City Of Celina

Personnel Policies and Procedures

INTEGRITY ★ COMMUNITY ★ EXCELLENCE ★ SERVICE

Core Values

Integrity

- We do the right thing at all times
- We are committed to building and maintaining credibility and trust both internally and externally
- We are accountable in our words and actions
- We question that which may be inconsistent with our Core Values

Community

- We are a unified body and work as a team
- When we disagree, we resolve it according to our Core Values
- We value and respect all employees and our customers
- We foster a culture that includes understanding, support, balance and a sense of humor
- We embrace openness, diversity and inclusion

Excellence

- We always do our best
- We embrace innovation and efficiency while remaining good stewards of City resources
- We are accountable and take pride in our work
- We seek opportunities to learn and expand our professional horizons

Service

- We are selfless public servants and believe in helping others
- We treat everyone the way we wish to be treated
- We are caring and empathetic in all we do
- We work to deliver excellent service to all we encounter

CELINA
TEXAS
EST. 1876

Welcome to the team at the City of Celina! We hope that you experience a genuine welcome here. The culture of Celina is founded on the principle of servant leadership. The servant leader holds to a “leader eats last” philosophy, and strives to give of him or herself for the good of the other. This mentality requires us to seek first to understand our customers’ needs, so that we can treat them with dignity at all times. Celina has a reputation for its friendly, warm and kind people, and our job is to continue that tradition as the City continues to experience the growth of the DFW metroplex. To fulfill the servant leader vision, we work under four core values that guide and influence our actions and decisions.

Many cities want to be different, unique; they want to be special. To this end, many even have a service philosophy that advertises a particular way to treat customers, citizens, and one another. Sometimes, however, our practice does not always live up to the policy in regards to personal courtesy and treatment. This is because even the best policy or philosophy can only succeed with the enthusiasm and participation of the people on the ground, who are interested in reaching out to one another, and in building a culture of kindness, awareness of the needs of others, and a willingness to act quickly to address those needs in a positive way.

This kind of culture can only be built through a spirit of generosity and of personal giving of our time and energy. We cannot make a whole culture of giving and service alone, but we can each make our own little “corner” of the organization a place where others can thrive, and truly enjoy their jobs. This enjoyment of our work, in turn, creates even more willingness to help others who need it, therefore creating a circle of generosity, thriving, and selfless service.

Once this environment is established, then living the core values of Excellence, Integrity, Community and Service becomes much easier to accomplish, and the joy of loving our jobs propels us towards greater success. However, this hinges on our own individual commitments to service to others, and leading through this service of self towards others, also known as “servant leadership.” Therefore, I would like to challenge you to enter into the idea of leadership through service to others, and to commit to creating a spirit of generosity, kindness and service to those around you.

Sincerely,

Jason Laumer
City Manager

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CITY OF CELINA
PERSONNEL POLICIES

Chapter 1 – Introduction and General Provisions

1.00 – Purpose and Objectives

The purpose of the City of Celina Personnel Policies Manual (Manual) is to provide department directors, managers, supervisors, and employees with a written source of information about the policies, procedures, and administrative directives of the City of Celina.

I. Objectives

A. The objectives of the Manual are:

1. To promote good and uniform practices and administration in the management of the City's employees.

2. To reduce questions about policies and procedures by having them readily available for reference.

3. To promote high morale by the consistent administration of policies and procedures through consideration of the rights and interests of all employees.

4. To ensure that policies and procedures are kept current by periodic updates of this Manual.

II. Relationship to the Code of Ordinances of the City of Celina, Texas

A. Every effort will be made to ensure that policies and procedures are consistent with the Code of Ordinances of the City of Celina, Texas. If, however, there is any discrepancy, the Code of Ordinances shall apply. Any person finding discrepancies should notify the Human Resources Department immediately.

1.01 – Management Authority, Amendments, Updates, Revocations

I. Amendments, Updates and Revocations

A. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. Any new policies issued supersede these policies and are fully binding on all employees. If an employee continues to work for the City after the effective date of any such amendment, change or termination, then the employee will be deemed to have accepted such amendment, change or termination. **The issuance of this Manual does not constitute a contract between the City and its employees for any duration of employment.** There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

II. Management Authority

1. Policy administration rests with City management and City management reserves sole authority to administer City operations. With the exception of matters reserved to City Council by statute, charter, or ordinance, the general and final authority for conduct of employees is vested to the City Manager. The City Council appoints the City Manager to administer the day-to-day operations of the City government, including the power to approve and administer personnel policies and to delegate the administration of these policies to the Director of Human Resources. Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager. Final authority, in the form of review and approval, resides with the City Manager with regards to all matters and subjects covered by these regulations, unless specifically delegated otherwise.

