



CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, July 07, 2025 at 5:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

PUBLIC NOTICE OF MEETING

The following item will be addressed at this or any other meeting of the city council upon the request of the mayor, any member(s) of council and/or the city attorney:

Announcement by the mayor that council will retire into closed session for consultation with city attorney on matters in which the duty of the attorney to the city council under the Texas disciplinary rules of professional conduct of the state bar of Texas clearly conflicts with the open meetings act (title 5, chapter 551, section 551.071(2) of the Texas government code).

(All matters listed under the consent agenda item are routine by the city council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)

AGENDA

Council will consider/discuss the following items and take any action deemed necessary.

MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a special and workshop meeting Monday, July 07, 2025 beginning at 5:30 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

[After publication, any information in a council packet is subject to change during the meeting]

The meeting will also be available via the video conferencing application "Zoom",

Join Zoom Meeting:

<https://us02web.zoom.us/j/89128231721?pwd=roKUZmW4ARAqfJJkUpXkatkLGBRn9f.1>

Meeting ID: 891 2823 1721

Passcode: 485421

One Tap Mobile

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Dial by your location

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CITY COUNCIL SPECIAL MEETING**I. ROLL CALL****II. CALL TO ORDER****III. COMMENTS FROM THE PUBLIC**

(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).

IV. ACTION ITEMS - Council will consider/discuss the following items and take any action deemed necessary

1. Consider approval for Port Lavaca Main Street, Inc. to use portions of Nautical Landings for a “Doin’ it on the Deck” fundraising concert on August 29, 2025. Presenter is Tania French

V. ADJOURN SPECIAL MEETING**CITY COUNCIL WORKSHOP****VI. CALL TO ORDER****VII. COMMENTS FROM THE PUBLIC**

(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).

VIII. ITEMS FOR DISCUSSION - Council will discuss the following items

1. Review and discuss proposed edits, upgrades, improvements to the HR and Workplace Policies: Presenter is Jody Weaver
 - A. Chapter 5 (Formerly Chapter 4): Leaves of Absence;
 - B. Chapter 6 (Formerly Chapter 5): Compensation

IX. ADJOURN WORKSHOP

CERTIFICATION OF POSTING NOTICE

This is to certify that the above notice of a Special and Workshop meeting of The City Council of The City of Port Lavaca, scheduled for **Monday, July 07, 2025**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Wednesday, July 02, 2025**.

Lorena Perez-Diaz, Assistant *City Secretary*

ADA NOTICE

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

COMMUNICATION

SUBJECT: Consider approval for Port Lavaca Main Street, Inc. to use portions of Nautical Landings for a “Doin’ it on the Deck” fundraising concert on August 29, 2025. Presenter is Tania French

INFORMATION:

MEMO**DATE:** 7/2/2025**TO:** MANDY GRANT**FROM:** TANIA FRENCH**SUBJECT:** COUNCIL AGENDA – DOIN’ IT ON THE DECK

Port Lavaca Main Street, Inc. respectfully requests the use of the following areas at Nautical Landings for the return of our community event, “Doin’ It on the Deck,” scheduled for Friday, August 29, 2025:

- Meeting room
- Back deck
- Front, back, and side parking areas

We also request a waiver of any rental or usage fees associated with the use of these areas. As a nonprofit organization dedicated to revitalizing and promoting Port Lavaca’s Main Street and cultural assets, this support would greatly assist in our ability to host a successful event for residents and visitors alike.

We would coordinate cleanup plans in accordance with facility guidelines.

Thank you for considering this request. We hope to bring back this signature event that was a community favorite for many years.

COMMUNICATION

SUBJECT: Review and discuss proposed edits, upgrades, improvements to the HR and Workplace Policies: Presenter is Jody Weaver

INFORMATION:

- A. Chapter 5 (Formerly Chapter 4): Leaves of Absence;
- B. Chapter 6 (Formerly Chapter 5): Compensation

Chapter 5: Leaves of Absence

5.01 General Policy

It is the intent of the City of Port Lavaca to provide regular full-time employees the opportunity to receive full compensation for their regularly scheduled hours of work, either through time worked benefits, or a combination of both. The city offers the following leave benefits: Annual Vacation Leave, Holiday Leave, Sick Leave, Worker's Compensation leave, Family Medical Leave (FMLA), Military Leave, Leave of Absence without Pay, Emergency Leave, Jury and Court service Leave, Voting Leave and Weather Leave. Please refer to the policies below for specific guidelines relating to each benefit.

5.02 Vacation Leave

6.02.01 General Policy

Vacations are beneficial to the continuing well being, and physical and mental health of employees. To the degree they accomplish these purposes; their use is approved with the best interest of the City in mind.

6.02.02 Vacation Eligibility and Accrual

The policy on annual leave (vacation) will apply to regular full-time employees regardless of how their pay is computed. No annual leave will be earned by any part-time or temporary employees. Vacation pay will not be advanced prior to a normal payday of the employee and will be calculated based upon the employee's scheduled work hours and will be paid at the employee's normal rate of pay at the time the annual leave credit is used.

Vacation Monthly Accrual Schedule

	Regular Full-Time 1 day = 8 hours	Shift Police/Firefighters 1 day = 12 hours
Less than 1 year	.5 day (4 hours)	.5 day (6 hours)
More than 1 year	1 day (8 hours)	1 day (12 hours)
Max Accrual/Carryover/ Payout	18 30 days (144 240 hours)	18 30 days (216 360 hours)

Employees will accumulate one (1) day of extra annual leave credit for each five (5)

years of consecutive service. The maximum accumulation of unused annual leave beyond September 30 of the year will be ~~eighteen (18)~~ **thirty (30)** days. If, at the end of the year the employee has more than ~~eighteen (18)~~ **thirty (30)** days of unused annual leave to his credit, his credits will be reduced by the number in excess of ~~eighteen (18)~~ **thirty (30)** days and he will start the new year with ~~eighteen (18)~~ **thirty (30)** unused annual leave credits. No payment will be made for annual leave not taken.

6.02.03 Scheduling Vacation

Time off for vacation will be scheduled to meet the need of the department and must be approved by the Department Head. If required, an employee may be called in from approved leave due to departmental needs. The application form completed by the employee and approved by the department supervisor should be received prior to date leave begins.

Department Heads will arrange annual leave time off schedules and reallocate duties to minimize interference with the normal function and operation of their organizations. Holidays occurring during scheduled vacations - in the event a City holiday falls within an annual vacation leave, such holiday will not be charged as vacation leave.

