeting will be documented on the PERS 8.02A and will be provided to the grievant in person, by certified mail, or other reliable means within 21 days after the date the grievance was accepted.
- E. There is no appeal process for the final decision.

VI. Follow-up on Grievance Resolutions.

When the granted relief indicates that certain actions will occur, the Administrator or designee must provide the City Secretary with documentation that the actions did take place. Generally, the documentation must be provided to the City Secretary within 30 calendar days after the grievance decision date.

VII. Retaliation Prohibited.

- A. The City strictly prohibits retaliation against any person for:
 - 1. filing a complaint through the employee grievance system; or
 - 2. participating as a witness in any complaint or complaint investigation.
- B. This prohibition includes harassment, intimidation, or coercion of any person because of the person’s involvement in a grievance, whether as a grievant, representative, or witness.

Chapter: Discipline, Grievances, and Mediation
Policy: Disciplinary Termination Appeal

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

Former City of Crockett (City) employees who have been terminated from City employment through the employee disciplinary process may appeal the termination to the City Disciplinary Termination Review Board in accordance with the procedures set forth in this policy. A disciplinary termination appeal hearing is administrative in nature and is not subject to common law or statutory rules of evidence.

Procedures.

I. Disciplinary Termination Review Board Composition.

The Disciplinary Termination Review Board is composed of the Mayor and City Council members (must be quorum of at least three members).

II. Notice of Appeal and Representation.

A. To appeal a termination, the former employee must provide a completed PERS-8.03-A, Disciplinary Termination Appeal, to the City Secretary before the end of the second workday after being notified of his disciplinary termination.

B. The former employee may elect to be represented at the appeal hearing by a representative of the former employee's choice, except the representative must not claim the right to strike. The former employee must have named the representative on the PERS-8.03-A form.

1. The City is not required to schedule the appeal hearing around a representative's schedule.

2. A representative will not receive compensation or reimbursement for expenses, even if the representative is a City employee.

C. If the former employees wants the appeal hearing to be open to the public, he must request this in writing when he provides the completed PERS 8.03-A form to the City Secretary.

III. Appeal Hearing Scheduling and Notice to Former Employee.

A. Upon receipt of the completed PERS 8.03-A form, the City Secretary will schedule the appeal hearing to be held on a workday either during working hours or immediately after working hours and no later than twenty-one (21) workdays after the receipt of the PERS 8.03-A form.

- B. The City Secretary will notify the participating parties of the appeal hearing’s scheduled date and time. In addition, the City Secretary will advise the former employee that any documents he wants the Disciplinary Termination Review Board to review must be provided to the City Secretary at least two business days prior to the hearing. The City Secretary will provide the documents to the Board members.

IV. Appeal Hearing Process.

- A. The mayor will call the hearing to order.
- B. The City Secretary or designee will record the hearing. No other recording will be allowed.
- C. Beginning with the administrator who imposed the disciplinary action (City Administrator, Fire Chief, Police Chief), each side will have the opportunity to present their case to the Disciplinary Review board.
 - 1. Each side’s presentation must not exceed one hour.
 - 2. Presentation of a case may include presenting testimony from first-hand witnesses.
 - 3. The Disciplinary Review Board members may question the administrator or the employee at any time during the hearing.
- D. The City Disciplinary Review Board adjourns to executive session to consider evidence and remarks and then returns to open session to vote to:
 - 1. sustain the termination based on a finding that the preponderance of the evidence supports disciplinary termination; or
 - 2. overturn the disciplinary termination and authorize an alternate disciplinary action or no disciplinary action based on a finding that:
 - a. the termination is an excessive and unreasonable disciplinary action; or
 - b. the administrator has abused his discretion to implement disciplinary termination.
- E. The City Secretary will record the vote on the PERS 8.03-A form.
- F. The Mayor will adjourn the appeal hearing.

City of Crockett

Personnel Policy and Procedure Manual

PD.8.04

Item 7.

Chapter: Discipline, Grievances, and Dispute Resolution
Policy: Dispute Resolution

Effective Date: mm/dd/yyyy
Page 1 of 3
New

Policy.

The City of Crockett (City) implements an employee dispute resolution program as a means of resolving work-related disputes. A dispute resolution agreement does not create a contract of employment between the participants and the City, does not alter the participants' employment at will status, and does not create any legally enforceable interest on behalf of the participants against the City.

Confidentiality.

Communications and actions in a dispute resolution session are confidential, including the conduct and demeanor of participants, except for:

- information disclosed in the dispute resolution process that the City must report by law, including a report of fraud;
- a genuine threat of physical harm (assault by threat) or other crime occurring during the dispute resolution session;
- whether or not the participants reach an agreement; and
- the terms of any written agreement.

General Provisions.

The dispute resolution process allows two or more employees to meet in a private setting, at no cost to the participants, and attempt to resolve a work-related dispute by negotiating a mutually acceptable agreement with the help of a facilitator. The goal is to create a win-win situation by resolving employment-related disputes with an outcome favorable to all participants.

Procedures.

I. Initiation of Employee Dispute resolution.

A. The appropriate administrator may initiate dispute resolution when he:

1. determines that dispute resolution is appropriate to resolve a dispute between employees or between an employee and supervisor; or
2. determines that dispute resolution is appropriate as an attempt to resolve an employee grievance unrelated to separation from employment.

Note: If the participants reach an agreement, the City Secretary administratively closes the grievance and does not further process it. If the participants do not reach an agreement, the City Secretary processes the grievance in accordance with PD-8.02.

- B. A supervisor may contact the appropriate administrator and request dispute resolution to resolve an employment-related dispute even if an employee grievance has not been filed. The supervisor may request that participation in dispute resolution:
 - 1. be on a voluntary basis; or
 - 2. be required.
- C. If the appropriate administrator decides to hold a dispute resolution session, he will:
 - 1. schedule the dispute resolution session for a regular workday during working hours;
 - 2. provide each employee a 24-hour notice of the session; and
 - 3. provide each employee with a copy of this policy to review prior to the session.

II. Process.

- A. The appropriate administrator or another City employee who has been trained in dispute resolution or an external mediator may act as the third-party facilitator.
 - 1. The role of the facilitator is to remain neutral and aid the participants in productive communication so they may work toward a mutually agreeable outcome.
 - 2. The facilitator has no authority to make a decision or determine right and wrong.
 - 3. The facilitator is not a legal advisor and must not provide legal advice.
 - 4. At the beginning of the session, the facilitator will review the participant's responsibilities set forth in this policy with the participants and ask if they have any questions regarding the process. The facilitator will then obtain the participants' signatures on the Dispute Resolution Participation Form, PERS 8.04-A.
 - 5. The facilitator may declare an impasse in the process and terminate the session if:
 - a. the session becomes unproductive; or
 - b. the participants do not reach an agreement during the session.
- B. Representatives and witnesses may not attend the dispute resolution session.
- C. Participants may not use electronic recording devices during the session.

- D. Participants are responsible for:
 - 1. entering the dispute resolution session with a desire to reach a mutually acceptable agreement;
 - 2. conducting themselves in a professional manner throughout the session and following ground rules, such as not speaking when others are speaking, and no name calling;
 - 3. being truthful and providing accurate, complete information of events to which they are a witness or about which they have knowledge; and
 - 4. negotiating their own agreement; and
 - 5. allowing the facilitator to assist in writing the agreement.

- E. At the end of the session, the facilitator will indicate on the PERS-8.04-A whether the participants reached an agreement, assist the participants with writing the terms of a reached agreement, and have the participants sign the PERS-8.04-A again.

- F. The facilitator will provide each participant with a copy of the Dispute Resolution Participation Form and will collect and destroy all notes taken during the dispute resolution session.

- G. Attendance at a dispute resolution session is official business and reported as time worked.

City of Crockett

Personnel Policy and Procedure Manual

PD 9.01

Item 7.

Chapter: Safety and Health
Policy: Fitness for Duty

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

In an effort to provide a safe work environment, the City of Crockett requires applicants selected for a position requiring the performance of repetitive, heavy manual labor and the use of power tools and heavy equipment for extended periods and/or a position requiring operation of a commercial vehicle to pass a fitness for duty examination upon hire to help ensure the applicants are physically qualified to perform the essential functions of the position. In addition, the City may require an employee assigned to such a position to pass a fitness for duty examination before returning to work from medical leave and up to once every 30 days if the City has a reasonable belief that the employee's return to work from medical leave presents a significant risk of harm to the employee or others.

Additional Resources.

PD-2.04, Drug-Free Workplace, establishes the provisions for alcohol and drug testing of selected applicants and current employees.

Procedures.

- I. Pre-employment fitness-for-duty examinations will be performed by a physician/technician of the City's choice, and the City will pay for the examination.

- II. If the City requires a return-to-work fitness-for-duty examination to be performed by a physician/technician of the City's choice, the City will pay for the examination.

City of Crockett

Personnel Policy and Procedure Manual

PD 9.02

Item 7.

Chapter: Safety and Health
Policy: Tobacco Use

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

The City of Crockett recognizes the health hazards of tobacco smoke and provides a smoke-free work environment to protect the health and welfare of its employees and of visitors to City-operated premises. In addition, the City prohibits the use of other tobacco products and electronic cigarettes (e-cigarettes) in certain situations as set forth in this policy to avoid unsanitary conditions and to avoid employees having accidents due to the distraction of using e-cigarettes.

Employees are prohibited from:

- Using any form of tobacco inside any City-owned or City-operated building;
- Using any form of tobacco or an e-cigarette in City-owned or leased vehicles;
- Smoking or using an e-cigarette while operating City equipment (e.g., front-end loaders, mowers); or
- Smoking while on the surrounding premises of City-owned or City-operated buildings except for designated smoking areas;

City of Crockett

Personnel Policy and Procedure Manual

PD 9.03

Item 7.

Chapter: Safety and Health
Policy: Workers' Compensation

Effective Date: mm/dd/yyyy
Page 1 of 4
New

Policy.

The City of Crockett (City) maintains a process for filing workers' compensation claims when employees incur on-the-job injuries or occupational illnesses. The City will not subject an employee to discrimination or retaliation for filing a claim for workers' compensation benefits in good faith or for exercising any other rights provided by the Texas Workers' Compensation Act.

General Provisions.

- The Texas Municipal League Insurance Risk Pool (TMLIRP) determines whether a City employee who incurs an on-the-job injury or occupational illness is eligible to receive workers' compensation benefits.
- All workers' compensation benefits may be denied if an employee fails to give notice of the injury within 30 days or fails to file a claim with the Texas Department of Insurance/Division of Workers' Compensation within one year. An exception may be allowed if the employee has a good cause for failure to take such actions.

Procedures.

I. Employee Responsibilities.

A. Occupational Exposure.

1. If an employee's eyes, broken skin, or mucous membranes of the nose or mouth come into contact with blood, body fluids, or other potentially infectious material in the performance of job duties, he is responsible for reporting the incident to his supervisor and the City Secretary regardless of the level of perceived risk or the perceived status of the source individual. All human blood and certain human body fluids are treated as if infected with HIV, HBV, HCV, and/or other bloodborne pathogens.
2. Although an employee who has experienced an occupational exposure is not required to be tested for communicable diseases, the Centers for Disease Control and Prevention recommends that individuals who have experienced an occupational exposure should obtain testing and seek medical attention as soon as possible. Therefore, the City encourages an employee to seek medical attention within two hours of an occupational exposure to be assessed for the need for post-exposure testing and possible preventative medication. The employee is allowed time off for such testing and medical attention in the same manner as if he were seeking immediate medical attention for a work-related injury.

3. The City also encourages employees to be tested following an occupational exposure because the test results may affect eligibility for workers' compensation benefits (e.g., the cost of the initial test and/or the cost of treatment of a communicable disease or health condition resulting from an occupational exposure).
 - a. To be eligible for workers' compensation benefits, an employee must:
 - (1) report the exposure incident to the City Secretary;
 - (2) be tested no later than 10 calendar days after the incident; and
 - (3) have a negative test result.
 - b. The negative test result may be used to show that a disease or health condition that may be diagnosed in a follow-up test is a result of the occupational exposure rather than the result of a pre-existing condition.
 - c. If the employee incurs a communicable disease or health condition as a result of the occupational exposure, the employee must notify the City Secretary no later than the 30th day after the employee knew or should have known that the disease might be related to the occupational exposure.

B. On-the-Job Injury.

1. Medical Assistance.

An employee who is injured while on the job is responsible for seeking medical assistance.

- a. A co-worker who is currently certified to provide first aid is authorized to provide immediate first aid to an injured employee.
- b. The employee is responsible for informing all medical providers that the injury was job-related.

2. Notice of Injury and Documentation.

If the employee is physically able to do so, he must:

- a. Inform his supervisor and the City Secretary of the injury as soon as practicable;
- b. Coordinate the submission of required documentation with the City Secretary; and

- c. Coordinate the use of leave benefits with the City Secretary, which includes providing any required medical certifications resulting from the use of leave.

II. Documentation Requirements.

- A. The City Secretary will coordinate efforts with the employee and the employee's supervisor to ensure that all documentation regarding the reported occupational exposures or on-the-job injury is completed within required deadlines.
- B. The employee is responsible for providing the City Secretary with required medical certifications as needed, including certifications resulting from an initial visit to a health care provider and when subsequent visits result in a change in treatment or work restrictions.
- C. Before reporting back to work from an on-the-job injury, an employee must provide a Texas Workers' Compensation Work Status Report (DWC-73) from the attending physician to the City Secretary. The DWC-73 should indicate the employee's fitness to return to duty, stipulate the type of duty permitted, specify any physical restrictions, and the date of the employee's release from medical care.

III. Denied Claims.

If TMLIRP denies an employee's claim and the employee is unable to return to work, the employee must contact the City Secretary to determine leave options.

IV. Modified Duty.

If the employee can report to work but is unable to perform normal duties, the appropriate administrator may assign the employee modified duties suited to his physical condition. The modified duties may include assignment to a different department and on a different work schedule. The length of the modified duty assignment will be on a case-by-case basis.

V. Grounds for Termination.

The City may terminate an employee's employment for:

- 1. Participating in activities that would be detrimental to recovery or failing to limit activities to those that will aid in healing;
- 2. Failing to follow prescribed treatment including medical appointments;
- 3. Refusing/failing to return to duty on the workday following release by the treating physician;
- 4. Failing to report that while receiving workers' compensation benefits the employee was employed elsewhere, either part-time or full-time and either for pay or as a volunteer or

otherwise, for or on behalf of himself or any other person, firm or corporation, or any other employer;

5. Committing fraud relating to the claim of a work-related injury; or
6. Refusing to accept a modified duty assignment consisting of reasonable duties suited to his incapacity and physical condition.

City of Crockett

Personnel Policy and Procedure Manual

PD 10.01

Item 7.