2. The City Manager and Human Resources Director may interpret the policies if a question is raised regarding the intent, application or meaning of the policy. Further, the City Manager and Human Resources Director may utilize administrative practices and procedures required to enforce the policies.

III. Departmental Policies

A. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this manual, or other approved operations manuals/handbooks, do not need to be reviewed and approved by Human Resources or other appropriate departments. All employment related departmental policies must be reviewed by the Director of Human Resources.

IV. Severability

A. Any statement in a policy or procedure found to be illegal, incorrect, and/or inapplicable will not affect the validity and intent of the remaining content of such policy or procedure. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by state and/or federal law. All employees must become familiar with and abide by these policies and procedures.

1.02 – Scope and Notice

I. Scope

A. The policies apply to and govern all employees of the City, except where State and/or Federal law preempts the application of these policies or where there are provisions to the contrary in State or Federal law. Policies and procedures apply to all employee of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/Federal law.

B. These policies supersede all existing personnel policies and are effective and binding on all employees regardless of hire date. Continued employment with the City following adoption of these policies constitutes conclusive acceptance of the terms of the policies. This handbook is not an employment contract and nothing in this is intended to change or modify the at-will status of a City employee or to create or confer any property rights or expectation of continued employment to any employee.

C. The failure of the City to follow or comply with any provision of these policies shall not constitute grounds for nor form the basis of any action or cause of action, either civil or criminal, arising from employment with the City. The City reserves the rights to change the provisions of these personnel policies and procedures at any time.

II. Notice

A. A copy of the Personnel Policy Handbook and all amendments or changes shall be on the City's internal site and filed in the office of the City Secretary and the Director of Human Resources and shall be available for inspection by all City employees and the public. Such filing shall constitute notice to all employees of the personnel policies and procedures and of all amendments and changes.

1.03 – Policy Dissemination/Administration

I. All city employees shall be informed of policy provisions listed herein. As a condition of employment, employees are expected to abide by the City's core values and all policies and procedures outlined in this manual. The City's Core Values are Integrity, Community, Excellence and Service.

The personnel policies manual will be available for reference on the intranet by employees at all times. Additionally, copies are also available for reference in the Human Resources Department.

II. Policy Administration

A. The general and final authority for human resource management rests with the City Manager, who may delegate it as necessary and proper, except for matters reserved to the City Council.

B. The administration of personnel matters is charged to Department Directors appointed by the City Manager. Human Resources shall advise management in all areas of employee management relations and shall include such items as training and career development, employee health, safety and morale. Certain City policies are based upon state or federal laws and regulations, and in the event that those laws and regulations are amended or otherwise modified, the City may amend or modify its policies to be in compliance with such laws and regulations.

C. The personnel policies of the City of Celina are based upon the belief that the success of City government and its usefulness to the citizens of Celina is primarily dependent on its personnel, and that the full development of each employee's potential is beneficial to both the employee and the citizens of Celina.

D. These policies are to provide for a consistent and equitable system of personnel management for the City. While these rules constitute a statement of policies and procedures, they are not intended to be all-inclusive and cover every conceivable personnel situation that might arise. Circumstances of any particular case or matter may warrant a deviation or exception in the application of these policies; where such circumstances justify an exception, the City Manager or his designee, may do so.

E. These policies are not an employment contract and nothing in this manual is intended to change or modify the "at-will" status of City employees or to create or confer any property right or exception of continued employment to any employee. The City is an at-will employer.

1.04 – Contacting the City Attorney

The City Attorney shall not be directly contacted by any Department Director or other employee, unless specifically authorized by the City Manager.