6.02.04 Payment of Vacation Hours

Employees may schedule vacation, and subsequently be paid for those hours, based upon their daily scheduled work hours. If the employee works additional hours within the pay period that exceeds the scheduled hours for the pay-period, the employee may elect to reduce their vacation time and be paid for their standard pay-period scheduled hours. The employee may also elect to receive payment for all scheduled vacation time. All elections must be made when recording hours on the timesheet, and will be paid accordingly.

6.02.05 Payment at Separation

A regular full-time employee who is separated from employment will, at the time of separation receives payment for the accumulated vacation leave balance earned prior to the effective date of separation. **Up to maximum of thirty (30) days will be paid at resignation or dismissal. Ninety (90) day probationary period must be completed before vacation is paid at termination.**

5.03 Holiday Leave

The City officially declares and designates the following holidays to be observed with pay by all City employees occupying regular full-time positions and subject to the provisions and limitations hereinafter set forth:

New Years Day
Presidents Day

January 1
3rd Monday in February

Good Friday	Friday before Easter
Memorial Day	4th Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving (2 days)	4th Thursday and Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Floating Holiday	(Within Calendar Year)

Holiday pay will be calculated upon the basis of eight (8) hours per day at the employee's base rate of pay, and twelve (12) hours per day for Shift Police Officers and Fire Personnel. Full time Police Department officers and Fire Department personnel who work scheduled shifts on a day recognized by the City as an official holiday will receive twelve (12) hours holiday pay, in addition to their regular salary for actual hours worked. This policy will apply to regular employees, regardless of how their pay is computed. Temporary employees are not eligible for holiday pay.

Should a holiday fall on Saturday or Sunday, the preceding or following working day will be observed.

City of Port Lavaca employees will be granted one floating birthday holiday per calendar year. If not taken during the year, the floating birthday holiday will not be carried over, nor will it be paid at the time of separation.

6.03.01 Taking Holiday Leave

6.03.01.1 Paid Leave Status

An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay the employee would ordinarily receive at the time of the holiday.

6.03.01.2 Holidays on a Day Off

Holidays that occur during a scheduled paid vacation time will be paid as holidays and will not be charged as vacation. An employee who is on FMLA approved leave will receive holiday pay. If an employee is suspended without pay on the day previous, day of, or day after the observed holiday, the employee is not eligible for a paid holiday.

6.03.01.3 During Workers Compensation Leave

An employee on worker's compensation leave will receive holiday pay.

6.03.01.4 Separating Employees

Except in extraordinary situations, separating employees will not be allowed to use a

holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

5.04 Sick Leave

6.04.01 General Policy

Sick leave is paid time away from work due to an illness (including mental health) or injury that prevents the employee from working, for visits to the doctor or dentist, or for caring for a newborn after birth or adoption.

Sick leave may also be used for absences when needed to care for the employee or a member of the employee's immediate family who is ill (including mental health) or injured, for the employee's own and/or the employee's immediate family's scheduled doctor and dentist appointments, caring for a newborn after birth or adoption, or due to the lack of childcare as the result of the closure of the employee's childcare facility. For purposes of this policy, "immediate family" is defined as persons related to the employee through blood, marriage or adoption; these include employee's mother, father, son, daughter, spouse and stepchildren.

Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor prior to start time or in accordance with the procedures adopted by their Department.

6.04.02 Sick Eligibility and Accrual

Sick leave will apply to Full-Time employees regardless of how their pay is computed. Part-time and Temporary employees are not eligible for any sick leave credits. Each month during the first (1st) year of employment, the eligible employee will accumulate one-half (1/2) day of sick leave for each complete calendar month of employment after his employment date. Beginning with the first (1st) anniversary of his employment and continuing thereafter, each month employees will accumulate one (1) day of sick leave for each complete calendar month of employment. The maximum accumulation of unused sick leave beyond September 30 of any year will be ninety (90) days. That is to say, if the employee has accumulated more than ninety (90) days of unused sick leave, on October 1st of each year accumulated sick leave will be reduced to ninety (90) days. Sick leave pay will be calculated upon the basis of eight (8) hours per day at the employee's normal rate of pay at the time sick leave is used.

6.04.03 Sick Leave Incentive Program

A Sick Leave Incentive Program will be provided for those employees who go for a designated six (6) month period without using any sick leave. Eligible employees may choose to receive a cash payment of eight (8) hours at their current hourly rate or eight (8) hours of additional vacation leave. For eligible shift police and firefighters, they may choose to receive a cash payment of twelve (12) hours at their current hourly rate,

or twelve (12) hours of additional vacation leave.

6.04.04 Sick Leave Utilization

~~Sick leave will be for the purpose of permitting an eligible employee to be relieved of his duties during actual illness and may not be used under any other circumstances except as otherwise provided herein.~~ The total number of hours paid to an employee during a pay period in which he receives sick leave pay will not exceed the full pay he would have received for such pay period at his regular rate of pay. i.e., if his normal schedule is eighty (80) hours per pay period, he works seventy-seven (77) hours and is sick one (1) day; he will only be allowed payment of three (3) hours sick leave. If his worked time has exceeded eighty (80) hours in a pay period and he is ill any time during the pay period, he will receive no sick leave payment.

For shift personnel**, the same policy will apply: if the normal schedule is one-hundred three (103) hours per pay period, and the employee works one hundred (100) hours and is sick for one shift (24 hours), he will only be allowed payment of three (3) hours to meet his regular schedule of one-hundred three (103) hours.

**It is the intent of the policy that shift firefighters will have their time adjusted based upon their scheduled shift hours of ~~103~~ 96, 113 or ~~120~~ 127 hours for the applicable pay period.

If an employee becomes ill and cannot report for work his absence must be reported to his immediate superior or Department Head prior to, or within one (1) hour after his regular reporting time, so his absence will be charged to sick leave. Failure to report in will prevent an employee from receiving any pay for those working hours missed. ~~An employee may use sick leave to care for a member of the employee's household if no one else is available to provide such care.~~

After an employee's accumulated sick leave has been exhausted, and when requested, unused vacation leave may be used as sick leave. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee will be discontinued until he returns to work.