Chapter: City Equipment and Vehicles
Policy: Use of City Motorized Equipment and Vehicles

Effective Date: mm/dd/yyyy
Page 1 of 4
New

Policy.

City of Crockett (City) employees must receive prior authorization from a supervisor before operating motorized equipment or vehicles owned, leased, or rented by the City of Crockett (City equipment/vehicles). An employee must immediately notify his supervisor if he does not have the appropriate license to operate City equipment/vehicles (e.g., expired or suspended license or incorrect class of license).

City employees may operate City equipment/vehicles only for official City business or as specifically allowed by this policy.

City employees must operate City equipment/vehicles in a lawful, careful, and courteous manner and use appropriate safety equipment while operating the equipment/vehicles, help ensure proper maintenance of the equipment/vehicles, and refuel and clean equipment/vehicles in accordance with the procedures in this policy. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of City equipment/vehicles may subject an employee to disciplinary action.

Additional Resources.

PD-2.04, Drug Free Workplace, and PD-10.02, Commercial Drivers, prohibit the use of alcohol or drugs while operating City equipment or vehicles and contain procedures for alcohol/drug testing when an employee is involved in a work-related accident.

PD-9.02, Smoke-Free Workplace, prohibits employees from smoking while in City-owned or leased vehicles or while operating City equipment.

Definitions.

Disabling Damage: Damage that prevents the departure of any vehicle from the scene of an accident in its usual manner in daylight hours after simple repairs.

- (A) Disabling damage includes when a vehicle could have been driven, but driving would result in further damage.
- (B) Disabling damage does not include damage that could be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperable.

Procedures.**I. Upkeep of City Equipment/Vehicles.**

When employees must report issues relating to the upkeep of City equipment/vehicles, the reporting must be to the appropriate supervisor, fleet coordinator, or mechanic shop staff per the most recent reporting instructions provided by the employee's supervisor.

A. Inspection Before and After Use.

An employee assigned to use any City equipment/vehicle is responsible for inspecting the interior and exterior of the equipment/vehicle at the start and end of his shift or daily period of operation. The employee must appropriately report any previously unreported damage, mechanical problems, missing equipment, unauthorized contents, or other problems with the equipment/vehicle.

B. Routine Maintenance / Unusual Operational Defects

1. Employees are responsible for helping ensure that routine maintenance is performed as needed by:

- a. completing daily maintenance that is needed or required before, during, and after use, such as cleaning the under carriage, greasing areas as needed, and other routine daily maintenance as applicable; and

Note: It is an employee's responsibility to obtain clarification and instructions from his supervisor or team leader regarding required daily maintenance.

- b. reporting any maintenance needing to be scheduled based on the City equipment/vehicle's mileage and reporting any mechanical issues that are noticeable but not severe enough to immediately remove the equipment/vehicle from use (e.g., wipers needing replacement from normal wear and tear).

2. An employee must immediately cease operation of any City equipment/vehicle when severe damage occurs or when performance indicates a mechanical issue that could affect safety or control or result in increased damage from continued operation (e.g., overheating, low oil indicator light, blow-out).

C. Refueling.

Before parking any City equipment/vehicle at the end of a workday, the employee must first ensure that the equipment/vehicle has a minimum of half a tank of fuel.

D. Cleaning.

- A. Employees must not scatter trash/debris inside a vehicle, be careful to not spill drinks or drop food crumbs, etc. in the interior of the equipment/vehicle, clean any spills as soon as possible, and remove any trash/debris at the end of a workday.
- B. When weather permits, employees must wash assigned or routinely operated equipment/vehicles as needed to help the City have equipment/vehicles that display a positive image of the City.

E. Accessories/Modifications.

An employee must not make any modifications, additions or deletions of any equipment or accessories on or to the City’s motorized equipment or vehicles without his supervisor’s written permission (e.g., email).

Note: It should be rare for accessories/modifications to be approved. Supervisors should discuss proposed accessories/modifications with a department head or the appropriate administrator before giving such written permission.

F. Inspection by Others.

A supervisor, fleet coordinator, or mechanic shop employee may inspect City equipment/vehicles at any time without notice. No employee assigned to or operating any City equipment/vehicle is entitled to privacy with respect to the equipment/vehicle or its contents.

II. Operation of Motorized Equipment / Vehicles.

A. Accident / Damage.

1. Crash Requiring Law Enforcement Investigation.

Law enforcement must be notified so they can complete a crash report when an employee operating any City motorized equipment or vehicle is involved in a crash with another vehicle or when the crash results in disabling damage to a City vehicle.

2. Damage Requiring Supervisory Investigation.

An employee must report any other damage to City motorized equipment/vehicle damage to his supervisor as soon as possible after the damage occurs and no later than by the end of the employee’s shift/workday. A supervisor investigation may be conducted to determine if any misconduct caused the damage.

B. Operation of Motorized Equipment/Vehicles in High Water.

When operating City motorized equipment/vehicle, an employee must not drive into water that is above the centerline of the axle or that could be pushed to a level capable of entering the interior or the engine air intake of the equipment/vehicle.

C. Passengers.

No passengers, other than City employees or others on City business, may ride in a City vehicle unless otherwise approved in advance by the appropriate administrator.

III. Take-Home Vehicle Privilege.

With approval from the appropriate administrator, or designee, an employee may use a City vehicle to travel to and from his residence for work-related purposes.

- A. The employee must not routinely use the vehicle for personal errands or transports unless the employee has prior approval by the appropriate administrator.
- B. The employee is responsible for the vehicle's care and maintenance. The City will provide necessary care/maintenance supplies.
- C. The appropriate administrator may modify or withdraw the take-home vehicle privilege at any time with or without notice by the appropriate administrator.

City of Crockett

Personnel Policy and Procedure Manual

PD 10.02

Item 7.

Chapter: City Vehicle Regulations
Policy: Commercial Drivers

Effective Date: mm/dd/yyyy
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Policy.

City of Crockett (City) employees who operate commercial motor vehicles (CMV) are subject to alcohol and controlled substance testing under applicable law, including but not limited to the drug and alcohol testing regulations of the U.S. Department of Transportation (DOT) set forth in 49 CFR Part 40, and in the regulations of the Federal Motor Carrier Safety Administration (FMCSA) at 49 CFR Part 382. This policy is intended to implement the requirements of these federal regulations. In the event of a conflict between the provisions of this policy and the requirements of applicable law, the law will control.

Resources.

The rights and obligations of employers and employees with respect to DOT alcohol and drug testing are complex. Employees who operate a CMV and supervisors of such positions are encouraged to further educate themselves about DOT alcohol and drug testing through review of the applicable regulations and the following DOT publications:

- *What Employees Need to Know About DOT Drug and Alcohol Testing*; and
- *What Employers Need to Know About DOT Drug and Alcohol Testing*.

Definitions.

1. **Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. Alcohol consumption or use means the drinking or swallowing of any beverage, liquid measure or preparation (including any medication), containing alcohol.
2. **Breath Alcohol Technician (BAT):** A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.
3. **Collection site:** A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.
4. **Collector:** A person who instructs and assists applicants or employees at a collection site, who receives and makes an initial inspection of the specimen provided, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF).
5. **Commercial Driver:** A City employee who has a commercial driver license (CDL) and operates a commercial motor vehicle for the City on any occasion regardless of title of position held, except for those employees identified in the Applicability Section of this policy as being excluded by law from the provisions of this policy.

6. Commercial Motor Vehicle (CMV): A vehicle:
 - (A) having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; or
 - (B) is designed to carry 16 or more passengers, including the driver; or
 - (C) is of any size and is used to transport hazardous materials which require the vehicle to be placarded under the Hazardous Materials Regulations.

7. Disabling Damage: Damage that precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight hours after simple repairs.
 - (A) Disabling damage includes damage to vehicles that could have been operated, but would have caused further damage if so operated.

 - (B) Disabling damage does not include damage that could be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperable.

8. Medical Review Officer (MRO): A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

9. DOT Safety-sensitive Function: All time from the time a driver begins to perform any functions related to driving a CMV or is required to be in readiness to drive a CMV until the time he is relieved from driving a CMV and all responsibility for performing functions related to driving a CMV.

DOT safety-sensitive functions shall include time spent:

 - (A) waiting to be dispatched while on City or other public property;
 - (B) inspecting or servicing a commercial vehicle;
 - (C) in a commercial vehicle;
 - (D) loading or unloading a commercial vehicle; and
 - (E) repairing or remaining in attendance upon a disabled commercial vehicle

10. Substance Abuse Professional (SAP): An independent provider qualified to evaluate applicants or employees who have violated a DOT drug and alcohol regulation and make recommendations concerning the applicant's or employee's education, treatment, follow-up testing, and aftercare.

Applicability.

- This policy only applies to the City's employees whose job duties involve the operation of a CMV (a "commercial driver") and to applicants who have a CDL and are applying for a position that would involve the operation of a CMV, regardless of frequency of CMV operation or job title ("applicant"), with the exception established by 49 CFR Part 382 for firefighters or other persons who operate commercial motor vehicles which are necessary for the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulation. [Exception is per 49 CFR Part 382, Section 382.103(d)(3)(ii).]

- A pre-employment-controlled substance test conducted under this policy also satisfies an applicant's pre-employment drug testing requirement under PRS.02.04. All other requirements in this policy are in addition to other policies regarding similar subjects. The City's commercial drivers and applicants remain subject to all other requirements and policies applicable to the position held or sought, including training; licensure; fitness for duty; reporting of incidents, accidents, citations or charges; and non-DOT alcohol or controlled substance testing.

Procedures.

I. Program Manager and Designated Employer Representatives.

- A. The City Administrator is the program manager for the City's Commercial Driver Alcohol and Drug Testing Program and is the primary designated employer representative (DER). The DER is authorized to:
1. take immediate action(s) to remove employees from DOT safety-sensitive functions (e.g., driving or being required to be ready to drive a CMV);
 2. make required decisions in the alcohol/drug testing and evaluation processes for the City's commercial drivers;
 3. receive test results and other communications regarding the City's commercial drivers, consistent with the requirements of this policy; and
 4. answer commercial drivers' questions regarding this policy and any related training materials.
- B. To ensure adequate coverage, the City Secretary is designated as the secondary DER and has the same authority as the primary DER.

II. Commercial Driver Applicant Qualifications.

The following procedures apply to internal and external applicants who have a current valid CDL and are applying for a position in which they would drive a CMV, regardless of the title of the position vacancy.

- A. During the interview process, an applicant with a CDL will be asked whether he has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the applicant admits that he had a positive test or a refusal to test, the applicant will be required to provide documentation of successful completion of the return to duty process in accordance DOT agency drug and alcohol regulations prior to further consideration for hire. [Reference 49 CFR.40.25(j)]

- B. The City must conduct a pre-employment query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. [Reference 49 CFR, 382.701 and 382.703.]
1. The applicant may grant consent as follows:
 - a. electronic consent through the Clearinghouse for a full query that would provide access to all information described in 49 CFR.382.701(a) (e.g., positive tests, refusals to test); or
 - b. written or electronic consent for only a limited query that would advise the City if there is information about the driver in the Clearinghouse.

If a limited query shows that information exists in the Clearinghouse about the applicant, the applicant must then submit electronic consent through the clearinghouse granting the City full access. The City must conduct a full query within 24 hours of the limited query or not allow the applicant to perform any DOT safety-sensitive functions until the full query is conducted and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined in 49 CFR 382.701(d).

2. If the selected applicant refuses to grant the required consent, the selected applicant will no longer be considered for hire.

Note: 49 CFR, 382.723(b). The City's use of information received from the Clearinghouse is limited to determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a CMV. The City must not divulge or permit any unauthorized person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a CMV.

- C. An applicant selected for hire in 2021 and 2022 must complete a CMV Drivers Release of Information for Prior Alcohol/Drug Testing History, PERS 10.02-A, for each previous DOT-regulated employer in the preceding three (3) years. If feasible, the process of obtaining the required information from previous employers via the PERS 10.02-A form is to be completed before the applicant is allowed to perform DOT safety-sensitive functions. If obtaining the information prior to the performance of DOT safety-sensitive functions is not feasible, the applicant may be allowed to perform such functions while the information is being obtained after hire; however, the applicant may not continue performing such function for more than 30 days after hire unless a good faith effort to obtain the required information has been made and documented. [Reference 49 CFR.40.25 (a)-(i)]

The PERS 10.02-A form authorizes the previous employer(s) to disclose:

1. any alcohol tests with a result of .04 alcohol concentration or higher;
2. verified confirmed positive drug tests;

3. refusals to be tested (including verified adulterated or substituted drug test results);
4. other violations of DOT agency drug and alcohol testing regulations; and
5. with respect to any applicant who violated a DOT drug and alcohol regulation, documentation of successful completion of DOT return-to-duty requirements (including follow-up tests).

Note: Commercial driver applicants selected for hire after 2022 will not be required to complete the PERS 10.02-A because the City will then only be required to query the FMCSA database for the applicant's drug and alcohol testing records.

- D. A selected applicant must submit to a pre-employment controlled substance test and have a negative result before actually performing any DOT safety-sensitive function for the first time. [Reference 49 CFR, 382.301]

If a pre-employment controlled substance test is positive, the City will not hire the applicant. The City will provide the applicant with a listing of Substance Abuse Professionals (SAPs) readily available to the employee acceptable to the City. The applicant may reapply for a position requiring a CDL only after:

1. being evaluated by a Substance Abuse Professional (SAP); and
2. complying with any treatment recommendations determined by the SAP.

Note: The PD-2.04 provision that an applicant who fails to have a pre-employment drug test will not be considered for any position with the City position for one year following the test date will also be enforced.