1.05 - Ethics

All employees of the City are expected to act in accordance with the highest of ethical standards. Conducting oneself in such a manner includes adherence to the law, policy and administrative directives. Employees shall faithfully execute their duties and shall refrain from knowingly engaging in any outside matters of interest incompatible with the impartial, objective, and effective performance of their duties. All City employees should maintain the utmost standards of personal integrity, truthfulness, and fairness in carrying out their duties; avoiding real or perceived improprieties in their roles as public servants; and never using their positions or power for personal or professional gain.

I. Core Values

A. The City's values are integral to our overall effectiveness and therefore as employees, we pledge to maintain and enhance:

1. Excellence – striving for the best in all we do
2. Integrity – always doing the right thing
3. Community – working together toward common goals
4. Service – committing to the delivery of efficient and cost effective services

II. Assistance in Determining Unethical Behavior and Making Ethical Decisions

A. The City of Celina recognizes that is it not always clear what the "right" or ethical choice is, when making a decision. The following are guidelines that may assist employees in determining appropriate behavior and conduct. This list is not exhaustive.

1. Is the action lawful?
2. Is the action in line with City of Celina's stated values (see above)?
3. If you do it, will you feel good about what you have done?

CITY OF CELINA
PERSONNEL POLICIES

Chapter 2 – Employment

2.00 – Employment, Qualifications, Disqualifications

I. Working Age

A. Age limits are indicated in some specifications for various classes of positions on the basis of a bona fide occupational qualification or statutory requirement.

B. No person under 18 years of age shall be employed in any position within the City.

II. Basic Employment Qualification

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

B. Provide authorization for pre-employment background and criminal history checks relevant to the position being sought;

C. Consent to conditional pre-employment physical evaluation and drug/alcohol testing, if applicable;

D. Be at least 18 years of age;

E. Possess a High School diploma or GED;

F. Be of good moral character;

G. Be a citizen of the United States or possess authorization to work legally in the United States;

H. Be dedicated to the principles of servant leadership and exhibit the values of Excellence, Community, Integrity, and Service.

III. Disqualification for Employment Consideration

A. Human Resources will review all applications for completeness and required qualifications. Only those applicants who meet the required criteria will be considered in the selection process. Depending upon the position vacancy and qualifications required, internal and external candidates may be considered concurrently. Although rejection may be based upon causes other than those enumerated below, the following are declared to be causes for rejection of an application or disqualification of an applicant:

B. The application is incomplete.

C. The applicant has not met the posted deadline for filling the application.

D. The applicant does not meet the qualifications necessary for the performance of the duties of the position for which the candidate is applying.

2.00 – Employment, Qualifications, Disqualifications

E. The applicant has made a false statement of material fact on the application or has practiced or attempted to practice fraud in connection with an application, supplements to an application, or commits fraud at any time during the interview process. Applicants guilty of the aforementioned are prohibited from applying for a position with the City for a minimum of one (1) year.

F. The applicant is unable to perform the essential functions of the position, even with reasonable accommodation.

G. The applicant is a former employee who is NOT eligible for rehire.

H. The applicant failed to pass pre-employment alcohol/drug screens under the City's Drug and Alcohol policy and/or any other assessment deemed necessary for the position.

I. Placement of the applicant would violate the City's age requirement policy.

J. The applicant is not in compliance with the Immigration Reform Act of 1986.

K. Placement of the applicant would violate the City's Nepotism policy.

IV. An applicant may be disqualified from consideration upon other reasonable grounds relating to job requirements. An applicant may be disqualified depending on the offense and the position for the person is applying.

2.01 - Introductory (Probationary) Period

I. Purpose

To establish policies and procedures for probationary employees.

II. Policies

It is the purpose of the probationary (introductory) period to provide a time for the City to determine whether the employee has shown the ability to meet the initial expectations for the position. Departments shall use the probationary (introductory) period to closely observe and evaluate the work of the newly hired employees. Supervisors should actively evaluate whether the introductory employee's conduct and performance successfully meet the expected standards and requirements. Sworn public safety employees should consult their respective departments regarding introductory periods of employment and performance appraisal.

A. Probationary (Introductory) Period

Every person initially appointed to the City or promoted in City service under a regular appointment must successfully complete the probationary period.

1. New Employees

   a. Regular full-time and part-time employees shall serve a six (6) month probationary (introductory) period.
   b. Employees promoted will serve a three (3) month introductory period from the date of promotion.
   c. Employees in public safety position who have not completed field training, may serve up to an additional six (6) months introductory period.