A Department Head may require of any employee to submit a signed statement from a licensed physician attesting to any illness of the employee or household member for which sick leave is used. **An employee must provide his or her supervisor with a doctor's certificate to return to work when absent for three or more consecutive workdays due to injury or illness. All other relevant medical information or FMLA documents shall be submitted to Human Resource Department.**

Frequent utilization of sick leave may prompt the Supervisor, Department Head or Human Resources to inquire with the employee regarding the options available to the employee under the Family Medical Leave Act (FMLA). If the employee does not

exercise his or her rights under the FMLA provisions, and frequent sick utilization continues, the employee may be subject to disciplinary action, up to and including termination.

Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable if work time is accurately recorded on the time sheet for the week or work pay period in which flex time was approved. Under no circumstances can flex time make up time missed extended beyond the affected workweek, or work pay period.

6.04.05 Other Employment During Sick Leave

Employees will not be permitted to engage in any employment or business outside of their regular City duties from the time they give notice of absence due to illness or injury until such time as they have returned to work in their respective City departments. Supervisors are authorized to request supporting documentation of sick leave requests claimed under this policy which they may deem necessary. Supervisors are authorized to deny any requests not properly substantiated.

6.04.06 Sick Leave at Separation

Upon termination from the service with the City, voluntarily or otherwise, no employee will receive any pay accumulated sick leave. A break in service by City or employee termination cancels all sick leave accrued to an employee's record and in the event of subsequent re-employment, such employee begins a new sick leave accumulation.

5.05 Workers Compensation Leave

6.05.01 General Policy

Injury leave is an absence from work arising from an on the job injury. Any employee injured on the job will be covered by and entitled to all benefits and compensation in accordance with the Texas Workers' Compensation Act. When an employee is injured on the job, the employee is responsible for immediately reporting the injury to his or her supervisor, who will take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor will complete a first report of injury and forward to the Human Resources Department.

6.05.02 Compensation and Time Away from Work

A doctor's written statement that an employee is unable to return to work will be required for an employee to receive benefits under this policy. An employee injured on the job and in the line of duty may elect to make up the difference between the benefit payments made by the City's Worker's Compensation Provider and the

employee's regular pay from the employee's accrued sick or vacation leave. Under no circumstances, however, will the employee receive more than full regular pay while on leave. If the employee is eligible for the job protection under the Family Medical Leave Act (FMLA), Worker's Compensation Leave and FMLA Leave will run concurrently.

6.05.03 Return to Work

An employee will be required to provide a "fitness for duty" certification before returning to work after the employee's workplace injury. An employee may return to their former position in accordance with FMLA guidelines, providing the employee is eligible for FMLA. If the employee's former position is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation, then the employee may return to their former position within the timeframes afforded by FMLA. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any open job for which he or she is qualified.

5.06 FMLA (Family Medical Leave Act)

6.06.01 General Policy

In accordance with the Family and Medical Leave Act (FMLA) of 1993 **and all amendments**, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of his or her position because of his or her own serious health condition.

Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. This benefit provides 12 workweeks of unpaid FMLA leave due to a spouse, son, daughter or parent being on active military duty or having been notified of an impending call or order to active military duty in the Armed Forces. Leave may be used for any "qualifying exigency" arising out of the service member's current tour of active military duty or because the service member is notified of an impending call to military duty in support of a contingency operation.

Also a caregiver needing leave to provide care for an injured service member is eligible for extended Family and Medical leave. This benefit provides 26 workweeks of unpaid

FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or next of kin caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active military duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

6.06.02 Twelve---Month Period

The 12-month period for counting family and medical leave is a 12-month period measured forward from the date an employee requests or is placed on FMLA leave. Once the employee begins the leave, the leave year is established. The employee is eligible for 12 workweeks in a 12-month period.

6.06.03 Employee Notification

An employee should give at least thirty (30) days notice for the need to take family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

6.06.04 Department Notification

Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event, even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days.

6.06.05 Human Resource Responsibility

Human Resources are responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

6.06.06 Approval

An employee will submit a request for family and medical leave through proper channels to his or her Department Head who will then forward it to the Human Resource Department for approval. Confidential medical information that accompanies the application should be submitted directly to the Human Resource Department.

6.06.07 Substitution of Paid Leave

An employee utilizing this policy will be required to exhaust all accrued sick and vacation and any other applicable paid leave prior to going on unpaid leave. If an employee is off work due to a work related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

6.06.08 Maximum Time Allowed

The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described above, which allows for an extended FMLA leave of 26 weeks.

6.06.09 Medical Certification

The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his or her position, and expected duration. Upon returning to work after leave for his or her own illness, an employee is required to provide certification to his or her supervisor that he or she is able to return to his or her regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion will be binding on both parties. The City will bear the expense of second and third opinions.

6.06.10 Return to Work

When an employee returns to work after family and medical leave, the employee will be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

6.06.11 Effect on Married Couples

If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the

employee for adoption or foster care, the total time allowed will be limited to no more than twelve (12) weeks combined during any twelve (12) month period looking forward from date leave the employee first takes leave. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

6.06.12 Continuation of Insurance Benefits

While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

6.06.13 Intermittent Leave

When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

6.06.14 Holidays

Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

6.06.15 Texas Municipal Retirement System (TMRS)

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

6.06.16 Recordkeeping

Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

6.06.17 Exempt Employees

Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences

of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

6.06.18 Definitions

Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

Health Care Provider: A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.

Parent: A biological parent, **adoptive, step or foster father or mother**, or an individual who stands or stood in ~~the place of a parent~~ **loco parentis** to an employee when the employee was a child. This term does not include parents-in-law.

In Loco Parentis: **An individual stands in loco parentis to a child if the employee has day-to-day responsibilities to care for or financially support the child. The person standing in loco parentis is not required to have a biological or legal relationship with the child. Although no legal or biological relationship is necessary, grandparents or other relatives, such as siblings, may stand in loco parentis to a child under the FMLA where all other requirements are met. The in loco parentis relationship exists when an individual intends to take on the role of a parent. Similarly, an individual may have stood in loco parentis to an employee when the employee was a child even if the individual has no legal or biological relationship to the employee.**

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not

medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

Spouse: A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

5.07 Military Leave

6.07.01 General Policy

In accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA), a employee, upon proper application, may be permitted military leave. In granting such leave of absence, the Department Head will require the employee to furnish certification that the individual was ordered to duty by proper authority. Such certification or copy thereof will be furnished to the Department Head or Human Resources office. The type of military service will determine whether such leave will be with pay or without pay, as provided herein.