III. Qualifications for Current Employees.

- A. If an employee obtains his CDL after hire and becomes a commercial driver for the City, the employee will be required to comply with the provisions in paragraph II.D before performing DOT safety-sensitive functions. If the employee fails to have a negative "pre-employment" controlled substance test, the employee will be subject to immediate disciplinary termination.
- B. The City is required to conduct a query of the Clearinghouse at least once per year for information for all commercial drivers to determine whether information exists in the Clearinghouse about those employees. The procedures in Section II.B relating to full or limited consent will be followed. If an employee refuses to grant the necessary consent for the query, the employee will not be allowed to continue performing DOT safety-sensitive functions and may be administratively separated from employment if the performance of such functions is a requirement for his position. [Reference 49 CFR.382.701(b)]

IV. Commercial Driver General Requirements/Restrictions.

- A. A commercial driver must have a currently valid CDL and must have the CDL in his possession while performing DOT safety-sensitive functions.
- B. If a commercial driver receives a notice that his CDL has been suspended or his privilege to operate a CMV has been revoked, the driver must:
 - 1. not operate a CMV for the City; and
 - 2. notify his supervisor of the contents of the notice before the end of the first business day after the date the person receives the notice.
- C. A commercial driver must not drive a CMV if he is unable to do so safely. A commercial driver must immediately notify his supervisor in writing if at any time the driver is experiencing a medical or physical problem that has the potential to interfere with the driver's ability to perform normal tasks associated with operating a CMV.
- D. A commercial driver will be immediately removed from duty and is subject to termination upon any of the following:
 - 1. consumption of alcohol while on duty;
 - 2. consumption of alcohol within four hours prior to reporting for duty involving a DOT safety sensitive function;
 - 3. consumption of alcohol within eight hours after a work-related accident involving a CMV or prior to undergoing a post-accident alcohol test, whichever occurs first;
 - 4. reporting for duty or remaining on duty while having an alcohol concentration of 0.04 or greater;
 - 5. reporting for duty or remaining on duty when the driver uses any controlled substance, except when the use is at the instruction of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV;
 - 6. refusing to submit to a required alcohol or drug test;
 - 7. adulterating or substituting a urine specimen; or
 - 8. having a positive alcohol test result (0.04 or higher) or a verified confirmed positive drug test result.
- E. In addition to the prohibited behavior identified in paragraph IV.D above, section 522.101 of the Texas Transportation Code prohibits a commercial driver from driving a CMV while having a measurable or detectable amount of alcohol in the driver's system. If an alcohol test reveals a measurable alcohol concentration of less than 0.04, the driver will be:

1. immediately removed from duty for a minimum of 24 hours following administration of the alcohol test; and
 2. subjected to disciplinary action if he drove a CMV during the shift in which the alcohol test was performed.
- F. A commercial driver is required to submit to alcohol and controlled substance testing on the following bases:
1. random;
 2. reasonable suspicion;
 3. post-accident;
 4. return to duty; and
 5. follow-up testing.
- G. For hiring decisions and disciplinary purposes, refusal to submit to alcohol or controlled substance testing under this policy is treated as a failure to have a negative test result. Conduct which constitutes a refusal to test is summarized in Section VI.I of this policy.
- H. A commercial driver must immediately notify his supervisor of any accident involving a CMV. In addition, the commercial driver must:
1. refrain from consuming any alcohol for a period of eight hours after the accident, or until completion of a post-accident alcohol test, whichever occurs first; and
 2. remain readily available for post-accident testing for 32 hours after the accident. A driver's failure to remain readily available is a refusal to test. However, the requirement to remain readily available does not:
 - a. require the driver to delay necessary medical attention for injuries; or
 - b. prohibit the driver from leaving the scene of an accident for the period necessary to obtain assistance or necessary emergency medical care.
- I. If an employee violates a DOT drug and alcohol regulation, the City will provide the employee a listing of SAPs readily available to the employee and acceptable to the City, with names, addresses and telephone numbers. The list may be provided through the City's contracted vendor for alcohol/drug testing.

The City is not required to provide an SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation. However, if the City offers that employee an opportunity to return to a DOT safety-sensitive duty following a violation, the City must, before the employee again performs that duty, ensure that the employee receives an evaluation by a qualified SAP and that the employee successfully complies with the SAP's evaluation recommendations.

V. Supervisor's General Responsibilities.

This section provides a brief summary of the responsibilities of supervisors of commercial drivers. Additional details and guidance for administering these requirements are provided later in this policy.

- A. A supervisor who has actual knowledge of prohibited behavior by a commercial driver must immediately remove the commercial driver from duty and notify the DER.
- B. "Actual knowledge" means:
 - 1. direct observation of alcohol or controlled substance use;
 - 2. notification of a driver's receipt of a traffic citation for driving a CMV while under the influence of alcohol or controlled substances;
 - 3. a driver's admission of alcohol or controlled substance use; or
 - 4. notification of a verified confirmed positive alcohol/drug test result.
- C. If a supervisor has reason to believe that a driver is experiencing a medical or physical problem that has the potential to interfere with the driver's ability to perform normal tasks associated with operating a CMV, the supervisor must immediately contact the DER and must not allow the driver to operate a CMV for the City.

VI. Commercial Drivers' Alcohol/Drug Testing Program.**A. General Provisions.**

- 1. When commercial drivers abuse alcohol or drugs, they risk their own life and the lives of other City employees, and the public.
 - a. Commercial drivers who are in need of professional help are encouraged to voluntarily notify their supervisors before their job performance is adversely affected. The City will assist the employee by identifying a substance abuse professional through the City's employee assistance program that the employee may choose to use at his expense.
 - b. A commercial driver's admission of a violation of this policy will result in removal from duty involving DOT safety-sensitive functions, and may result in administrative separation if driving a CMV is an essential function of the employee's position.
 - c. Self-reporting *after* being notified of a required test will not release a driver from his responsibility for taking the test. In addition, the driver will be subject to immediate disciplinary termination if the driver fails to have a negative test result.

2. All alcohol/drug tests required of applicants or employees will be performed by a City-contracted vendor pursuant to the test collection, analysis procedures, and standards for alcohol and controlled substance testing as set forth in 49 CFR, Parts 40 and 382.
3. Before each alcohol or controlled substance test under this policy, the supervisor (or hiring authority, for pre-employment testing) must provide the employee or applicant being tested a completed **Commercial Driver Alcohol/Drug Testing Notification form, PERS 10.02-B**, indicating that the testing is required by Federal Motor Carrier Safety Administration regulations in 49 CFR Part 382.
4. A commercial driver may not drive to or from the collection site for reasonable suspicion or post-accident testing. Transportation to the collection site and to the employee's home (or other suitable lodging) following the testing is to be provided or arranged by the employee's supervisor.
5. An employee will report the testing and related travel time as time worked if:
 - a. the employee is a commercial driver submitting to an alcohol/drug test other than a return-to-duty or follow-up test; or
 - b. the employee is transporting a commercial driver to a testing site for a reasonable suspicion or post-accident alcohol/drug test.
6. Alcohol and drug test results are confidential. The City must not release the results to an outside party without the employee's specific written consent, except in connection with legal or administrative proceedings relating to the information (e.g., lawsuit, unemployment compensation hearing, disciplinary or grievance process). All alcohol and drug test results obtained under this policy must be provided to the City Secretary for placement in the employee's confidential personnel file, and a copy is to be provided to the DER.

B. Reporting to Texas Department of Public Safety (DPS).

As required by state law, the DER will notify the Texas Department of Public Safety (DPS) in accordance with DPS guidelines whenever an applicant or a commercial driver has a positive alcohol test with an alcohol concentration of 0.04 or higher, has a verified confirmed positive drug test, refuses to test, or tampers with his/her urine specimen. **[Reference: Texas Transportation Code, §644.252; 37 TAC §4.21]**

Note: The DER submits this report to DPS within 10 days of receiving notice of such conduct by mailing or faxing a copy of DPS Form MCS-19 (for alcohol testing) or DPS Form MCS-20 (for drug testing.)

C. Reporting to the Clearinghouse.

The City is required to report the certain information about a commercial driver to the Clearinghouse by the close of the third business day following the date on which the City obtained the information. Such information includes an alcohol confirmation test result with an alcohol concentration of 0.04 or greater, a refusal to test, actual knowledge of on-duty alcohol use, and other information as required by 49 CFR.382.705(b).

D. Reasonable Suspicion Alcohol/Drug Testing.

A commercial driver must submit to a reasonable suspicion alcohol or drug test when a trained supervisor has reasonable suspicion to believe that the driver is under the influence of alcohol or drugs while on duty, or has otherwise violated the provisions of this policy concerning alcohol or drug use.

1. Reasonable suspicion determinations under this policy must be:
 - a. made only by a supervisor who has been trained in accordance with 49 CFR §382.603; and
 - b. approved by the DER prior to the test.
2. Reasonable suspicion testing must not be based on hunches, guesses, complaints from other persons, or phone tips. Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the withdrawal effects from the chronic use of controlled substances.
3. Reasonable suspicion testing for alcohol use in violation of this policy may only be required on the basis of observations made during, just preceding, or just after the performance of DOT safety-sensitive functions.
4. A trained supervisor who concludes that a driver's appearance, behavior, speech or body odors rise to reasonable suspicion of alcohol or drug use in violation of this policy must immediately:
 - a. confront the driver;
 - b. keep the driver under direct observation;
 - c. contact the DER to discuss the specific observations upon which the conclusion is based, and obtain the DER's verbal or written approval to go forward with reasonable suspicion testing;
 - d. document the specific observations on the Reasonable Suspicion Alcohol/Drug Testing Decision Form for Commercial Drivers, PERS 10.02-C, as soon as possible; and

- e. submit the original PERS10.02-C form to the DER with a copy to the City Secretary for maintenance in the employee's confidential personnel file (even if testing is not performed).
5. Reasonable suspicion testing must correspond to the specific nature of the suspicion. For example, reasonable suspicion of alcohol misuse does not justify drug testing. However, in some instances, a driver's appearance, behavior, speech or body odor may result in reasonable suspicion of both alcohol and drugs, in which case both types of testing may be required.
6. If the DER agrees that the observations warrant reasonable suspicion testing:
 - a. the driver is to be immediately informed, via a completed **PERS 10.02-B** form, that alcohol or drug testing (or both) is being required, and that refusal will result in disqualification from performing any DOT safety-sensitive functions and immediate disciplinary termination; and
 - b. the driver is to be transported to the testing site by the supervisor or DER; and
 - c. under no circumstances may the driver be allowed to resume DOT or City safety-sensitive functions until a negative test result is provided to the DER.
7. If an alcohol test is not administered within two hours following the DER's verbal or written authorization to test, the supervisor must submit to the DER a record stating why the test was not promptly administered.
8. If an alcohol test is not administered within eight hours following the DER's verbal or written authorization to test, all attempts to administer the alcohol test must cease. The supervisor must submit to the DER a record stating the reasons why the test was not administered.

E. Post-Accident Testing.

1. Reasons for Post-Accident Testing.

A post-accident alcohol and drug test will be administered to any commercial driver who is involved in an accident resulting in:

- a. loss of human life; or
- b. the commercial driver's receipt of a citation for a moving traffic violation arising from the accident, if the accident involved:
 - (1) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

- (2) disabling damage to a vehicle requiring the vehicle to be towed from the scene.

2. Supervisor's Responsibilities.

Upon notification that an accident involving a CMV has occurred, the supervisor must:

- a. immediately contact the DER by phone;
- b. document when he spoke to the DER;
- c. complete the Post-Accident Alcohol/Drug Testing Decision Form for Commercial Drivers, **PERS 10.02-D**, as soon as possible after contacting the DER; and
- d. if testing is required, provide the employee a completed **PERS 10.02-B** form and arrange for the employee to be transported to and from the testing facility.

3. Timeframes for Conducting Post-Accident Alcohol/Drug Tests.

a. Alcohol Tests.

A post-accident alcohol test should be administered as soon as practicable following the accident.

- (1) If the test is not administered within two (2) hours after the accident, the DER must prepare and maintain a record stating the reasons the test was not promptly administered.
- (2) If a post-accident alcohol test is not administered within eight (8) hours following the accident, attempts to administer the alcohol test must cease. The DER must prepare and maintain a record stating why the test was not conducted. The record will be submitted to the FMCSA upon request.

b. Drug Tests.

- (1) Post-accident drug testing should be administered as soon as practicable following the accident.
- (2) If the test is not administered within 32 hours following the accident, attempts to administer the drug test must cease. The DER must prepare and maintain a record stating the reasons the test was not promptly administered. The record will be submitted to the FMCSA upon request.

4. Duty Status Pending Drug Test Results.

If a commercial driver is administered a post-accident alcohol and drug test, the driver will not be removed from duty pending the test results unless the testing is also based on reasonable suspicion of alcohol or drug use. The mere fact that there has been an accident is not a sufficient basis for reasonable suspicion testing.

5. Tests Conducted by Independent Authorities.

The results of post-accident alcohol or drug testing conducted by federal, state, or local officials with independent authority for the test(s) (e.g., a test conducted by a law enforcement officer) will be considered to meet the post-accident testing requirements of this policy if:

- a. the testing conforms to the applicable federal, state, or local alcohol or drug testing requirements; and
- b. the federal, state, or local authority provides the results of the testing to the City.

F. **Random Testing.**

1. The DER is responsible for ensuring the following:

- a. the minimum annual percentage rate for random alcohol testing is 10% of the average number of commercial driver positions;
- b. the minimum annual percentage rate for random drug testing is 50% of the average number of commercial driver positions;
- c. the selection of drivers for random alcohol and drug testing is made by a scientifically valid method;

Note: A scientifically valid method includes use of a random-number table or a computer-based random number generator that is traceable to a specific employee. It does not include selecting numbers from a hat or a similar practice.

- d. each commercial driver selected for random testing under the selection process used has an equal chance of being tested each time selections are made;
- e. each driver selected for testing is tested during the selection period;
- f. random alcohol and drug tests are unannounced;

- g. the dates for random testing are reasonably spread throughout a calendar year; and
 - h. a driver is only randomly tested for alcohol while the driver is performing DOT safety-sensitive functions, just before the driver is to perform DOT safety-sensitive functions, or just after the driver has ceased performing such functions.
2. When a commercial driver is notified that he has been selected for random testing, the driver is to be provided a completed PERS 10.02-B form and must:
- a. immediately go to the testing site; or
 - b. if the driver is currently performing a DOT safety-sensitive function from which the driver cannot be relieved, go to the testing site as soon as possible after ceasing to perform the DOT safety-sensitive function.

G. Return-to-Duty Alcohol/Drug Testing.

Return-to-duty alcohol/drug testing only applies to an employee who the City is providing an opportunity to return to a DOT safety-sensitive duty following a self-identification as having an alcohol/drug abuse problem or after violating a DOT drug and alcohol regulation after the employee has been evaluated by a qualified SAP and complied with the SAP's evaluation recommendations.

1. When the DER is notified that the SAP is preparing a return-to-duty letter, the DER will provide the driver with a completed PERS 10.02-B form and schedule a return-to-duty alcohol and/or drug test. The test will be at the driver's own expense as a condition of returning to duty.
- a. A driver who is subject to a return-to-duty alcohol test is required to have an alcohol tests result with an alcohol concentration of less than 0.02.
 - b. If the driver is subject to a return-to-duty drug test, the driver must have a negative drug test result.
2. Once the DER receives the return-to-duty test results and determines that the driver is eligible to return to work, the DER will notify the City Secretary that the employee is eligible to return to work and provide the return-to-duty letter from the SAP to the City Secretary. The City Secretary will:
- a. provide the employee with the return-to-duty letter; and
 - b. maintain a copy of the return-to-duty letter only if the employee is required to successfully complete recommended out-patient or aftercare treatment after returning to duty. Upon notification by the DER that the employee has successfully completed the substance abuse

treatment program, the City Secretary will shred the copy of the return-to-duty letter. (The DER will maintain a copy with the CDL Alcohol/Drug Testing Program records.)