2. Promoted Employees

   a. Employees promoted will serve a three (3) month introductory period from the date of promotion.

3. Unsatisfactory Performance

   Each probationary/introductory employee is responsible for knowing, understanding and meeting the expectations and standards for their position. In addition, each employee is also responsible for performing their job in a safe, productive and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During probation/introductory period, it is the employee's responsibility to correct any deficiencies or inadequacies in job performance, attitude or conduct.

Unsatisfactory performance can occur at any time within the probation/introductory period.

a. Prior to the dismissal of a probationary/introductory employee, a department Director/division manager shall consult with Human Resources. A decision to dismiss an employee must be initiated with a notice to dismiss outlining the reasons for separation. The department Director will connect with the Director of HR to make the final decision as to the dismissal.
b. A promoted employee who does not successfully complete probation/introductory period may return to their former position if it is available at the discretion of the Director. Otherwise, the employee will be dismissed which is initiated with a notice of proposed dismissal.
c. Extension of Probationary/Introductory Period – at the discretion of the department Director, the initial probationary/introductory period may be extended up to three (3) months for general employees and six (6) months for public safety employees.

2. Appeal Rights

An employee who is dismissed during their initial probationary/introductory period does not have appeal rights. This restriction also applies to an employee whose initial probationary/introductory period is extended pursuant to section 2c above. However, a promoted employee who is dismissed during the probationary/introductory period may appeal pursuant to the City's policies.

3. Personnel Transactions

Newly hired and newly promoted employees generally are not eligible for promotion, lateral transfer or voluntary demotion during the probationary/introductory period. Exceptions may be granted by the City Manager when such promotion, lateral transfer or voluntary demotion is in the best interest of the City.

B. Required Activities. Before the completion of the probationary/introductory period, all new employees must complete the following:
1. Individual Meeting with the City Manager
2. Participate in the New Employee Orientation
3. Compliance and Departmental Training
4. Review of Personnel Policies and Procedures

2.02 – Equal Opportunity Employer

The City realizes that equal employment opportunities benefit the City and its employees through the full utilization of all human resources. It is the policy of the City of Celina to provide equal opportunity to all individuals without regard to race, creed, color, sex, age, national origin, religion, disability, or veteran's status or any other characteristic as determined by State and Federal law.

I. Discrimination based on age, sex or disability or any other characteristic is prohibited except where specific requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.

II. It is the intent and desire of the City of Celina that equal employment opportunities be provided in employment, promotions, wages, benefits and all other privileges, terms and conditions of employment. Further the City will make reasonable accommodations for applicants and employees with known disabilities who can perform the essential job functions with or without such accommodations.

III. The City requires ALL employees to bring to the City's attention any information regarding any incident of possible discrimination or harassment so that the matter can be investigated and appropriate action taken. Any employee who violates the City's policy will be subject to corrective action and/or termination of employment.

IV. The Director of Human Resources has been designated to ensure compliance with the nondiscrimination requirements of this policy.

2.03 – Recruitment and Selection

I. Hiring supervisors shall complete a personnel requisition form to a fill vacant position and have it approved as either budgeted, a replacement or for a budget variance. All requisitions must be approved by Human Resources and Finance departments. Incomplete or inaccurate submissions will delay processing of the request. **IT IS THE RESPONSBILITY OF THE DEPARTMENT INITIATING THE REQUEST TO ENSURE THE INFORMATION IS ACCURATE AND COMPLETE.**

II. Human Resources will post and/or advertise the employment needs of the City/position with a view toward non-discrimination and toward obtaining the best qualified candidates for each vacancy to be filled by recruitment from within or outside the City service.

III. Candidates will complete an application and will complete any additional tests, examination, or the like, to indicate their ability to successfully perform the duties of the position they seek. Human Resources will forward to the hiring supervisors only those candidates that meet the minimum qualifications for the position and who successfully complete the process unless specifically directed by the City Manager to do otherwise.

IV. Interviews with qualified candidates. Once the hiring supervisor makes a selection, Human Resources extends a conditional offer of employment contingent upon successful completion of necessary pre-employment testing.

V. Upon successful completion of all post conditional offer testing, Human Resources will solidify the offer of employment and discuss start dates with the candidate.