6.07.02 Temporary Training Periods

A employee who is a member of the National Guard or Official Militia of Texas, or member of any of the Reserve Components of the Armed Forces, will be entitled to leave of absence from his assigned duties for as many as fifteen (15) days in any one calendar year with pay to participate in annual military training.

6.07.03 Extended Military Service

A employee entering the United States Armed Forces, National Guard, and Reserves Components of the Armed Forces may, upon application, may be granted authorized absence without pay for not more than the period of such service plus ninety (90) days immediately following date of release. Accrued sick leave and vacation leave will be available upon the employee's return to work.

A employee returning from extended military leave will be reinstated to the same or a similar position as previously held within ten (10) days after receipt of his request for reinstatement, provided the employee is physically qualified to perform the duties of such position and can produce evidence of honorable discharge or release from the military service. If the employee has become disabled during such service, he will be reinstated in another position for which qualified. The service member must return to work or apply for reemployment in a timely manner after the conclusion of the military service. The timing of the request for reemployment depends on the length of the employee's military service.

6.07.03.1 Service of less than 31 days - the employee must

report back to work not later than the beginning of the first full regularly-scheduled work on the first full calendar day following the completion of the military service.

6.07.03.2 Service for more than 30 but less than 181 days – the employee must submit an application for reemployment (written or oral) not later than 14 days after completing service.

6.07.03.3 Service for more than 180 days – the employee must submit an application for reemployment (written or oral) no later than 90 days after completing service.

Military leave with pay benefits will not include employees engaged in temporary employment with the City or any employee who may be entering the military for an indefinite period as a result of enlistment.

5.08 Leave of Absence Without Pay

Leave of absence without pay may be granted to Full-Time employees who have exhausted all forms of leave. A request for such leave will be in writing and submitted to the Department Head for approval. Leaves of Absences greater than thirty (30) days require City Manager approval. If granted, the Department Head will notify Human Resources. Employees will not accrue sick or vacation leave while on an approved Leave of Absence without Pay.

This policy is not intended to allow for additional leave once an FMLA absence has been exhausted. Department Heads have the authority to call back an employee from an approved leave of absence without pay based upon City or Departmental needs.

The employee may seek extensions of leave, up to a maximum of 90 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the American with Disabilities Act as Amended and the Family and Medical Leave Act (FMLA). A Leave of Absence will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

6.08.01 Use of Available Leave

All vacation, and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

6.08.02 Criteria for Leave of Absence

Factors considered by the City in granting a LOA include the reason for the leave;

departmental work requirements; the employee's length of service, work performance and disciplinary history.

6.08.03 Reasons for Leave of Absence

A LOA may be considered in the following circumstances:

- a) Recovery from extended illness, injury or temporary disability.
- b) Extended care for immediate family members.
- c) Caring for a newborn child after the birth or adoption of a child if the employee is not eligible for family medical leave.
- d) Educational purposes when successful completion will contribute to the work of the City.
- e) Public service assignment.
- f) Personnel exchange programs which emphasize intergovernmental relations.

6.08.04 Documentation

Requests for LOA without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Administrative Services Director. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity. All medical documents will remain confidential in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on the employee's condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from the doctor stating that the employee is able to perform essential job functions with or without reasonable accommodation.

6.08.05 Other Employment During Leave

Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the City Manager.

6.08.06 Reinstatement

Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the

City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work after an approved LOA will be considered to have voluntarily resigned employment with the City, absent unusual circumstances.

6.08.07 Benefits/Premium Payments

All LOA'S are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by Human Resources and the City Manager. Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City if the employee works less than half of the month in which the leave of absence is being taken. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay the employee's portion of insurance premiums during a LOA may result in cancellation of coverage. Employee may need to apply for COBRA continuation coverage if their health insurance coverage ends or changes due to their leave

6.08.08 Revocation

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

5.09 ~~Vacation Donation Program~~ Sick Leave Pool

In circumstances where an employee lacks sufficient accrued hours (sick and vacation) to cover an absence, the City provides options that can provide assistance to employees using the sick leave pool. The Sick Leave Pool is a benefit that provides eligible employees with additional sick leave in the event of a catastrophic injury or illness that exhausts all other accrued paid leave. The sick leave pool accumulates hours based on approved vacation and sick leave hours that active and separating employees have donated to the sick pool. The sick leave pool is intended to lessen hardship by providing a source of additional paid sick leave for eligible employees.

Employees may submit a request to use sick leave pool hours to HR when the following criteria applies to the requesting employee's situation:

- The employee is absent due to his/her own serious health condition as defined by FMLA, and
- The employee has been absent a minimum of ten (10) consecutive working days.

6.09.01 Eligibility

For an employee to be eligible to receive hours from the Pool, the employee must have the following requirements be met:

- The employee must be regular full-time status;
- The employee must have at least twelve months of employment with the City of Port Lavaca;
- The employee must have exhausted all paid leave balances;
- The employee must provide Human Resources with a physicians statement as to the nature of illness, surgery, or temporary LOA with expected duration of absence;
- A Request for Leave Donation form must be submitted by the Employee to either the employee's Department Director or Human Resources. In order to proceed, the Department Director must approve the request for leave donation
- The employee must have completed a Request for Leave Donation Form prior to the exhaustion of all leave balances; and
- The employee must not have been disciplined for leave abuse during the 12-month period immediately preceding the qualifying event.

The City Manager has the discretion to waive the eligibility criteria at any time.

6.09.02 Donations

Donations to the Sick Pool are strictly voluntary and are at the discretion of the employee. Donations can be made as follows:

- Employees who donate hours from Sick must have a minimum remaining balance of two hundred forty (240) hours. Fire and Police must have a minimum of three hundred sixty (360) hours.
- Employees who donate hours from Vacation must have a minimum remaining balance of two hundred forty (240) hours. Fire and Police must have a minimum of three hundred sixty (360) hours.
- Employees may donate any unused sick leave to the Sick Pool upon separation, with the completion of the Sick Pool Donation Form.
- Employees may not designate who the recipient of their donated hours will be; hours from the Pool will be distributed to employees who apply and are eligible.

6.09.03 Process

If the employee's request to use sick leave pool hours is approved, the process identified below will be followed to ensure consistent administration of the sick pool hours:

- Donated hours will be paid at the rate for the absent employee
- Donated hours will be processed each individual pay period

- The donated hours may not exceed two (2) full pay periods
- An absent employee will not accrue Sick and/or Vacation Hours after leave is exhausted.