H. Follow-up Alcohol/Drug Testing.

1. A commercial driver who is required to pass a return-to-duty test will also be subject to unannounced follow-up alcohol and/or drug testing as required by the SAP. A completed PERS 10.02-B form is to be provided to the driver prior to each test.
 - a. Follow-up alcohol/drug tests will be conducted at the driver's own expense.
 - b. At a minimum, the SAP will require at least six follow-up tests to be conducted in the first 12 months following the driver's return to duty. Other required testing, such as random testing, may not be counted toward the follow-up testing requirements.
 - c. The SAP will determine the remaining number of tests to be conducted for a period of up to 60 months following the driver's return to duty.
2. Supervisors are prohibited from disclosing follow-up alcohol/drug testing dates to a commercial driver prior to the day of the test.

I. Failure to Have a Negative Test Result.

Failure to have a negative alcohol or drug test result may be due to a refusal to test, specimen tampering, or a verified confirmed positive alcohol or drug test result.

1. Refusal to Test.

An applicant or commercial driver will be considered as refusing to test if he:

- a. fails to arrive at the collection site on time (except for a pre-employment test);
- b. fails to remain at the test facility until the testing process is complete (except for an applicant who leaves the testing site before the testing process commences);
- c. fails to provide a urine specimen;
- d. in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the applicant's/driver's provision of a specimen;

- e. fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- f. fails or declines to take an additional drug test the collector has directed the applicant/driver to take;
- g. fails to undergo a medical examination or evaluation as directed by the Medical Review Officer (MRO) or DER;
- h. fails to cooperate with any part of the collection process (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process) or fails to follow the observer's instructions;
- i. possesses or wears a prosthetic or other device that could be used to interfere with the collection process;
- j. admits to having adulterated or substituted the urine specimen; or
- k. is reported by the MRO as having a verified adulterated or substituted test result.

2. Specimen Tampering.

The collector will determine whether there is evidence of specimen tampering and will immediately notify the DER of any evidence.

3. Inability to Provide an Adequate Amount of Breath or Urine.

a. Drug Tests.

- (1) If an applicant/commercial driver is unable to provide at least 45 milliliters of urine, the applicant/driver will be required to remain in the testing area under supervision for up to three hours or until the time limit for testing expires, whichever is less. The applicant will be directed to drink up to 40 ounces of fluid and then attempt to provide an adequate urine specimen. If the applicant/driver is still unable to provide an adequate specimen, testing will be discontinued.
- (2) If the applicant/driver refuses to make the attempt or attempts but fails to provide an adequate amount of urine, the collector will immediately inform the DER and MRO.
- (3) After consultation with the MRO, the DER will direct the applicant or commercial driver to obtain a medical examination

within five days after being notified by the DER of the need for a medical examination.

- (4) The medical examination must be performed by a physician with expertise in the medical issues given by the applicant/driver for being unable to provide a sufficient test specimen. The physician conducting the medical examination must be acceptable to the MRO. The MRO may serve as the examining physician if the MRO has the required expertise.
- (5) The physician will report the results of the evaluation to the MRO, and the MRO must then follow the procedures in 49 CFR §40.193 (and 49 CFR §40.195, where applicable). At the end of the process, the MRO will report the result to the DER, who will then direct appropriate action on the basis of the results.

b. Alcohol Tests.

- (1) If a commercial driver is unable to provide an adequate amount of breath after several attempts, the testing will be stopped. The driver will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample.
- (2) If the driver refuses to make the attempt or attempts but fails to provide an adequate amount of breath, the breath alcohol technician (BAT) will immediately inform the DER. Refusal to make the attempt will be regarded as a refusal to test. If the driver has attempted but failed to provide an adequate amount of breath for testing, the DER will then follow the procedure for requiring a medical examination pursuant to 49 CFR §40.265.
- (3) If the physician determines that a medical condition has, or with a high degree of probability could have, prevented the driver from providing an adequate breath sample, the test is cancelled.
- (4) If the physician determines that there is no legitimate medical explanation for the failure to provide an adequate breath sample, the failure to provide an adequate breath sample is treated as a refusal to test.

J. **Alcohol/Drug Testing Processes.**

Upon arrival at the collection site, the applicant or commercial driver will be required to provide photo identification or be identified by the DER. The applicant or driver may request the individual conducting the test to provide identification to the applicant or driver.

1. Alcohol Test.

All breath tests are conducted by a Screening Test Technician (STT) or a BAT. The tests will be conducted in a manner to ensure the validity of the testing as well as provide confidentiality of the test results.

- a. At the start of the test, an STT or a BAT, using only a DOT-approved device, will:
 - (1) establish a private testing area to prevent unauthorized people from hearing or seeing the test result;
 - (2) require the driver to sign the Alcohol Testing Form (ATF); and
 - (3) perform a screening test and show the driver the test result.
- b. If the result is an alcohol concentration of less than 0.02, no further testing is authorized. The technician will document the result on the ATF, and provide the driver and DER a copy.
- c. If the screening test result is 0.02 or greater, the driver will be required to take a confirmation test, which can only be administered by a BAT using an Evidential Breath Testing device. The BAT will:
 - (1) wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test (during this time the driver will be instructed by the BAT not to eat, drink, smoke, belch, put anything in his/her mouth or leave the testing area);
 - (2) perform an "air blank" (which must read 0.00) on the testing device to ensure that there is no residual alcohol in the device or in the air around it;
 - (3) perform a confirmation test using a new mouthpiece;
 - (4) display the test result to the driver on the testing device and on the printout from the EBT;
 - (5) document the confirmation test result on the ATF, and provide a copy to the driver and the DER; and
 - (6) report any result of 0.02 or greater immediately to the DER.

2. Drug Test.

Drug tests will screen for marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

- a. During the collection process, a urine specimen collector will create a secure collection site by:
- (1) restricting access to the site to only those being tested;
 - (2) securing all water sources and placing blue dye in any standing water;
 - (3) removing or securing all cleaning products/fluids at the collection site;
 - (4) affording the applicant/driver privacy to provide a urine specimen, unless he/she is required to submit a urine specimen under direct observation as described in paragraph 2 below;
 - (5) asking the applicant/driver to remove any unnecessary garments and empty his pockets (with the exception of his wallet);
 - (6) instructing the applicant/driver to wash and dry his hands;
 - (7) selecting or having the applicant/driver select a sealed collection kit, and opening the kit in his presence.
 - (8) requesting the applicant/driver to provide a specimen of his urine into a collection container;
 - (9) checking the temperature and color of the urine;
 - (10) pouring the urine into two separate bottles in the applicant's/driver's presence, sealing them with tamper-evident tape, and then asking the applicant/driver to sign the seals after they have been placed on the bottles; and
 - (11) asking the applicant/driver to complete and initial or sign the Federal Drug Testing Custody and Control Form provided by the collector, which will include daytime and evening phone numbers so the MRO may contact the applicant/driver if there are any questions about the test.
- b. The applicant/driver will be allowed to produce the urine specimen in private, unless the specimen must be collected under direct observation of a same-gender observer because one of the following occurs:
- (1) the driver is being required to submit to a return-to-duty or follow-up test;
 - (2) the collector determines that the observes the applicant/driver has brought materials to the collection site that could be used to tamper with a urine specimen with the intent to alter the specimen;

- (3) the conduct of the applicant/driver clearly indicates an attempt to tamper with the specimen;
- (4) the collector determines that the first provided urine specimen is outside the normal temperature range (32°-38°C/90°-100°F); or
- (5) the collector's inspection of the first provided specimen indicates that the applicant/driver apparently tampered with the specimen (unusual color or odor, presence of foreign objects or material, or other signs of tampering).

3. MRO Review of Drug Test Results.

- a. Prior to notifying the DER that a drug test has been verified as positive or as a refusal to test because of adulteration or substitution, the MRO will attempt to contact the applicant or commercial driver to determine if there is a legitimate medical reason for the result.
- b. In the following circumstances, the MRO may advise the DER of a verified confirmed positive drug test result without communicating directly with the applicant/driver regarding the test results:
 - (1) the applicant/driver expressly declines the opportunity to discuss the test results with the MRO;
 - (2) the DER has successfully made and documented a contact with the applicant/driver (i.e., actually talked to him) and instructed him to contact the MRO and more than 72 hours have passed since the time the DER contacted the applicant/driver; or
 - (3) neither the MRO nor the DER, after making and documenting all reasonable efforts, has been able to contact the applicant/within 10 days after the date on which the MRO received the confirmed test result.
- c. If the MRO has verified a drug test as positive without communicating directly with the applicant/driver, the applicant/driver has 60 days from the date of verification in which to present information to the MRO documenting any circumstances that unavoidably prevented the applicant/driver from contacting the MRO or DER in the time provided. On the basis of such information, the MRO may re-open the verification and allow the applicant/driver to present information concerning whether there is a legitimate medical explanation of the confirmed test result. If the MRO determines there is a legitimate medical explanation for the presence of drugs, the MRO will report the test result to the DER as negative.

4. Requesting a Re-test.
 - a. If an applicant or commercial driver has a verified confirmed positive drug test and/or refusal to test because of adulteration or substitution, he may request a re-test of the specimen. The applicant/driver has 72 hours from the time he was notified of the test result to request the re-test. The request may be verbal or in writing and must be made to the MRO.
 - b. If the applicant/driver has not requested a re-test within 72 hours of the notification, he may present information to the MRO documenting any circumstances that unavoidably prevented the applicant/driver from making a timely request.
 - c. The applicant/driver is responsible for paying the cost of the re-test. The DER will request the applicant/driver to submit a certified check or money order to the DER within 24 hours of contact by the MRO. The laboratory will retest the original specimen in a timely manner even if the applicant/commercial driver does not remit the payment as requested.
 - d. The MRO will request in writing that the laboratory send the secondary specimen to a different certified laboratory for testing.

VII. **Education and Training.** [Reference 49 CFR, 382.601 and 382.603]

The City will use resources provided by the City's Employee Assistance Program (EAP) or the Texas Municipal League Insurance Risk Pool (e.g., training videos) to help meet education and training requirements.

A. Commercial Driver Education.

A commercial driver must participate in a commercial driver education program within the first 30 days of employment as a commercial driver.

1. The program will include training regarding:
 - a. the effects and consequences of alcohol and drug use on personal health, safety, and work environment;
 - b. indicators of alcohol abuse and drug use;
 - c. the City's alcohol and drug testing program; and
 - d. the availability of the City's Employee Assistance Program (EAP).
2. Upon completion of the commercial driver education program, the driver will be required to sign a Commercial Driver Certification of Receipt - Alcohol and Drug Testing Information, PERS 10.02-E, acknowledging receipt of this information. The original signed form will be maintained by the primary DER, and a copy will

be provided to the City Secretary for maintenance in the commercial driver's personnel file.

B. Supervisory Training.

1. A supervisor of a commercial driver must complete at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use. Recurrent training is not required.
2. The training will be used by supervisors to determine whether reasonable suspicion exists to require a driver to undergo reasonable suspicion alcohol/drug testing. The training will also include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.
3. If the supervisor is also a commercial driver who has not previously participated in the commercial driver education program, the supervisor must participate in the commercial driver education program within 30 days of employment in the supervisory position.

VII. **Record Retention.**

Records regarding the City's alcohol misuse and controlled substance use prevention program will be kept in a secure location with controlled access. Records are to be retained in accordance with the retention schedules in 49 CFR §382.401.

Forms:

PERS 10.02-A, CMV Drivers Release of Information for Prior Alcohol/Drug Testing History
PERS 10.02-B, Commercial Driver Alcohol/Drug Testing Notification form
PERS 10.02-C, Reasonable Suspicion Alcohol/Drug Testing Decision Form for Commercial Drivers
PERS 10.02-D, Post-Accident Alcohol/Drug Testing Decision Form for Commercial Drivers
PERS 10.02-E, Commercial Driver Certification of Receipt - Alcohol and Drug Testing Information

City of Crockett

Personnel Policy and Procedure Manual

PD-10.03

Item 7.

Chapter: City Property/Vehicles
Policy: Use of City Property

Effective Date: mm/dd/yyyy
Page 1 of 1
New

Policy.

City of Crockett (City) employees are responsible for the proper use and care of property that the City formally issues to them as well as for property otherwise in their possession or control or used by them in the performance of their duties.

Additional Resources.

Employee Handbook (Appendix B to Personnel Manual):

- Section IV – Information Technology Resources
- Employee General Rules of Conduct.
 - 2.13. Exercise care when handling or using City property.
 - 2.18. Do not steal or damage City property or the property of others.
 - 3.01. Use City time, property, facilities, and equipment for official business only.

PD-2.05, Dress Standards (relating to uniforms issued to employees).

PD-10.01, Use of City Motorized Equipment and Vehicles.

General Provisions.

- I. City property includes but is not limited to various information technology equipment, safety equipment, tools, credit cards, keys, records, and manuals.
- II. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of City property and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items.
- III. Except in rare, unique circumstances requiring urgent action, City property should only be used by employees to whom the property was assigned or who have received prior supervisory authorization to use the property.
- IV. Upon becoming aware of any loss, damage to, or unserviceable condition of any City property or equipment, a City employee must report the circumstances to his supervisor or designee as soon as practicable to do so and no later than by the end of the workday in which the situation occurred.
- V. No employee may attempt to repair damaged or unserviceable property without prior authorization from his supervisor.
- VI. No employee may throw away, sell, trade, donate, destroy, or otherwise dispose of City property without prior authorization from the appropriate administrator or his designee.

City of Crockett

Personnel Policy and Procedure Manual

PD 11.01

Item 7.

Chapter: Employee Awards
Policy: Employee Service and Recognition Awards

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) recognizes an employee's service with the City and outstanding achievements through the granting of employee awards.

Procedures.

- I. Employee Service Awards.
 - A. The City will issue service awards for employees who complete 5, 10, 15, 20, 25, 30, 35, or 40 years of service with the City and upon retirement from the City.
 - B. The appropriate administrator, in consultation with the City Secretary, will determine the types of service awards issued.

- II. Employee of the Year Award.

Each December, administrators may grant employee of the year awards based on a vote of co-workers. Such awards may be granted for different areas of operations. The administrator, in consultation with the City Secretary, will determine the award to be presented to selected employees.

- III. Employee Recognition Awards.