VI. Re-Employment

A. Full-time employees who separate from service with the City for any reason will not be considered for rehire in a full-time position for a minimum of 12 months unless approved by the City Manager or their designee.

B. Persons whose employment has been terminated or who has not resigned in good standing (did not give proper notice, under discipline, etc.) will not be considered for re-employment without approval of the City Manager or their designee.

C. Employees who are rehired become eligible for benefits under the same terms as any other new hire, no “bridging” of time will occur.

2.04 – Background Checks

I. Credit History

A. The City will obtain credit history information on a candidate for employment only when the credit history is related to the position for which the person is being considered.

B. The City shall comply with the Fair Credit Reporting Act (FCRA) before obtaining a job-related credit history. The City may not procure a consumer report for employment purposes unless:

1. The City has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and

2. The applicant or employee has authorized in writing the procurement of the consumer report.

C. Before taking any adverse action based on the consumer report, the City shall provide the applicant or employee a copy of the consumer report and a written description of the person's rights under the FCRA, as prescribed by the Federal Trade Commission.

II. Criminal History

A. The City will conduct a criminal history record review for a final candidate for employment and will determine through the individualized assessment procedures described below whether the individual should be excluded from employment.

B. Only City employee(s) authorized to view criminal history records will be involved in conducting and individualized criminal history record review. Consistent with business necessity, the City shall disqualify from employment a person whose criminal history is inconsistent with the job duties of the position for which the person is being considered.

C. The City shall perform an assessment of criminal history record information when determining a person's eligibility for employment in a specific position. The City shall take into account a variety of factors, including the following:

1. The nature of the offenses;
2. The age of the person when the crime was committed;
3. The date of the offense and how much time has elapsed;
4. The adjudication of the offenses (e.g., whether the person was found guilty by a trier of fact, pled guilty, entered a no contest plea, or received deferred adjudication);
5. The nature and responsibilities of the job sought;
6. The accuracy of the person's disclosure of their criminal history during the selection process;

7. The effect of the conduct on the overall environment; and
8. Any further information provided by the person concerning their criminal history record.

In conducting the assessment, the City will consider both the factors set out above and any additional information provided by the individual. The City may obtain court records, if needed, to validate the information provided. Using the available information, the City will determine whether exclusion from employment is consistent with business necessity.

D. Failure to disclose criminal history on an employment application will exclude a candidate from employment with the City, regardless of whether the candidate's criminal history alone would have disqualified them for employment.

E. The fact of an arrest alone does not establish that criminal conduct has occurred, and the City shall not disqualify a person based solely on an arrest. The City may make an employment decision based on the conduct underlying the arrest if the conduct makes the person unfit for the position in question.

F. A candidate for employment who has a criminal history record will be notified in writing that they may be excluded from employment due to criminal history. The candidate will be given an opportunity to provide additional information concerning their criminal history record to be considered as part of the assessment process. Information may include:

1. Documentation showing inaccuracies in the criminal record;
2. Any evidence related to the factors for assessment listed above;
3. Evidence that they have performed the same type of work, since the incident(s) noted on the criminal history record, with no known incidents of criminal conduct;
4. Rehabilitation efforts, including education and training;
5. Employment or character references; and
6. Whether or not they are bonded (if a bond is required for the job position with the City).

If the person does not provide additional information in a timely manner, the City will proceed with a determination with the information available to the City.

III. The City will conduct a motor vehicle record review on a candidate for employment when driving is an essential job function of the position for which the person is being considered. The City will conduct annual motor vehicle record reviews for existing employees. The City will determine through the evaluation criteria for applicants, as set forth in it Motor Vehicle Standards, whether the person should be excluded from employment.

This policy applies to all employees, including all full-time and part-time employees, paid and unpaid interns, and temporary employees.

2.05 - Nepotism

Nepotism is the showing of favoritism toward a relative. The City prohibits nepotism in hiring personnel or awarding contracts. In order to avoid the perception of favoritism and cronyism in government through interpersonal relationships and to prevent conflicts of interest arising as a result of defined relationships between employees this policy is enacted. Employment may be restricted when an applicant or current employee is related by blood (consanguinity) or marriage (affinity) to another City employee or official, or is a member of the same household of another City employee or official.

I. Definitions

A. Nepotism – the practice of favoring, providing benefits to, or giving any workplace preference to, relatives over other employees.