5.10 Emergency Leave

Emergency leave may be granted up to three (3) days per year to full-time employees in case of unscheduled surgery or a sudden and/or serious illness, injury or death to a member of the employee's immediate family which requires the employee's personal attention and care. Immediate family is to include employee's spouse and dependents, parents, siblings, grandparents, and grandchildren; and spouse's parents, siblings, grandparents, and grandchildren. Additional leave may be granted with the approval of the Department Head, but will be charged to the employee's sick **or vacation** leave account.

An employee may be required to provide proof of death/funeral/family relationship in support of emergency leave. Emergency leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for emergency leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to attend funerals for other than immediate family must use vacation or unpaid leave.

5.11 Other Forms of Leave

6.11.01 Jury and Court Service

An employee who is legally summoned to serve on a jury or in court trials may be permitted absence with pay by his Department Head and for the time actually required by such duty.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit a leave request form, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is reporting to jury duty must typically report back to their regular worksite at the City for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Jury duty leave is paid at the employee's base rate and is not used towards the calculation of overtime or any other special forms of compensation.

6.11.02 Voting Leave

The City of Port Lavaca encourages employees to fulfill their civic responsibilities by voting in elections. Generally, employees are able to find time to vote either before or

after regular work hours. Department Heads and direct supervisors should encourage employees to use early voting in lieu of requesting special leave. If employees are unable to vote in an election during their non-working hours, the City will grant up to two (2) hours of paid time off to vote.

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

5.12 Weather Leave

The City Manager may declare an emergency due to weather conditions.

It is the policy of the City to determine whether or not employees are to report to work during inclement weather or emergency conditions. This may occur during regular working time or during regular off-duty time. It is the intent that employees not be subjected to unnecessary unsafe working conditions and not, to be penalized for time off due to a "declared" emergency. However, it is also necessary that essential employees remain on duty, when needed, or be willing to report for work if called in.

The City will report the closing/reopening of City offices on the City Website and with local media outlets. Employees will be notified via phone call, text message and/or email. It is the employee's responsibility to periodically check to determine if the City offices have closed/reopened and to receive instructions on returning to work.

In absence of a delay/closing announcement employees are expected to report for duty at the regularly assigned hours for their workday. If weather conditions are such that personal judgment prevents the employee from coming to work or causes them to be late, the employee should notify the supervisor as soon as possible prior to the start of the workday.

5.12.01 Absence from Work

If City offices are open and weather conditions cause employees to lose time, the supervisor may account for the absence by:

- Authorizing leave time for which the employee is eligible; or
- Authorizing leave without pay.

If City offices are closed due to adverse weather conditions:

- Non-emergency services personnel scheduled to work will not report to work or remain at work, but will be paid for the actual time the City offices were

- closed; and
- Emergency services personnel will be expected to report as scheduled unless otherwise notified by their supervisors.
 - For purposes of this policy “Emergency Services Personnel” are defined as:
 - Police Officers, Firefighters, Animal Control Personnel who are scheduled to work during the hours City offices are closed due to inclement weather; and
 - Public Works Personnel who are regularly scheduled to work during the hours City offices are closed due to inclement weather; and
 - Employees whose regular duties require them to respond to emergency situations to take corrective actions and who are regularly scheduled to work during the hours that City offices are closed due to inclement weather.
- Emergency services personnel who are unable to report to work or remain at work during an emergency will be required to use available leave time.

5.13 Quarantine Leave (Firefighters and Peace Officers)

Pursuant to Texas Local Government Code Section 180.008, the City of Port Lavaca hereby adopts this paid quarantine leave policy for Fire Fighters and Peace Officers who are employed by the City and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty, effective June 15, 2021.

5.13.01 Definitions

Fire Fighter: a paid employee of the city's fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (x) fire arson investigation.

Paid quarantine leave: (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the City; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.

Peace officer: Police Officers licensed by the Texas Commission on Law Enforcement and employed by the City.

5.13.02 Quarantine Leave

A City of Port Lavaca Fire Fighter or Peace Officer who is ordered to quarantine *or* isolate by the person's supervisor or their physician, due to a possible or known exposure to a communicable disease while on duty, is entitled to receive paid quarantine leave for the duration of the leave.

5.13.03 No Reduction in Compensation and Benefits

The City of Port Lavaca will not reduce a Fire Fighter's or Peace Officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

A Fire Fighter's or Peace Officer's supervisor, physician or county health authority shall determine if the employee is required to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty, in accordance with the recommendations provided by the Centers for Disease Control and Prevention. Quarantine and/or self-isolation directed by a Fire Fighter's or Peace Officer's physician must be accompanied by a doctor's note. Fire Fighters or Peace Officers that are eligible for the use of this leave must notify Human Resources. Human Resources is responsible for tracking the usage of this leave.

5.14 Administrative Leave

The City may grant Administrative Leave with or without pay to an employee, at the discretion of the Department Director or City Manager when no other paid leave category is available or applicable.

Administrative leave can be used or applied in many situations, some of which are addressed within this policy manual:

- leave may be applied for disciplinary purposes,
- decision making, or a cooling off period;
- an employee may be placed on administrative leave with or without pay pending the outcome of any related administrative review, investigation, or imposition of management action relating, for example, to a suspected violation of state law, federal law, local law, City ordinance, City or departmental rule or regulation, or other City policy.

If administrative leave is granted, the Department Director shall issue a memo documenting the leave and present the memo to the employee for their signature. A copy of the memo will be kept in the employee's personnel file in the Human Resources Department. An employee placed on administrative leave must comply with the following guidelines, and failure to comply may result in immediate disciplinary action, up to and including termination of employment:

- a) Be available by phone during regular business hours (Monday-Friday, 8:00 am-5:00 pm).
- b) The employee may be directed to refrain from being on City premises or entering City facilities contingent upon the circumstances.

5.15 Mental Health Leave

Paid mental health leave is provided to all City employees due to experiencing a traumatic event in the scope of employment with the City of Port Lavaca, Texas. Pursuant to Texas Local Government Code Section 614.015, Subchapter A-1 and A-2, mental health leave is required to be provided for peace officers and telecommunicators. Furthermore, the City of Port Lavaca recognizes the impact a traumatic event can have on the mental health of firefighters and extends the same benefits and coverage to them.

5.15.01 Definitions

Peace officer: Police Officers licensed by the Texas Commission on Law Enforcement and *employed* by the City.