- A. An administrator may acknowledge employees for their consistent outstanding service or notable one-time professional achievements or special assignments by granting employee recognition awards.
 - 1. The administrator must ensure that a recognition award reinforces positive employee actions that reflect the City's mission and goals.
 - 2. To help ensure that employee recognition awards for consistent outstanding service are granted in a fair and impartial manner, an employee must meet the following criteria for such an award:
 - a. worked for the City for at least 12 months;
 - b. received a minimum rating reflecting an outstanding performance in all areas evaluated on his current performance evaluation;

- c. has not received a disciplinary action within the prior 12-month period; and
 - d. has not already received an employee recognition award for consistent outstanding service within the current calendar year.
 - 3. The administrator may use discretion in awarding a recognition award for a notable one-time achievement or special assignment. An employee does not need to meet specific criteria for such an award.
- B. An employee recognition award may consist of one or more of the following:
 - 1. a purchased award with a cost of \$100 or less, provided adequate funds are available in the budget; or
 - 2. an 8-hour increment of administrative leave for outstanding performance, with a maximum of 32 hours granted per employee per fiscal year, which must be used within one year after the date it is granted.

Chapter: Employee Awards and Recognition
Policy: Merit Awards

Effective Date: mm/dd/yyyy
Page 1 of 2
New

Policy.

The City of Crockett (City) may, in accordance with the provisions of this policy, award a merit salary increase or a one-time merit award in recognition of an employee whose job performance and productivity are consistently above what is normally expected or required, as reflected on the employee's current annual performance evaluation. Merit salary increases and one-time merit awards are contingent upon the availability of funds.

Procedures.

I. Eligibility.

An employee must meet the following criteria to be considered for a merit salary increase or one-time merit payment:

- A. Has been employed by the City for at least six (6) continuous months since most recent hire date with the City;
- B. Has not received a counseling memo or any disciplinary action within the past six (6) months.
- C. Have a current performance evaluation indicating that the employee's job performance and productivity consistently exceeds standards.

II. Merit Amounts.

- 1. A merit salary increase may be a one-increment or two-increment pay increase based on the applicable salary group for the employee's position. A merit increase must not result in an employee exceeding the maximum salary rate for his current salary group.
- 2. A one-time merit payment:
 - a. may be any dollar amount from \$100 up to 10% of the employee's annual salary, rounded down to the nearest whole dollar (no cents);
 - b. is paid in one lump sum and is not added to the employee's base salary; and
 - c. may be awarded even if the employee is receiving the maximum salary rate for his salary group.

III. Recommendation/Approval Process.

For budgeting purposes, merit salary increases and one-time merits are awarded once a year if funds are available. Each administrator (City Administrator, Police Chief, and Fire Chief) and the City Secretary will discuss funding availability.

- A. Each administrator will discuss merit recommendations with the supervisors in their chain of supervision, and verify employee eligibility with the City Secretary.
- B. Each administrator will have final approval authority for merits awarded to employees in their chain of supervision.

IV. Employee Notification.

Each administrator will determine the method of employee notification of a merit award. Supervisors should not discuss a merit recommendation with an employee until after the recommendation has received final approval and the appropriate administrator has advised the supervisor that he may inform the employee of the merit award.

CITY OF CROCKETT

PERSONNEL

POLICY AND PROCEDURE

MANUAL

APPENDICES

City of Crockett

Personnel Policy and Procedure Manual

Appendix A - Glossary

Effective Date: mm/dd/yyyy

Page 1 of 7

When the following terms are used in the City of Crockett's Personnel Manual, they have the following meanings unless the term is also otherwise defined in the specific policy in which it is used.

Adverse Personnel Action	An unfavorable action affecting only one employee (e.g., denial of a promotion, a job performance evaluation, a disciplinary action, or administrative separation from employment).
Alcohol	The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. Alcohol consumption or use means the drinking or swallowing of any beverage, liquid measure, or preparation (including any medication), containing alcohol.
Breath Alcohol Technician (BAT)	A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.
Collection Site:	A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.
Collector	A person who instructs and assists applicants or employees at a collection site, who receives and makes an initial inspection of the specimen provided, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF).
Commercial Motor Vehicle (CMV)	A vehicle: <ul style="list-style-type: none"> (A) having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; or (B) is designed to carry 16 or more passengers, including the driver; or (C) is of any size and is used to transport hazardous materials which require the vehicle to be placarded under the Hazardous Materials Regulations
Conviction	A conviction is defined as: (1) a judgment or a verdict of guilt, (2) a plea of guilty or nolo contendere (no contest); or (3) a judicial finding of guilt substantiated by the evidence that results in the payment of fines, forfeiture of collateral or bond, restitution, community supervision (probation), confinement, suspended sentence, or any other penalty imposed by a court of law or agreed upon by the accused. <ul style="list-style-type: none"> (A) A conviction for which a pardon or reprieve has been granted for reasons other than proof of innocence is still considered a conviction for purposes of criminal background checks. (B) Disposition of a criminal charge by a pre-trial diversion is not considered a conviction. A pre-trial

	<p>diversion is an agreement between the defendant and the prosecutor, with or without judicial approval, by which a criminal charge is dismissed without an admission of guilt or no contest under an agreement that the charge can be refiled if certain conditions are not met. This is different from deferred adjudication, in which the defendant enters a plea of guilty or no contest, but the court defers further proceedings on the plea pending the completion of conditions imposed by the court.</p>
Daughter	A biological, adopted, or foster child; stepchild; legal ward; or a child for whom an individual is standing or stood in loco parentis.
Deferred Adjudication	A type of court disposition in which the defendant enters a guilty plea but the judge defers the finding of guilt to give the person the opportunity to successfully complete probation terms and have the proceedings dismissed.
Disability	<p>With respect to an individual, a mental or physical impairment that substantially limits at least one major life activity of that individual, a record of such an impairment, or being regarded as having such an impairment.</p> <p>The term does not include:</p> <ul style="list-style-type: none"> (A) a current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance; or (B) a currently communicable disease or infection as defined in Section 81.003, Health and Safety Code, or required to be reported under Section 81.041, Health and Safety Code, that constitutes a direct threat to the health or safety of other persons or that makes the affected person unable to perform the duties of the person's employment.
Disabling Damage	<p>Damage that precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight hours after simple repairs.</p> <p>(A) Disabling damage includes damage to vehicles that could have been operated, but would have caused further damage if so operated.</p> <p>(B) Disabling damage does not include damage that could be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperable.</p>

Discrimination	Unlawful treatment based on race, color, sex (gender), age (40 or above), religion, national origin, disability, or genetic information. Sexual harassment is a form of gender-based discrimination.
Field Employee	The building official, code enforcement official, a firefighter, a maintenance employee, a police officer, and a public works employee. <i>Note: An employee is either a field employee or an office employee.</i>
FLSA Compensatory Time (or Leave)	Leave time credited to an FLSA non-exempt employee for overtime worked at a rate of 1-1/2 hours for each hour worked in lieu of being paid wages for overtime.
Full-Time Employee	An employee who is regularly scheduled to work: (1) more than 30 hours per work period if assigned to a 7-day work period; or (2) more than 60 hours per work period if assigned to a 14-day work period; or (3) more than 120 hours per work period if assigned to a 28-day work period.
In Loco Parentis	A phrase used to identify a relationship in which an adult, in place of a parent, has or had day-to-day responsibilities to care for and financially support a child. A biological or legal relationship is not necessary. A host parent of a foreign exchange student is standing “in loco parentis” for the foreign exchange student.
Marriage	The two types of marriage recognized by the State of Texas are “ceremonial marriage” and “common-law marriage”: (A) “Ceremonial Marriage” is a marriage documented by: (1) a marriage license recorded with a county clerk; and (2) a marriage certificate issued by the county clerk. (B) “Common-Law Marriage” (referred to in Texas Family Code 2.401 as an “informal marriage”) is a marriage that is not necessarily documented through a county clerk but is valid when a man and woman perform all of the following: (1) agree to be married; (2) after the agreement, live together in the State of Texas as husband and wife; and (3) represent to others that they are married.
Medical Certification	A written statement from an attending health care provider identifying the following: (1) the medical fact(s) associated with the injury/illness; (2) the expected duration of the injury/illness; and (3) if the statement is for the care of a family member, the type and duration of assistance required from the employee and projected date that the employee's assistance will no longer be required. <ul style="list-style-type: none"> • A “medical fact” is a description of a condition identifying the cause or nature of the illness or injury (e.g., viral illness, internal bleeding, back pain, upper respiratory infection).

	<ul style="list-style-type: none"> • A procedure identifying the body part (e.g., hysterectomy, appendectomy, or tonsillectomy) is sufficient information to serve as a “medical fact.” • Terms such as “under my care,” “surgery,” or “stress” are not acceptable as medical facts. • A medical fact does not require a diagnosis.
Medical Review Officer (MRO)	A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
Other Compensatory Time (or Leave)	Leave time credited to an employee at a rate of equal time for time worked (i.e., one hour of other compensatory time for one hour worked).
Parent	Includes a biological, adoptive, step, or foster father or mother, or any other individual who is standing or stood in loco parentis. The term does not include a parent “in law.”
Part-Time Employee	An employee who is regularly scheduled to work: (1) fewer than 30 hours per work period if assigned to a 7-day work period; or (2) fewer than 60 hours per work period if assigned to a 14-day work period; or (3) fewer than 120 hours per pay period if assigned to a 28-day work period.
Pending Criminal Charge	A misdemeanor or felony offense for which an arrest has been made or an information or indictment has been filed, but no final judicial determination has been made as to guilt. This does not include a pending charge for a minor traffic violation (e.g., speeding, running stop signs, etc.).
Qualified Individual with a Disability	An individual with a disability: <ul style="list-style-type: none"> • who possesses the requisite skills, experience, education, and other job-related requirements and qualifications for the position held or desired; and • who, with or without reasonable accommodation, can perform the essential functions of the position.
Reasonable Workplace Accommodation	Modifications or adjustments in the workplace: <ul style="list-style-type: none"> • to a job application process that enable an otherwise qualified individual with a disability (see definition) to be considered for the position that the applicant desires; or • to a work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or • that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.
Safety-Sensitive Function	All time from the time a driver begins to perform any functions related to driving a CMV or is required to be in readiness to drive a CMV until

	<p>the time he is relieved from driving a CMV and all responsibility for performing functions related to driving a CMV.</p> <p>Safety sensitive functions shall include time spent: (A) waiting to be dispatched while on City or other public property; (B) inspecting or servicing a commercial vehicle; (C) in a commercial vehicle; (D) loading or unloading a commercial vehicle; and (E) repairing or remaining in attendance upon a disabled commercial vehicle.</p>
Safety-Sensitive Position (City)	A position in which the employee is required to operate or be ready to operate or repair City vehicles, medium- or heavy-duty equipment, or power tools or to handle hazardous materials/chemicals. Note: Not all City safety-sensitive positions meet the requirements for USDOT safety-sensitive positions.
Security-Sensitive Position (City)	A position in which the employee handles payments for water bills or fines, has access to personal information or identifying information of another person, or has access to financial information of another person.
Sexual Harassment	Means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if: (a) submission to the advance, request, or conduct is made a term or condition of an individual’s employment, either explicitly or implicitly; (b) submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual’s employment; (c) the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual’s work performance; or (d) the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
Social Media	Publicly available, internet-based platforms that publish user-generated content. This includes blogs and microblogs (e.g., Pinterest, Twitter, The Daily Beast), wikis, media-sharing sites (e.g., Instagram, YouTube, SlideShare), podcasts, social networking sites (e.g., Facebook, Myspace, LinkedIn), mash-ups, virtual worlds (e.g., gaming programs and sites), and similar application or technologies currently in existence or other platforms that may be developed in the future.
Son	A biological, adopted, or foster child; stepchild; legal ward; or a child for whom an individual is standing or stood in loco parentis.
Spouse	An employee’s husband or wife through a marriage (either ceremonial or common-law marriage).
Strike	A work stoppage by a body of workers to enforce compliance with demands made by the body of workers or the workers’ representatives.
Substance Abuse Professional	An independent provider qualified to evaluate applicants or employees who have violated a DOT drug and alcohol regulation and

	make recommendations concerning the applicant’s or employee’s education, treatment, follow-up testing, and aftercare.
Timekeeper	The City Hall employee designated by the City Secretary to assist with keeping records of time worked by employees and with entering the information into the City’s payroll system.

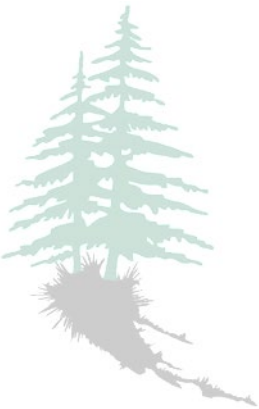
Undue Hardship	Means an action requiring significant difficulty or expense, when considering the following factors: (1) the nature and cost of the accommodation needed; (2) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility; (3) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and (4) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.
Witness	A person who has first-hand knowledge of facts pertinent to one or more alleged violations of employee rules of conduct.
Work Period	The period used for the recording and determination of time worked for purposes of wage calculations. The work period for all City positions starts at 12:00 am on a Thursday and ends on a Wednesday at midnight.



EMPLOYEE HANDBOOK DRAFT

(Appendix B to Personnel Policy and Procedure Manual)

V1.0 (DATE)



www.CrockettTexas.org
200 North Fifth Street
Office (936) 544-5156

City of Crockett – Employee Handbook (DRAFT)

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INTRODUCTION

The City of Crockett (City) Employee’s Handbook is an appendix to the City’s Personnel Manual. The handbook establishes the general rules of conduct for employees, and it is written in a more easily understandable format than the formal personnel policies.

The purpose of this handbook is to help you:

- have an overview of the City’s personnel policies and practices;
- understand your responsibilities as a City employee;
- understand the City’s expectations about your work and personal conduct; and
- be aware of available employment-related benefits and services.

You are responsible for promptly reviewing all the handbook’s contents and referring to it when you have employment-related questions. The information in this handbook is current as of the publication date but is subject to change as laws, regulations, and policies are revised. If there is a discrepancy, the most recent law, regulation, policy or publication prevails.

No handbook or policy manual can address every possible situation. City management may:

- in accordance with generally acceptable management practices, resolve issues not adequately addressed in this handbook or in the employee personnel manual;
- change this handbook or the personnel manual at its discretion; and
- depart from written policy, when necessary, to address a particular situation.

A. **Employment at Will.**

Nothing contained in this handbook should be considered as a contract, promise, or guarantee of continued employment or of any policy or benefit. City employees are “at will” employees. This means that employment is for no definite period and either the City or you may terminate the employment relationship at any time for any reason or no reason without liability.

B. **Personnel Administration Authority and Prompt Attention to Personnel Matters.**

Except for matters set aside by state law or City Ordinance for the City Council or disciplinary termination appeals reviewed by the Disciplinary Termination Review Board per PD.8.03, the appropriate administrator in an employee’s chain of supervision (City Administrator, Fire Chief or Police Chief) is the general and final authority for personnel administration, including resolution of grievances. The City Council does not handle grievances filed by an employee. The appropriate administrator or his designee will strive to provide prompt attention in the handling of all personnel matters. In addition, the City Secretary acts as the human resources manager for all City of Crockett employees.