Firefighter: Firefighter certified by the Texas Commission on Fire Protection and *employed* by the City.

Traumatic Event: an event that involves extreme injury, near death or death of an individual at the event to which the City employee has direct involvement.

5.15.02 Policy

The use of paid mental health leave may be granted to a City employee who experiences a traumatic event that occurs within the scope of *employment* and in accordance with departmental and City policies and procedures. The paid mental health leave is to be used to receive assistance in dealing with the event that was experienced. The paid mental health leave shall be administered at the discretion of the Department Director, or designee. The decision will be based upon the information provided to the Department Director or designee after the event occurs, or as otherwise ordered by a mental health professional. The City employee will contact the Department Director and request the use of the leave in order to obtain the mental health assistance. The Department Director will consult with Human Resources and, upon granting the leave, will allow the maximum duration of leave away from work to receive professional treatment.

5.15.03 Duration of Leave

- A Peace Officer utilizing the paid mental health leave may receive up to 3 work shifts of time off from work in order to seek professional treatment for the handling of the traumatic event which the City employee experienced.
- A Firefighter utilizing the paid mental health leave may receive up to 2 work

shifts of time off from work in order to seek professional treatment for the handling of the traumatic event which the City employee experienced.

- Employees needing leave beyond the maximum duration of leave may use their own available time off. Utilizing additional time off will adhere to the City's leave policies.

5.15.04 Benefits While On Leave

City employees on paid mental health leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid mental health leave, the City will not reduce a City employee's sick leave balance, vacation leave balance, holiday leave balance or other paid leave balances in connection with paid mental health leave taken in accordance with this policy.

5.15.05 Confidentiality

The City will keep requests to take mental health leave, and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The City cannot guarantee anonymity of information that is otherwise public or necessary to carry out the City's duties under the law. The shifts missed by the City employee utilizing the paid mental health leave will be covered by other available City employees and no reason for the initial City employee's absence will be noted or addressed.

5.15.06 Return to Work

Prior to returning to work, the employee must provide a letter of clearance by a mental health professional indicating they are released to return to work with or without reasonable accommodations.

Chapter 6: Compensation

6.01 Classification and Pay Plan

Wages and salaries for various classes of work and positions will be in accordance with the provisions of the official pay plan currently in effect, including amendments thereto, and within the limitations of the financial provisions of each department. Rates of pay upon initial employment, promotion, demotion, transfer, reclassification of position, certification pay and other forms of pay are established in the current City's Job Classification and Compensation Plan. Classifications of positions are also included in the City's Job Classification and Compensation Plan. Employees, their immediate supervisors, and Department Heads are encouraged to be familiar with classification provisions and inform Human Resources in the event it is suspected or known that the classification of position(s) may not accurately reflect the job or are not current in the market.

Based on the annual budget process, the City will consider if funds are available for pay plan adjustments and/or merit increases. The amount, timing, eligibility, and method of distributing pay plan adjustments or merits shall be determined annually during the budget process and is not guaranteed. Employees on a performance improvement plan or other significant disciplinary action at the time merits are determined and/or distributed are not eligible for the merit. Employees at the top of the pay grade may not be eligible for merits unless exceptions are granted as part of the budget process or unless a pay plan adjustment occurs that affects the pay grade of that employee. Employees in their probationary period are not eligible for merit increases.

6.02 Pay Grades

Pay grades are established by use of market data and internal value to the organization. When the results of a market study are implemented, a position may be reallocated based on current market data.

6.03 Pay Ranges

Each pay grade has been assigned a salary range based on a range around market averages or median for similar positions. Within this framework, a new employee salary will be determined by their qualifications at the start of employment.

Within the general guidelines of the plan and the budget, the City Manager or designee is

authorized to determine the appropriate pay grade to which each job title is allocated.

The plan will be reviewed each year to determine its adequacy for business conditions and a recommendation will be made to the City Manager. Adjustments to the compensation plan will be made to the Compensation Plan as required.

6.04 Job Descriptions

The City of Port Lavaca makes every effort to create and maintain accurate job descriptions for all positions within the City. Each description includes the following sections: job summary, essential duties and responsibilities, job requirements, and work environment section.

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

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

6.05 Pay Periods and Work Schedules

6.03.01 Non---Exempt Employees

In accordance with the Fair Labor Standards Act, some positions in the City are classified as Non-Exempt level positions and therefore are paid on an hourly basis and subject to overtime provisions. Non-exempt employees will be paid **bi-weekly**, every other Friday for hours worked within the designated pay period. **There are 26 pay periods per fiscal year. The City's work period begins at 12:00 am on Thursday and ends at 11:59 pm 14 days thereafter on Wednesday.** Payment to non-exempt personnel will be calculated at the employee's regular hourly rate of pay for up to forty (40) hours worked in a pay period and at time and one-half (1 1/2) the rate of pay for all hours worked during a pay period in excess of forty (40) hours. Exception to this policy is Fire Department personnel and some Police Department personnel, as identified below. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

6.03.02 Exempt Employees

In accordance with the Fair Labor Standards Act, some positions in the City are classified as Exempt level positions and therefore exempt from overtime provisions. Exempt level positions are identified in the City's Job Classification and Compensation Plan. In general, exempt employees will work a total of forty (40) hours per week or

eighty (80) hours in a two-week pay period. Exempt employees will be paid a bi-weekly salary and be paid every other Friday. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

6.03.03 Public Safety: Shift Police Personnel

In accordance with the Fair Labor Standards Act, affected Police Department personnel's pay will be based upon a fourteen (14) day work period. Payment to affected Police Department personnel will be calculated on the employee's regular hourly rate of pay for up to eighty-six (86) hours worked in the fourteen (14) day period and at time and one-half (1 1/2) the rate of pay for all hours worked during the pay period in excess of eighty-six (86) hours. Affected employees will ~~receive a check~~ **be paid bi-weekly**, every other Friday **for hours worked within the designated pay period** however, all overtime pay will be calculated on the second (2nd) week of each work period. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

Police Officers serving in a detective role will also be included in a fourteen-day (14) work period, however officers will be on an 80-hour schedule in the pay period. Therefore, the officer's regular hourly rate will be calculated for the first eighty (80) hours worked in the fourteen (14) day period and time and one half (1 1/2) the rate of pay will be calculated for all hours worked during the pay period in excess of eighty (80) hours. Affected employees will ~~receive a check~~ **be paid bi-weekly**, every other Friday **for hours worked within the designated pay period** however, all overtime pay will be calculated on the second (2nd) week of each work period. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

6.03.04 Public Safety: Shift Fire Personnel

In accordance with the Fair Labor Standards Act, Fire Department personnel will be based upon a fourteen (14) day work period. Payment to Fire Department personnel will be calculated on the employee's regular hourly rate of pay for up to one hundred six (106) hours worked in the fourteen (14) day period and at time and one-half (1 1/2) the rate of pay for all hours worked during the pay period in excess of one hundred six (106) hours. **Affected** employees will ~~receive a check~~ **be paid bi-weekly**, every other Friday **for hours worked within the designated pay period** however, all overtime pay will be calculated on the second (2nd) week of each work period. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

6.03.05 Public Safety: Dispatch Personnel

~~Dispatch personnel are scheduled to work twelve (12) hour shifts, typically working three (3) days during one week of a two (2) week pay period, and four (4) days during the other week of the pay period. In accordance with the Fair Labor Standards Act,~~

~~dispatch personnel are compensated based upon a seven (7) day work week and are eligible to receive overtime pay at one and one half (1 1/2) times the rate of pay for reported time that exceeds forty (40) work hours within the work week. Dispatch personnel will be paid every other Friday for hours worked within a designated two (2) week pay period.~~

6.06 Meal and Rest Period

6.04.01 Meal Period

Full-time employees (excluding most Police and Fire Department employees) are normally provided with a one (1) hour unpaid meal period. Meal periods will be determined by supervisors with the approval of the Department Head to accommodate operating requirements. Meal periods will not be counted as time worked for the purposes of determining overtime, with the exception of essential personnel approved by the Department Head. Meal periods taken should be no less than 30 minutes daily. Supervisors are responsible for scheduling the time for employee meal periods and should take into consideration the workload and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of meal period.

6.04.02 Rest Period

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

6.07 Overtime

It is the general policy of the City to hold overtime to an essential minimum. Department Heads will authorize overtime only when essential and in the best interest of the City and the public. Employees are not to perform overtime work unless clearly instructed or requested to do so. Non-exempt employees' overtime compensation will be at the rate of one and one half (1 1/2) times their regular pay when work hours have exceeded the applicable work schedule. Approved paid absences and leave time are not counted as time worked for the purposes of computing overtime. At the discretion of the department head, time off may be given during the pay period, to avoid paying overtime premiums.

6.08 On Call & Call Back Pay

The City provides after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required.

Non-exempt employees called back to work after their regularly scheduled work hours will be paid for the time actually worked, with a minimum of one-half (1/2) hour of pay, based on time and one-half (1 1/2), if such call-back results in hours worked in excess of forty (40) hours during the seven (7) day work period.

6.09 Incentive Pay Program

The City of Port Lavaca, in its efforts to improve proficiency and effectiveness of its programs and to enhance career development of employees, has established an Incentive Pay Program. Where appropriate, and as identified in the annual budget, the City will provide incentive pay for positions in specialty and/or technical areas, where an employee holds or acquires licenses, certifications or knowledge which is greater than what the position requires. Specific information relating to the Incentive Pay Program is maintained in the city's compensation plan in Human Resources.

6.09.01 Policy

To receive certification pay, the certificate or license must be earned and used within the employees work responsibilities and must not be a minimum requirement for their position. Should an employee be transferred to a department where the training becomes applicable, the employee may then be eligible for certification pay. Certification pay may also be forfeited if a transfer places the employee where training is not applicable.

6.09.02 Documentation

Certification pay will only begin upon presentation of original documentation by an employee to their department head, who will then present the certification to Human Resources. Should certification lapse, it is the employees responsibility to immediately notify the Human Resources Department.

6.09.03 Approved List of Incentive Pay

Police - TCOLE

Intermediate - \$75.00/month.

Advanced - \$125.00/month.

Masters - \$175.00/month.

Police Dispatcher

Intermediate - \$75.00/month.

Advanced - \$125.00/month.

Masters - \$175.00/month.

Animal Control

Advanced - \$50.00/month.

Euthanasia License - \$50.00/month.

Fire

Fire Investigator (any level) - \$50.00/month.

Fire Inspector (any level) - \$50.00/month.

Intermediate - \$75.00/month.

Advanced - \$125.00/month.

Masters - \$175.00/month.

Municipal Court

Clerk Level 1- \$75.00/month.

Clerk Level 2 - \$125.00/month.

Clerk Level 3 - \$175.00/month.

City Secretary

TMCA Texas Registered Municipal Clerk- \$125.00/month.

IIMC Certified Municipal Clerk - \$125.00/month.

Court Bailiffs

Certified Court Bailiff - \$50.00/month.

Permit & Inspections

ICC Permit Technician- \$75.00/month

ICC Permit Specialist- \$100/month

Customer Service Inspector- \$50.00/month.

State Certified Code Enforcement Officer - \$50.00/month. \$75.00/month

State Licensed Master Electrician - \$75.00/month.

State Licensed Plumbing Inspector - \$100.00/month.

Utilities Water

"D" Water - \$50.00/month.

"C" Water - \$100.00/month.

"B" Water - \$150.00/month.

"A" Water - \$200.00/month.

Utilities Wastewater

"D" Wastewater - \$50.00/month.

"C" Wastewater - \$100.00/month.

"B" Wastewater - \$150.00/month.

"A" Wastewater - \$200.00/month.

Sewer Collection

Collection II - \$50.00/month.

Collection III - \$75.00/month.

Parks & Recreation

Herbicide/Pesticide Applicator - \$150.00/month.

License

Commercial Driver's License - \$75.00/month.

6.10 Longevity Pay

The City of Port Lavaca provides pay for longevity, or years of continual service, to the City, of ~~five dollars (\$5.00)~~ **ten dollars (\$10.00)** per month per year of **uninterrupted** service commencing after the first (1st) full year of service. Longevity pay will commence upon the first (1st) anniversary of employment.

6.11 Service Payments

Payments will be made once each year, at a time and place designated by the City Manager, to employees who have completed five (5) year interval anniversaries within the fiscal year October1, through September 30, at the rate of ten dollars (\$10.00) per year service completed. That is to say, employees completing five (5) years continuous service will receive a check for fifty dollars (\$50.00). Then ten (10) years - \$100.00; fifteen (15) years - \$150.00; twenty (20) years - \$200.00; twenty-five (25) years - \$250.00; etc.