C. **Employee Standards of Conduct.**

This handbook briefly covers several employment-related topics. All the topics are important, but Section VII, Employee Standards of Conduct and Disciplinary Process, is particularly

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important. Becoming familiar with the employee rules of conduct in this section will help you avoid disciplinary action.

SECTION I. ATTENDANCE AND PUNCTUALITY

Your job is important. Good attendance practices and responsible use of leave are essential requirements for every City position. Good attendance practices include arriving to work on time, working scheduled hours, and staying until the end of the scheduled workday unless you have prior approval to leave early. The City does not tolerate unauthorized absences and abuse of leave benefits. Absences and tardiness have a negative impact on the City's ability to successfully carry out its operations.

How do good attendance practices impact the City's operations? •

When co-workers can count on each other to come to work and not have excessive absences, this helps create a work atmosphere based on respect, trust, good teamwork, and a low employee turnover rate.

How do excessive unplanned absences impact the City's operations?

Co-workers must pick up the slack to continue daily operations. This has a negative impact on morale, could result in overtime hours that strain the City's budget and has a negative impact on the work-life balance for these employees. A poor work-life balance affects the quality of work performed, which has a negative impact on City operations and City residents.

What do I need to do when I realize I will be tardy or absent?

If you are unable to report at the scheduled time, you must take two actions:

- you must give notice to your supervisor or designated contact person by phone call or text at least thirty (30) minutes prior to the start of your workday when a situation, medical condition, or illness that is not an emergency (e.g., cold, stomach virus) causes you to be late or absent (an exception may be allowed when it is obvious you could not be aware of the situation in time to provide a 30-minute notice); and
- you must provide the general reason for the absence.

The purpose of providing at least a 30-minute notice is to allow your supervisor to make any necessary changes to the day's scheduled activities. Although you are not required to provide medical facts to your supervisor or designated contact person, you must provide a general reason for the absence so your supervisor may determine whether the reason for tardiness or absence could potentially qualify for use of sick leave or leave under the Family Medical Leave Act (FMLA). You may be required to provide medical facts to the City Secretary in follow-up conversations or documentation as needed to support entitlement to sick leave and/or FMLA leave.

You are also responsible for informing your supervisor if you need to leave your work site at any time other than your regularly scheduled break period.

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Because absenteeism and tardiness interfere with operations and place hardships on others, a failure to report absences from work in a timely manner, unauthorized absences, or tardiness may result in disciplinary action or discharge. The City considers three (3) consecutive workdays of unauthorized absence as job abandonment.

What is a medical fact?

A medical fact is a description of a condition identifying the cause or nature of the illness or injury (e.g., viral illness, internal bleeding, back pain, upper respiratory infection). A procedure identifying the body part (e.g., hysterectomy, appendectomy, or tonsillectomy) is sufficient information to serve as a “medical fact.” Terms such as “under my care,” “surgery,” or “stress” are not acceptable as medical facts. A medical fact does not require a diagnosis.

When will I need to provide a statement from a health care provider?

You must to provide a health care provider’s statement (also referred to as a medical certification or doctor’s note) if you are absent due to illness or injury for more than three (3) consecutive workdays. There may be other situations when you must provide such a statement, such as suspected abuse of leave benefits. It is important to keep in mind that failure to provide the required health care provider’s statement will result in the time missed being treated as an unauthorized absence.

Remember, your job is important and your co-workers are relying upon you to report to work!

SECTION II. SAFETY AND WORKERS’ COMPENSATION

The City makes every reasonable effort to minimize the risk of accidents and injuries in the workplace. Accidents and injuries cause suffering and financial loss to employees and their families and hinder efforts to provide full services to the City’s residents.

A safe workplace does not happen by itself. Therefore, safety is everyone's responsibility. Your performance evaluation will include an evaluation of your safety performance. Your responsibilities include but are not limited to the following:

- immediately reporting any safety hazard and correcting the hazard when possible;
- performing all duties in a manner to prevent accidents/injuries; and
- completing required documentation within required time frames in the event of an accident/injury while on the job.

What is a safety hazard?

A safety hazard is an unsafe condition, usually physical, that has the potential to cause injury to an employee or resident. Common examples include: a defect in mechanical equipment, spills, frayed electrical cords, improperly stored chemicals and tools, and blocked emergency exits.

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To whom do I report a safety hazard?

You are required to immediately report a safety hazard to your immediate supervisor.

Does the City have workers' compensation insurance?

Yes. The Texas Municipal League Insurance Risk Pool's Workers' Compensation System pays for medical treatment and lost wages if you are injured or become ill as a result of your work. Coverage is provided at no cost and you are not required to sign up for this coverage.

What do I do if I am injured on the job?

If you are injured on the job, you are responsible for:

- seeking any necessary medical assistance and telling the medical provider that the injury was job related;
- immediately telling your supervisor about the injury;
- immediately telling the City Secretary about the injury;
- immediately completing any required documentation; and
- if time off from work is necessary due to an injury, providing any required medical certifications for the administration of leave.

Prompt notice is vital to receipt of benefits! All benefits may be denied if you fail to give notice of injury within 30 days or fail to file a claim within one year, unless you have a good cause for failure to give notice or file a claim.

What do I do if I experience an occupational exposure?

If your eyes, broken skin, and/or the mucous membranes of your nose or mouth come into contact with blood, body fluids, or other potentially infectious material while you are performing your job duties, you must report the incident to your supervisor and the City Secretary, regardless of the level of perceived risk or the perceived status of the source individual. All human blood and certain human body fluids are treated as if infected with HIV, HBV, HCV, and/or other bloodborne pathogens.

- The Centers for Disease Control and Prevention recommends that individuals who have experienced an occupational exposure should obtain testing and seek medical attention as soon as possible. Therefore, the City encourages you to seek medical attention within two hours of an occupational exposure so you can be assessed for the need for post-exposure testing and possible preventative medication. You are allowed time off for such testing and medical attention in the same manner as if you were seeking immediate medical attention for a work-related injury.
- You have the right to file a workers' compensation claim and to be tested for a reportable disease no later than 10 days after an exposure.

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SECTION III. DRUG-FREE WORKPLACE

The City makes a good-faith effort to maintain a drug-free workplace, which is essential for creating a safe work environment for employees.

What does the City do to maintain a drug-free workplace?

- The City implements an alcohol/drug testing program. The program includes: (1) pre-employment drug testing for all positions except for Library positions; (2) random drug testing for positions in safety sensitive positions; and (3) reasonable suspicion alcohol/drug testing for all employees regardless of position held.
- The City prohibits the manufacture, distribution, dispensation, possession, or use of alcoholic beverages, inhalants, controlled substances or narcotics paraphernalia on City premises or while conducting City business off City premises. This prohibition includes prescription drugs unless taken as prescribed by your physician.
- The City requires you to notify your supervisor within two workdays after any arrest, charge, indictment, or conviction under the Texas Controlled Substances Act or any other criminal drug or alcohol statute. Note: This reporting requirement also applies to an arrest, charge, indictment, or conviction (including deferred adjudication) for any other criminal offense.
- Upon receiving notice of a drug or alcohol-related conviction, City management: (1) takes appropriate disciplinary action, up to and including termination; and (2) if the employee is not terminated, requires the employee to satisfactorily participate in and complete a substance abuse rehabilitation program approved by the City.

What if I am taking a prescription drug or over-the-counter medication with side effects that may appear to be a result of substance abuse?

If you are taking a prescription or over-the-counter medication which may impair your mental or physical capabilities, you must notify your supervisor prior to starting work while taking the medication. If your supervisor determines that you cannot safely or effectively perform your job duties while taking the medication, you must use available paid leave or leave without pay.

SECTION IV. INFORMATION TECHNOLOGY RESOURCES

City employees must use professional practices when using the City's information technology resources. All City information technology resources are the property of the City and are provided for conducting City business. With authorization from the appropriate administrator, the City may monitor any City information technology resource to ensure security and appropriate use of City property without notice of times, locations, or durations of monitoring.

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SECTION V. FRAUD, WASTE, OR ABUSE OF CITY RESOURCES OR OTHER ILLEGAL ACTIVITIES

What is fraud?

“Fraud” includes any intentional deception, misrepresentation, or omission of important facts. Fraud, waste, and abuse of City resources can be related to the expenditure of budgeted funds or grant money (e.g., theft, forgery, breach of computer security). Group 3 of the Employee General Rules of Conduct (Conflicts of Interest, Ethics, and Fraud) describes some, but not all, specific acts of fraud.

How do I report a suspected incident of fraud, waste, or abuse of City resources or other illegal activity?

If you become aware of fraud, waste, or abuse of City resources or any other illegal activity, you must immediately notify the appropriate administrator in your line of supervision unless you have clear evidence that the matter has already been reported. If you are fearful of retaliation or believe that the administrator is involved in the fraud, waste, or abuse of City resources or other illegal activity, you are still required to report the suspected incident; however, you may report the incident to the City Secretary, Mayor or anyone in authority to whom you feel comfortable reporting without fear of retaliation.

SECTION VI. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

A. EEO POLICY

The City is an equal opportunity employer and has zero tolerance of discrimination in the workplace. Discrimination is defined as unlawful treatment based on race, color, religion, sex (gender), national origin, age (40 and above), disability, or genetic information. Sexual harassment is a form of gender-based discrimination.

All City employees are responsible for refraining from discrimination or harassment. City managers and supervisors are responsible for basing all employment-related decisions on job-related, nondiscriminatory factors and for complying with all laws applying to the employment relationship. This includes activities relating to recruitment, screening, hiring, training and development, promotion, compensation, benefits, social and recreational programs, termination, reduction in force, and all other conditions and privileges of employment.

What do I do if I believe I have been the subject of employment discrimination?

You should follow the procedures in PD.8.02 relating to the grievance process if you believe that discrimination has adversely affected your employment, assignment, compensation, advancement, career development, or any other condition of employment.

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What about retaliation?

The City does not tolerate retaliation against employees who:

- oppose a discriminatory practice;
- file a complaint; or
- testify, assist, or participate in any manner in an investigation, proceeding, or hearing relating to an allegation of discrimination.

If you believe you have been subjected to retaliation, you should follow the procedures in PD.8.02 relating to grievances.

B. SEXUAL HARASSMENT PREVENTION

As previously stated, sexual harassment is a form of gender-based discrimination. The City strictly prohibits and has zero tolerance for all inappropriate sexual conduct. This prohibition is designed to protect employees from sexual harassment and to provide a safe, professional, and pleasant work environment. This prohibition applies to employees, contractors and contractors' employees, volunteers, delivery persons, vendors, and any other person having contact or doing business with the City.

What is inappropriate sexual conduct?

Inappropriate sexual conduct is conduct of a sexual nature that is debilitating to morale, interferes with job performance, or in any way has a negative impact on a safe, professional, and pleasant work environment. It can occur in many ways, all of which are unacceptable. No employee, male or female, should see or hear unwelcome and unsolicited sexual comments or conduct. This includes verbal, visual, or physical conduct of a sexual nature or unwelcome requests for sexual favors when:

- submission to the conduct or request is a condition of employment;
- rejection of or agreement with the conduct or request is used to make an employment decision; or
- the conduct or request has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

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What are some specific examples of inappropriate sexual conduct?

The following are some examples of inappropriate sexual conduct. Please keep in mind it is not possible to list every action that might be considered inappropriate sexual conduct.

Examples:

- Off-color jokes, sexual horseplay or teasing, sexual innuendo, and other obscene, lewd, or sexually suggestive remarks or gestures;
- Sexually suggestive workstation wallpaper or screen-savers, calendars, posters, T-shirts, cartoons, drawings, or other sexually suggestive displays;
- Touching or threatening to touch another in an unprofessional manner;
- Inquiring about another person's sex life or discussing sexual conduct that is unrelated to work; or
- Using demeaning or inappropriate terms related to gender in reference to another person.

What about complimenting a co-worker or subordinate employee regarding their appearance?

Inappropriate sexual conduct does not include occasional compliments of a socially acceptable nature.

Is inappropriate sexual conduct limited to the immediate work environment?

No. Inappropriate sexual conduct can occur both within and outside the immediate work environment.

What do I do if I believe I have been subjected to inappropriate sexual conduct or have observed another employee being subjected to inappropriate sexual conduct?

If you believe you have been subject to inappropriate sexual conduct, you must report it immediately by providing a completed Employee Grievance Form to the City Secretary per PD.8.02. If you have observed or learn about conduct that may have been inappropriate sexual conduct directed toward another employee, you must promptly provide a written statement describing the inappropriate conduct to your immediate supervisor, appropriate administrator, or the City Secretary.

The City takes all such complaints and reports seriously and will conduct an investigation to gather facts about the alleged occurrence. To the extent possible, the City maintains confidentiality and discloses information only as needed to investigate and resolve the matter or as required by law. You should address the letter of complaint to the Mayor only if you believe that your administrator directly subjected you to inappropriate sexual conduct.

C. AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act (ADA), no qualified individual with a disability may be subjected to discrimination in selection, promotion, discharge, compensation, training, or other terms or conditions of employment based on having a disability or record of a past disability. The law also prohibits treating an individual as disabled through stereotyping or assumptions about physical or mental conditions, real or perceived. The City grants reasonable accommodations for known physical or mental limitations to qualified individuals having a disability to enable the individual to perform the

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desired or current position's essential functions, if the City can provide the accommodation without undue hardship to the City and without a direct threat to health or safety. If you need to request an ADA accommodation, you must inform the City Secretary of your disability and the functional limitations creating a need for an accommodation. The City Secretary and the appropriate administrator review each request for accommodation on a case-by-case basis.

SECTION VII. EMPLOYEE GENERAL RULES OF CONDUCT AND DISCIPLINARY PROCESS

A. DISCUSSION

The purpose of the employee general rules of conduct is to assist you in: (1) becoming familiar with the city's general expectations for employee conduct; and (2) avoiding conduct that could lead to disciplinary action. If you violate a general rule of conduct, you are subject to the city's disciplinary process.

What is a violation?

A violation of a general rule of conduct includes but is not limited to:

- committing or attempting to commit a violation; or
- planning to or conspiring with others to commit or attempt to commit a violation; or
- failing to take action when required.

What types of corrective actions or disciplinary actions does the City use?

It may be appropriate for a supervisor to take corrective action through a written counseling memo to address unacceptable performance or behavior before pursuing disciplinary action. Counseling is not a disciplinary action. However, if a written counseling memo does not result in the necessary change in conduct or is insufficient to address the conduct, the supervisor must proceed with disciplinary action.

Possible disciplinary actions include:

- a reprimand,
- disciplinary probation,
- suspension without pay;
- involuntary demotion,
- and termination.

Although the City's disciplinary process is generally progressive in nature to encourage positive behavioral change and improve employee performance, you are not entitled to counseling or a less severe disciplinary action prior to having a more severe disciplinary action, including termination, imposed. A single infraction may warrant termination based on the nature of the offense or any aggravating circumstance. If there are mitigating circumstances, a lesser disciplinary action may be imposed. Aggravating or mitigating circumstances include things like evidence of willfulness or lack of

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willfulness, environmental factors that may have contributed to your action, and efforts or lack of efforts to help you overcome the problem.

Is the disciplinary process different for newly hired employees with fewer than six months of service?

No. The process is the same. However, your first six months of employment with the City is a probation period. During the probation period, you should gain a better understanding of the City's expectations, the duties of your job, and whether employment with the City is a good fit for you. Similarly, during this probation period, your supervisor will become familiar with your work habits and skills and gain a better understanding of whether you are suited to the position. You should expect and welcome scrutiny of performance and conduct during this probation period but should also expect an intolerance of certain performance or conduct problems (e.g., excessive tardiness, unauthorized absence). Therefore, if you commit a rule violation during the six-month probation period, the imposed disciplinary action might be more severe than what the City would impose for an employee with greater length of service.

Am I entitled to a greater degree of job protection if I commit a rule violation after I have been employed with the City for six months?

Length of service is one of the factors considered when deciding the appropriate disciplinary action. However, just because you have been employed for longer than six months does not entitle you to any greater degree of job protection or lesser degree of scrutiny of performance and conduct. Employment with the City remains "at will" at all times, both during and after the initial six months of employment, meaning that either the City or you can terminate the employment relationship at any time, for any reason or no reason (other than an illegal reason by the employer) without liability.

Am I held to higher standards if I am a supervisor?

Yes. If you are a supervisor, the City's expectation is that you should conduct yourself as a role model for employees; therefore, you may be subject to a more severe penalty for a violation than the penalty imposed upon a non-supervisory employee for the same violation.

Do the employee rules of conduct include every performance expectation?

No. The City cannot describe every conceivable situation in a specific rule. The absence of a specific rule covering any act tending to discredit the City does not mean that the act is condoned, is permissible, or would not call for disciplinary action. In addition to these rules of conduct, the City publishes performance expectations in policies, job descriptions, and other documents. You are responsible for knowing and observing all policies and performance expectations that apply to your position. A violation of a policy or procedure that does not directly correspond with any other general rule of conduct will be considered a violation of Rule 2.02 (Comply with City ordinances, policies, procedures, and guidelines). This rule states that it is your responsibility to know, have a clear understanding of, and comply with all employment-related rules, policies, procedures, and guidelines that apply to your position. Not being aware of a policy or guideline that applies to your position is not a defense to disciplinary action.

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Am I guaranteed continued employment if I comply with the employee general rules of conduct?

The City makes no promise or representation that you are guaranteed continued employment if you comply with these rules. The introduction section of this handbook includes a discussion of the employment-at-will provision.

B. RANGE OF DISCIPLINARY ACTIONS (“GRID”)

Each general rule of conduct is assigned a violation level ranging from 1 to 4. Level 1 violations are the least severe, and level 4 violations are the most severe. The following grid identifies which disciplinary actions are generally appropriate for the corresponding violation level. The following grid identifies which disciplinary actions are generally appropriate for a violation level. Because the grid is not the only factor considered when determining appropriate disciplinary action, an imposed disciplinary action may be more severe than the corresponding action indicated on the grid. A single action may warrant termination. Likewise, a disciplinary action may be less severe than the action indicated on the grid.

Violation Level	Written Reprimand Only	Probation Only: 3 Months	Probation Only: 12 Months	Suspension Without Pay: 1 Pay Period	Involuntary Demotion	Disciplinary Termination
Level 1	1 st Offense	2 nd Offense	3 rd Offense	3 rd Offense	3 rd Offense	4 th Offense
Level 2		1 st Offense	2 nd Offense	2 nd Offense	2 nd Offense	3 rd Offense
Level 3			1 st Offense	1 st Offense	1 st Offense	2 nd Offense
Level 4					1 st Offense	1 st Offense

C. EMPLOYEE GENERAL RULES OF CONDUCT

Group 1. Rules Relating to Attendance and Punctuality

Good attendance practices and responsible use of leave are essential requirements for every position. Such attendance practices include arriving to work on time, working scheduled hours, and staying until the end of the scheduled workday unless you have prior approval to leave early. Because absenteeism and tardiness interfere with operations and place hardships on others, a failure to report absences from work in a timely manner, unauthorized absences, or tardiness may result in disciplinary action or discharge.

1.01. Report to work on time or promptly notify supervisor of inability to do so.

You must notify your supervisor at least thirty (30) minutes prior to start of your regularly scheduled workday if you anticipate being late. – **Violation Level 1**

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1.02. Do not miss work without authorization.

Unauthorized absence includes, but is not limited to the following:

- a no-call, no-show incident, which is failure to provide: (1) any notice of absence prior to the end of the first scheduled work hour; and (2) documentation supporting that an emergency situation made you physically unable or too traumatized to contact your supervisor;
- not providing medical certification when it is required for a medical-need based absence or providing medical certification that does not support the need for leave;
- failure to return to work from a medical-need based leave upon being released for return to work;
- failure to return to work upon expiration of approved leave;
- leaving work without authorization; or
- being absent when no leave entitlements are available for use and prior approval to use personal unpaid leave has not been granted.

1.02a: One workday – **Violation Level 2**

1.02b: Two consecutive or non-consecutive workdays – **Violation Level 3**

1.02c: Three consecutive or non-consecutive workdays – **Violation Level 4**

Note: Three consecutive workdays of unauthorized absence are considered job abandonment. This applies even if you return to work following the period of job abandonment. Consecutive workdays include two or more workdays interrupted only by regularly scheduled days off. Example: Unauthorized absences on Thursday, Friday, and Monday would be three consecutive workdays of unauthorized absence if your regular off days are Saturday and Sunday.

1.03. Do not abuse any form of leave.

The City does not tolerate leave abuse, which is generally defined as using leave when you know or have reason to know that the eligibility criteria for leave are not met. Examples of leave abuse include, but are not limited to:

- Missing work due to an alleged illness or injury when there is no valid medical reason for missing work (example: you call in ill but then attend a community event during your regularly scheduled work hours);
- Submitting falsified or altered documentation in support of leave taken or requested;
- While on any form of medical-need based leave, engaging in conduct inconsistent with the medical restriction(s) upon which the time off is based (Example: You have been restricted from lifting in excess of 10 lbs. but you are performing work for another employer that requires lifting more than 10 lbs. or you are lifting weights of more than 10 lbs. in a gym.);
- Any pattern of absences supporting a reasonable inference that you have used leave based on injury or illness claims when there was no valid medical reason for missing work (example: calling in sick without adequate explanation or documentation on a day for which you had been previously denied permission to miss work for personal reasons, or a pattern of frequently calling in sick on days immediately before or after your regular days off).

1.03a: Submitting false or altered documentation in support of leave – **Violation Level 4**

1.03b: All other forms of leave abuse – **Violation Level 2**

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1.04. **Be available while in an on-call status.**

When you are on-call, you must be easily accessible by cell phone and must arrive at the worksite within a maximum of one hour after receiving a call, unless you were already on another worksite and needed to complete that work before responding to the call. **Violation Level 3.**

1.05. **Attend Mandatory Meetings or Training Sessions.** You must attend mandatory meetings or training sessions as instructed by your chain of supervision. **Violation Level 1.**

Group 2. Rules Relating to Overall Job Expectations

2.01. **Perform job duties in a competent manner and use good judgment.**

You are required to perform your duties in a responsible and timely manner that meets or exceeds the minimum standards established for your position and reflects the use of good judgment. This includes informing co-workers and supervisors of progress and problems on assigned projects and effectively relaying verbal or written information to co-workers and supervisors. You are required to be receptive to feedback and demonstrate a willingness to make necessary changes. Job quality and productivity standards are established by position descriptions and written or verbal instructions. **Violation Level 1**

2.02. **Comply with City ordinances, policies, procedures, and guidelines.**

You are responsible for knowing, having a clear understanding of, and complying with all work-related ordinances, policies, procedures, and guidelines applying to your position. Not being aware of such ordinances, policies, procedures and guidelines is not a defense for a violation of this stand of conduct.

Violation Level 1 – 4 (depending on severity, taking guidance from the levels for similar violations)

Note: A policy or procedure violation that does not directly correspond with any other general rule of conduct will be considered a violation of this rule.

2.03. **Promptly comply with any lawful instructions issued by the supervisor or other authority.**

You are is required to comply fully with any lawful instructions issued by your supervisor or other authority. This includes instructions posted on employee bulletin boards or a verbal or written lawful order issued directly to you by or through your chain of supervision (not by or through a co-worker).

Violation Level 2

2.04. **Provide truthful and accurate records and statements.**

You are required to provide truthful and accurate records and statements throughout your employment with the City and to be truthful in all work-related communications. You must not make false or misleading verbal or written statements in work-related communications. When you sign a document or submit a document on your behalf to a City representative (e.g.,

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application for employment, grievance, time report), you are attesting to the truthfulness, accuracy, and completeness of the information or events presented in the document.

2.04a: Involving records or statement other than application for employment

Violation Level 2

2.04b: Providing false or omitting relevant information in application for employment (e.g., relating to education or licensure, experience, or information affecting minimum standards for employment)

Violation Level 4

Note: Submission of falsified or altered documentation in support of leave taken or requested is a violation of General Rule of Conduct 2.03. Making or submitting false or intentionally misleading statements in response to an investigation is a violation of General Rule of Conduct 4.11.

2.05. Be courteous to fellow workers, supervisors, subordinates, and the general public.

You are expected to maintain a professional, cooperative, helpful attitude toward fellow workers, supervisors, subordinates, and the general public. This includes listening to the views of others, discussing issues and concerns honestly and courteously, and providing feedback to staff and supervisors when requested. Disrespectful, rude, and unmannerly conduct that disrupts the workplace or adversely affects another employee's ability to perform his job (e.g., yelling, screaming, or provoking a fellow employee verbally or through emails, text messages, or Internet social media) is not tolerated.

Violation Level 1 – 4 (depending on severity, taking guidance from the levels for similar violations)

2.06. Do not conduct excessive personal business or participate in excessive visiting during work hours.

While on duty, you must: (a) not spend an excessive amount of time away from the workstation due to personal business or visiting with co-workers; (b) keep personal telephone calls and use of personal cell phones for any reason to a minimum; (c) limit personal use of the Internet to non-work time; and (d) refrain from distracting others with excessive visiting.

Violation Level 1

2.07. Do not create or contribute to discord in the workplace.

While on duty, you must not create or contribute to discord in the workplace by complaining about an employee to someone other than your or his line of supervision or by spreading lies, half-truths, rumors, negative, or exaggerated comments that would humiliate or hurt the professional or personal reputation of another employee. It is a waste of time and productivity, is unprofessional, demonstrates a lack of integrity, creates anxiety and discord among workers, and can be a form of bullying or workplace harassment. A good practice is not making any comment about an employee in his absence unless you would also make the comment in the employee's presence. This rule does not prohibit you from talking about wages, hours or working conditions and does not prohibit you from requesting another employee from providing

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information as a first-hand witness to an incident related to a disciplinary action or formal grievance.

Violation Level 1 – 4 (depending on severity, taking guidance from the levels for similar violations)

2.08. Remain alert and awake while on duty.

You are required to remain alert and awake and to devote full attention to your assigned duty or area of responsibility during working hours.

4.07a: No injury or other harm – **Violation Level 2**

4.07b: Contributing to serious injury or other serious harm – **Violation Level 4**

2.09. Do not commit or threaten to commit any act that endangers another individual's safety.

The City has zero tolerance for workplace violence. You must not commit or threaten to commit any act that endangers another individual's safety, including hazing or horseplay. A threat of violence is considered an act of violence.

4.08a: Threat or act was less than life endangerment – **Violation Level 2**

4.08b: Threat or act was life endangerment – **Violation Level 4**

2.10. Report any safety hazard to a supervisor.

You are responsible for immediately reporting to a supervisor any unsafe condition on City premises or at a City worksite that has the potential to cause injury to you, another employee, or any other person. Common examples include but are not limited to a defect in mechanical equipment, spills, frayed electrical cords, improperly stored chemicals and tools.

4.09a: Failure did not result in injury – **Violation Level 1**

4.09b: Failure resulted in injury – **Violation Level 2**

2.11. Perform all duties in a manner to prevent accidents/injuries and immediately report an injury that occurs while on the job.

You must immediately report any injury that occurs while on the job to your immediate supervisor and the City Secretary. **Violation Level 1**

2.12. Cooperate fully in investigations.

You have a duty, as a condition of employment, to cooperate fully in all administrative investigations conducted by the City and in all criminal investigations arising from City operations or employment in which you are not accused of a crime. The duty of cooperation requires that you fully answer all work-related questions. You must not make or submit false or intentionally misleading verbal or written statements in response to an investigation.

2.11a: Unintentionally providing inaccurate information - **Violation Level 1**

2.11b: Refusal to cooperate, including willful intent to deceive an investigator - **Violation Level 4**

Note: If you are accused of committing a criminal offense, you have a constitutional right to remain silent in a criminal investigation. Invoking the right to remain silent in such circumstances will not be used against you, either criminally or for employment purposes.

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2.13. Exercise care when handling or using City property.

You must handle and use City property with care to avoid loss, damage, or destruction. You must immediately report to your supervisor the loss, damage, or destruction of any City property that occurs while in your possession or during use.

2.12a: Minor - **Violation Level 1**

2.12b: Major – **Violation Level 2**

2.14. Do not intentionally release, disclose, or use non-public information.

You are expected to maintain confidentiality of all City records and information relating to City employees unless you are specifically authorized to release, disclose, or use the information. You must not accept other employment or engage in a business or professional activity that you might reasonably expect would require or induce you to disclose confidential information acquired because of your City employment.

Violation Level 2

2.15. Report any arrest, criminal charge, or a change in status of a criminal charge.

You must report any of the following events to your supervisor and City Secretary *within two workdays after the event*:

- an arrest for any offense;
- an indictment or other official notification of being charged with a crime;
- any change in status of a pending criminal charge, including dismissal, conviction, the initiation or termination of proceedings to revoke probation, etc.

2.14a: Failure to report that involves an offense for which you would not have been separated from employment if convicted for the offense – **Violation Level 2**

2.14b: Failure to report that involves an offense for which you would have been separated from employment if convicted for the offense – **Violation Level 3**

2.16. Do not commit any criminal offense.

2.15a: Felony – **Violation Level 4**

2.15b: Class A or B misdemeanor – **Violation Level 2**

2.17. Do not access, send, view, print, possess or knowingly receive pornographic materials containing sexually explicit content.