6.12 Interim Pay

In some instances when a supervisor or other member of management is absent for an extended period of time, interim pay may be activated for the employee temporarily performing those job duties. The employee who is temporarily promoted or assigned to

perform the full range of duties of a higher classified position on an extended term basis will receive an increase. Such interim pay can only be authorized by the City Manager. Interim pay will be a minimum of 5%, no more than 10% greater than the employees regular wage. In no event shall an employee serve in an interim position for more than six months.

6.13 Travel Policy

It is the policy of the City that all out of area business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

This policy will provide guidelines for reimbursement of reasonable expenses, incurred by authorized persons, while traveling on approved City business. It is understood that all employees will use prudence and discretion in the expenditure of City funds for traveling.

- A. Employees wishing to travel at City expense must complete the appropriate travel form and submit this form to the employee's supervisor at least ~~ten~~ **fourteen** (~~10-14~~) days prior to departure.
- B. All travel forms will be approved by the appropriate Department Head. If an employee's family member or friend accompanies them on a City business trip, expenses will not be paid nor reimbursed by the City for increase travel expense (hotel/meals) related to the accompanying guest. Travel should be by the most economical and expedient manner possible.
- C. Mileage reimbursement for travel by personal vehicle will be at the rate established by the IRS and published annually by the City's Finance Department. An employee receiving car allowance will not be eligible for reimbursement for trips made within Calhoun, Victoria, and Jackson County.
- D. Air travel, if necessary, will be coach class if at all possible. All ground transportation including tips will be covered when reasonable and customary. Receipts for air and ground transportation, including auto rental, must be submitted when requesting reimbursement.
- E. Conference or seminar registration fees which must be paid in advance will be approved by the appropriate Department Head. Other course material required for the seminar will be paid for by the City upon the Department Heads approval and with appropriate receipts.
- F. Employees are expected to procure accommodations that are within reasonable locations and priced at economical rates. The City will pay for the charge of the room and other reasonable incidental travel expenses (i.e. business telephone calls, toll fees, parking, public transportation between hotel and seminar/conference). Personal phone calls, laundry and cleaning charges, hotel room movies, bar tabs, and

any other form(s) of entertainment are not reimbursable by the City.

- G. All travelers attending to city business, meeting or conference that requires an overnight stay will be given a per diem meal allowance. The meal per diem rate advance/reimbursement will be established by utilization of the U.S General Services Administration Per Diem rates by a procedure established by the Finance Department. The Finance Department will publish the per diem rates annually. An allowance will not be given for meals included as part of registration fee. Receipts will not be required for meals as long as the costs do not exceed the per diem allowance.
- H. Reimbursement for meals by an employee that does not require an overnight stay while on official city business (seminars, training, etc.,) will require receipts. The employee will not receive reimbursement greater than the per diem rate in effect at the time.
- I. Use of City Credit Card for meals will require detailed receipts. Total meal receipts will not exceed the accumulated per diem rate.
- J. If an employee is paying for a business guest, a receipt is required. The cost of the guest's meal will be reimbursed based on its actual cost. The guest's name, organization, and reason for the expense must be documented on the receipt.
- K. Receipts will be required for conference or seminar registration, hotel/motel bills, and other eligible expenses.
- L. Upon return from authorized travel, each employee will submit within five (5) working days a completed travel and expense reimbursement request form including all receipts. This information will be given to the appropriate Department Head for approval. Approval forms will be given to the Finance Department for review and processing. A mileage only reimbursement request does not require use of this form.
- M. Upon return from authorized travel, each employee will submit within three (3) working days a completed training acknowledgement form which will provide a detailed explanation of the training attended. This information will be given to Human Resources to add to your personnel file.
- N. In the event adequate documentation of expenses are not provided, the Head of Finance, with the approval of the City Manager, may withhold all or any portion of the reimbursement requested by the traveler which is not properly accounted for as provided above.
- O. Falsification of travel expenses will result in disciplinary action, up to and including termination.
- P. Traffic Violations: Fines for traffic or parking violations will not be reimbursed.

- Q. Travel should be by the most direct and/or economical route or method. Detours for personal business are not reimbursable.
- R. Car rental is the most economical means of transportation. The City has a corporate account with Enterprise for all car rentals. The traveler will get with the Finance department in the event this type of transportation is needed for scheduling of a rental.

6.14 Timekeeping Policy

All non-exempt employees are required to record their exact hours of work by clocking in and clocking out on the time-clock system. **Continuous or habitual manual edits on the time-clock system are subject to disciplinary action including termination.** After the employee completes their timesheet for the work period, they should check it carefully to ensure it is accurate. Then the employee will approve their time if the total hours shown are correct and accurate to their understanding. If the employee feels the hours recorded are incorrect, then they should not approve their time until it has been corrected by their supervisor. Employees shall never approve anyone else's time and never allow anyone else to approve theirs, other than their supervisor. Likewise, employees shall never clock in for anyone else and never allow anyone else to clock in for them, other than their supervisor. Any of these occurrences are grounds for disciplinary action, up to and including dismissal. All time must be approved by both the employee and his or her supervisor before being processed by payroll. In the event the employee and supervisor do not agree they shall meet with HR to resolve any issues.

All exempt employees must clock in at the start of any day worked and clock out at the end of the day worked. Deductions from pay are allowed according to the Fair Labor Standards Act:

- When an employee is absent from work for one or more full days for personal reasons other than sickness or disability.
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with the Cities sick leave policy.
- In the employee's initial or terminal week of employment if the employee does not work the full week.
- For unpaid leave taken by the employee under the Federal Family and Medical Leave Act.

The documentation of time worked for exempt employee's aids in the tracking of employee leave and provides written documentation needed for the Annual Comprehensive Financial Report.

It is imperative that all employees verify their time to help avoid subsequent corrections. The supervisor or Department Head is responsible for verifying that the employee's submitted

hours are in compliance with the overtime and compensatory time guidelines. If there are any corrections to be made, they will be taken care of during the following pay period. Finance will download all hours worked no later than the Monday before payroll by 10 AM.

6.15 Return of City Property & Equipment

When an employee terminates or is terminated from City employment, any city property (tools, equipment, badge, keys, etc.) that has been issued to the employee must be returned before the employee leaves City property. Failure to return City property or equipment, will result in the total amount being deducted from an employee's final check.