You must not use City resources (e.g., computers, copiers) to access, send, view, print, possess, or knowingly receive pornographic materials containing sexually explicit content.

Violation Level 4

2.18. Do not steal or damage City property or the property of others.

Theft or willful damage to City property or the property of others is strictly prohibited. This includes acquiring property that you know was stolen by another.

Violation Level 4

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2.19. Do not gamble while on duty or on City property.
Violation Level 2

2.20. Do not report to work or perform work while under the influence of alcohol or drugs.
 You must not consume, use, or be under the effects of alcohol, drugs, or any mood-altering substance at work or on City premises. A defense to an alleged violation of this rule is use of a prescription drug or over-the-counter medication that does not significantly interfere with the performance of job duties. You must notify your supervisor prior to commencing work while taking a prescription drug or over-the-counter medication that may impair your mental or physical capabilities.

2.19a: Failing to notify supervisor prior to commencing work while taking a prescription drug or over-the-counter medication that had the potential to impair mental or physical capabilities – **Violation Level 2**

2.19b: Consuming or using alcohol, drugs, or mood-altering substances at work or on City premises or having a positive alcohol or drug test result – **Violation Level 4**

2.21. Submit to alcohol or drug tests as required.
Violation Level 4

2.22. Ensure your personal contact information is current and valid.

You are required to have current and valid contact information on file and to immediately notify the City Secretary of any changes to the information. The required information includes the following:

- telephone number or the telephone number of a person who can reach you on short notice if you do not have a telephone number
- mailing address; and
- emergency contact telephone number(s).

Violation Level 1

2.23. Do not incite, attempt to incite, or participate in a strike or work stoppage against the City.
Violation Level 4.

Group 3. Rules Relating to Conflicts of Interest, Ethics, and Fraud

Public trust is impaired whenever an actual or potential conflict exists between your private interests and your official duties. Therefore, as a City employee you have a special responsibility for avoiding real or perceived conflicts of interest between your self-interests and your duties as a public servant. You are expected to always conduct yourself in an ethical manner, which generally means avoiding even the appearance of what is wrong and serving in the public's best interest without allowing prejudice, favoritism, or the opportunity for personal gain to influence decisions or actions or to interfere with serving the public interest.

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3.01. Use City time, property, facilities, and equipment for official business only.

Your use of City time, property, facilities, and equipment must be for official business only, except as provided by policy. You must not:

- take or use any City resources to further your private interest; or
- take or use any City property for the purpose of converting it to your personal use;

3.01a. Excessive personal use – Violation Level 1

3.01b. Commercial use - Violation Level 4

3.02. Do not commit bribery or accept gifts or an honorarium. You must not:

- grant special favors to or ask for or accept gratuities (whether in property or service) from a City resident;
- solicit, accept, or agree to accept an honorarium in consideration for services that you would not have been requested to provide if you were not a City employee;
- accept or solicit any gift, favor, or service that might reasonably tend to influence your discharge of official duties or that you know or should know is being offered with the intent to influence your official conduct; or
- intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, limited liability company, or a corporation for securing any action or decision, or soliciting favoritism or patronage, in violation of state or federal law.

Violation Level 4

3.03. Do not accept other employment that could reasonably be expected to conflict with your duties as a City employee.

You must not accept outside employment that:

- involves employment as an employee, partner, consultant, or agent with a vendor or potential vendor to the City;
- indicates a reasonable expectation that it would impair your independence of judgment in the performance of your duties as a City employee; or
- undermines the City's image, mission, or goals.

Violation Level 2

3.04. Do not engage in political activity or political influence at work or while on duty.

You must not:

- use your official authority or influence for political purposes;
- campaign during working hours or while in uniform, in a City vehicle, or in a City office or facility or non-public area of City property;
- use City funds or property to influence any election outcome or passage or defeat of any legislative measure; or
- use the internal hard-copy or electronic mail system for the distribution of political advertising.

Violation Level 4

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- 3.05 Report the details of any work-related conversation with a City Councilmember to your supervisor and/or your administrator (City Administrator, Fire Chief, or Police Chief).**
You must disclose such conversations to your supervisor and/or the appropriate administrator in your chain of supervision.
Violation Level 1
- 3.06. Report suspected incidents of fraud (any intentional deception, misrepresentation, or omission of important facts), waste, or abuse of City resources and other job-related illegal activities.**
If you have a reasonable belief or actual knowledge of an incident of fraud, waste, or abuse of City resources or other job-related illegal activity, you must report the matter to the appropriate administrator, or city secretary, or anyone in authority to whom you feel comfortable reporting without fear of retaliation.
Violation Level 2
- Note:** The City will not take any action against anyone for making a report of unlawful or unethical activities in good faith or for participating in an investigation into such alleged conduct. This protection does not apply to self-disclosure.
- 3.07. Do not induce or attempt to induce a City official or employee to commit an unlawful act or falsify information.**
You must not induce (e.g., cause, persuade, intimidate) or attempt to induce a City official or employee to commit an unlawful act or to falsify information.
Violation Level 4
- 3.08. Do not destroy evidence.**
You must not remove, alter, or destroy confiscated property, contraband, or other evidence relevant to an investigation, grievance, claim, or disciplinary matter. unless specifically authorized in writing to remove or destroy the evidence.
Violation Level 4

Group 4. Rules Relating to EEO and Protection of the Work Environment

All City employees are responsible for refraining from discrimination or harassment.

- 4.01. Do not commit an act of employment discrimination.**
Violation Level 4
- 4.02. Do not engage in sexually inappropriate conduct.**
4.02a: Minor infraction – **Violation Level 2**
4.02b: Major infraction (e.g., highly inappropriate conduct or repeated, serious, or blatant violation) – **Violation Level 4**

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4.03. Do not use any slurs or hostile epithets or access, send, view, print, possess or knowingly receive materials containing or insinuating any slurs or hostile epithets.

Slurs and hostile epithets are verbal or written comments that humiliate or show hostility or animosity toward any individual because of an individual's race, color, religion, sex (gender), national origin, age (40 or above), disability, or genetic information. Even if the slur or hostile epithet is an isolated remark or comment not directed to a particular person, it is still profane/abusive language and a violation of this rule. You must not respond in like terms to what you consider imprudent or insulting language or to any slur or hostile epithet.

4.03a: Minor infraction – **Violation Level 2**

4.03b: Major infraction (e.g., highly inappropriate conduct or repeated, serious, or blatant violation) – **Violation Level 4**

4.04. Do not retaliate against another employee for reporting an alleged EEO violation.

You must not retaliate against or harass another employee or other individual because the person has: (1) opposed discrimination, sexual harassment, or other illegal conduct; (2) filed a complaint alleging such discrimination or harassment; or (3) cooperated in an internal or external investigation, hearing, or court proceeding regarding such an allegation. **Violation Level 4**

4.05. Do not retaliate against another employee for participation in the complaint/grievance process.

You must not retaliate against or harass another employee or other individual because the person has filed a complaint or grievance or has participated in the complaint/grievance process as a witness or otherwise.

Violation Level 4

SECTION VIII. EMPLOYEE GRIEVANCE SYSTEM

To promote fairness, the City provides its employees a comprehensive grievance system to address work-related complaints. You may file a grievance regarding:

- discipline or another adverse personnel action (unfavorable action affecting only one employee, such as denial of a promotion or an unfavorable job performance evaluation);
- unlawful conduct or other serious impropriety (e.g., inappropriate sexual conduct, any form of illegal discrimination; retaliation prohibited by policy or law); or
- working conditions.

What steps should I take to file a grievance?

- Attempt to resolve the grievance by an informal conference with your immediate supervisor.
- If the informal conference with your supervisor does not result in a resolution that you believe is satisfactory, follow the procedures in PD.8.02, Grievance Policy, to complete an submit an Employee Grievance Form, PERS 8.02-A, to the City Secretary. You may request a copy of the policy and form from the City Hall receptionist or City Secretary.

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SECTION IX. LEAVES OF ABSENCE AND OTHER BENEFITS

Is the City covered by the Family and Medical Leave Act (FMLA)?

Yes. The City grants FMLA leave to eligible employees in accordance with the FMLA and applicable state law for events that qualify for FMLA leave (e.g., birth of a child, placement of a child with an employee for adoption or foster care, serious health conditions, military exigency leave, and military caregiver leave). The City notifies employees of their rights and responsibilities under the FMLA through the notice developed by the United States Department of Labor (Employee Rights and Responsibilities under the FMLA). The City provides this notice to employees during the New Employee Orientation Session and posts the notice in employee common-use areas. To be eligible for FMLA leave, you must meet both of the following service requirements:

- You must have at least 12 months (or 52 weeks) total service with the City. If you had a break in City employment and the break was longer than seven years, the service accrued prior to the break does not count toward the 12-month service requirement. •
- You must have physically worked at least 1,250 hours during the 12-month period immediately prior to the leave period; time on leave does not count toward the minimum 1,250 hours.

If you believe you are entitled to and need to use FMLA leave, contact the City Secretary for additional information regarding maximum amounts of FMLA leave and your responsibilities when using this leave entitlement.

What other types of leave does the City offer its employees?

The City has outstanding leave benefits for its employees. The categories of other leave that may be available to City employees include the following:

- holiday leave (14 holidays each year);
- vacation leave;
- sick leave and family medical leave;
- sick leave pool;
- military leave;
- paid leave for jury duty or when serving as a subpoenaed witness in a judicial proceeding where the employee has no personal benefit;
- leave for death in immediate family (not to exceed 3 working days);
- leave for personal emergencies (not to exceed 3 working days); and
- leave without pay for certain circumstances.

If you have any questions regarding your leave benefits, ask the City Secretary.

What other benefits does the City offer?

The City offers an excellent benefits package for full-time employees, including health insurance coverage with premiums for employee coverage paid 100% by the City; other insurance plans; and Texas Municipal Retirement System plan based on 7% employee contribution and a 2:1 employer match.

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REMINDERS

Please keep the following in mind as you read and refer to this handbook throughout your employment with the City:

- The information in this handbook is current as of the publication date but is subject to change as statutes, regulations, and policies are modified.
- No handbook or policy manual can address every possible situation.
- It is your responsibility to seek guidance from your immediate supervisor or chain of supervision when any provision, rule of conduct/requirement, or policy is not clear to you.

Please let your administrator, City Secretary, or other supervisor know if you have a suggestion to improve a policy or practice. We encourage all employees to present ideas and concerns to management. We appreciate any suggestions from you that could help improve operations or streamline work processes. Constructive communication helps to maintain a positive work environment.

Thank you for choosing to become a City of Crockett employee. We truly recognize our employees as our greatest asset!



Nepotism Chart (Appendix C to Personnel Policy and Procedure Manual)

Employee's Consanguinity Kinship – Relationships by Blood		
First Degree	Second Degree	Third Degree
Father / Mother Daughter / Son	Brother / Sister Grandfather / Grandmother Granddaughter / Grandson	Aunt / Uncle Nephew / Niece Great Grandfather / Great Grandmother Great Granddaughter / Great Grandson

- Half-blood relationships fall within the same degree as those of full blood.
- An adopted daughter / son is considered the same as a blood relationship daughter / son.

Employee's Affinity Kinship – Relationships by Marriage	
First Degree	Second Degree
Spouse <u>Employee's In-law Relationships:</u> Father-in-law / Mother-in-law Daughter-in-law / Son-in-law <u>Employee's Step Relationships:</u> Stepfather / Stepmother Stepdaughter / Stepson	<u>Employee's In-law Relationships:</u> Brother's Spouse / Sister's Spouse Spouse's Brother / Stepbrother Spouse's Sister / Stepsister Spouse's Grandfather / Step-Grandfather Spouse's Grandmother / Step-Grandmother Spouse's Granddaughter / Step-Granddaughter Spouse's Grandson / Step-Grandson <u>Employee's Step Relationships:</u> Stepbrother / Stepsister Stepbrother's Spouse / Stepsister's Spouse Step-Grandfather / Step-Grandmother Step-Granddaughter / Step-Grandson

- An employee who claims to be married via an informal marriage for health insurance or any other benefit entitlement will be considered married via informal marriage for the purpose of nepotism.
- When marriage ends by divorce, an employee continues to be related by affinity to the former spouse and the former spouse's relatives indicated on this chart as long as a natural or adopted child of the former marriage is living.
- When marriage ends by a spouse's death, an employee continues to be related by affinity to the deceased spouse's relatives indicated on this chart as long as a natural or adopted child of the former marriage is living.
- If an employee remarries after divorce or the death of a spouse, the rules for divorce and death of spouse continue to apply for all former marriages.

(mm/dd/yyyy)

EMPLOYEE DISCIPLINARY HEARING GUIDELINES

Effective Date: mm/dd/yyyy
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New

These guidelines apply to you if your administrator (City Administrator, Fire Chief, or Police Chief) has advised you of a scheduled employee disciplinary hearing for an alleged rule violation. The reason for this hearing is to give you a chance to influence the imposition of disciplinary action by presenting new, factual information regarding the alleged rule violation(s) to your administrator and for your administrator to advise you of the final decision regarding disciplinary action.

The scheduled disciplinary hearing is a mandatory meeting. Your failure to attend the hearing is justification for immediate dismissal without further investigation or hearing.

1.	<p>Representation. Upon receiving a copy of these guidelines from your administrator or designee, you must immediately notify him if you will have a representative attend the hearing with you and, if so, advise him if the representative is an attorney.</p> <p>If the representative attends the hearing:</p> <ul style="list-style-type: none"> • you must specify at the beginning of the employee hearing whether you or your representative is presenting your defense; • you may respond to questions from your administrator or other supervisor or your representative even if your representative is presenting your defense; however, you and your representative must not speak at the same time; and • you may have quiet conversations with your representative regarding information that may be provided during the hearing. <p>Note: An employee hearing is administrative in nature and is not subject to common law or statutory rules of evidence. Objections at the employee hearing by you or your representative are limited to substantive issues related to application of policy or procedural compliance.</p>
2.	<p>Conduct by Participants. All parties, including your representative, must conduct themselves in a professional, respectful manner. Your administrator:</p> <ul style="list-style-type: none"> • will not issue more than one reminder regarding the expected conduct; • may require the offending person to leave the hearing if he continues to act in an unprofessional, disrespectful manner.
3.	<p>Leaving the Hearing. If you or your representative voluntarily leave the hearing or if you are instructed to leave due to unprofessional, disrespectful conduct, your administrator will proceed with the imposition of disciplinary action and your absence may be used as justification to elevate the disciplinary action imposed.</p>
4.	<p>Recording an Employee Hearing. You and/or your representative may take notes during the hearing. However, audio taping, videotaping, or verbatim written recording is not permitted.</p>
5.	<p>Time Reporting. Your attendance at the employee hearing is considered official business. Your time to attend the hearing will be paid time even if you have been suspended prior to the employee hearing.</p>