B. Relatives – Includes, but are not limited to, the first, second and third degree of consanguinity (blood), adoption; and the first and second degree of affinity (marriage). Common Law marriages as recognized by the state of Texas will also be included for purposes of this policy.

Consanguinity (Blood Relationships) and Adoptive Relationships

First Degree	**Second Degree**	**Third Degree**
Mother	Grandparent	Great Grandparent
Father	Grandson	Great Grandson
Son	Uncle	Great Granddaughter
Brother	Aunt	Great Niece
Sister	First Cousin	Great Nephew
	Niece	Second Cousin
	Nephew	

Affinity (Marriage Relationship)

First Degree	Second Degree
Wife	Brother-in-Law
Husband	Sister-in-Law
Son-in-Law	Spouse's Grandparent
Daughter-in-Law	Grandchild
Mother-in-Law	Step-Grandchild
Father-in-Law	Stepsister
Stepmother	Stepbrother
Stepfather	Cousin-in-Law
Stepson	
Stepdaughter	

C. Cohabitants – persons who live together in a relationship but are not married, nor are declared to be married.

D. Roommates – supervisor and subordinate who share the same living quarters.

II. General Provisions

A. Supervision: No City employee shall be regularly supervised directly by a relative, cohabitant or roommate. A City employee will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, cohabitant or roommate.

B. Applicants: All external applicants for employment must, at the time of application and hire, disclose the name(s) of any relative(s) cohabitant(s) or roommate(s) serving as elected City officials or currently working for the City in any capacity. Nondisclosure of this information by an applicant shall be deemed as falsification of his/her application and shall result in non-consideration for a position or termination if the person has already been placed on the payroll. In the case of collusion, the current employee who is a relative, cohabitant or roommate may be subject to disciplinary action, up to and including, termination.

C. Employees: When a relationship is created which is not allowed by this policy, the employees are in violation of this policy. The affected employees must inform their department Director of the relationship that violates this policy within five (5) business days of the creation of the prohibited relationship. Failure to disclose this policy violation to the affected Department Director(s) shall result in disciplinary action, up to and including, termination.

D. Promotion/Transfers: all employees who are being considered for promotion or transfer to another position (whether in the same department or to a position in another department) must, at the time of the application for promotion or transfer, disclose the name(s) of any relative(s), cohabitant(s) or roommate(s) serving as elected City officials or currently working for the City in any capacity. Non-disclosure may result in disciplinary action, up to and including, termination.

E. Conflict of Interest: Relatives, cohabitants or roommates may work in the same department, unless otherwise specified in SPECIAL CONSIDERATIONS. Under no circumstances may relatives, cohabitants or roommates permanently supervisor one another. Further, no relatives, cohabitants or roommates shall be placed in positions allowing for financial signature approval of any purchasing or payroll transactions for one another. In the case where business demands require indirect or temporary supervisor of relatives, cohabitants or roommates, the Department Director of the employee(s) is responsible for establishing a process of auxiliary review for the affected employee(s) to include review and signature authority over timesheets, purchase orders and any other action where a conflict could arise from the reporting relationship of relatives, cohabitants or roommates.

The hiring and promotion of relatives, cohabitants or roommates shall not be allowed, even in different departments, if that action creates a conflict, or the appearance of a conflict of interest for the City as determined by the City Manager. When any relationship through blood, adoption, marriage of cohabitation presents a conflict of interest for the City, the City reserves the right to take appropriate

action to eliminate the conflict, which may result in disciplinary action being taken up to, and including termination.

F. Recommendation for Hiring: A current City employee may not be involved in the hiring or selection of a relative, cohabitant or roommate.

G. Disciplinary Actions: Supervisors may not participate in disciplinary decisions or appeals involving their relative, cohabitant(s) or roommate(s).

II. Procedures

A. Employees who become relatives, cohabitants or roommates: When a relationship is created which is not allowed by this policy or a departmental rule, one of the employees must resign their position. The decision as to which employee shall vacate their position shall, initially, be left up to the affected employees. In all such situations, the following procedure shall apply:

1. The affected employees shall disclose their potential violation to their Director, who will in turn, notify Human Resources.

2. If determined to be a violation, the employees shall have 15 calendar days from the date of the policy violation to make a decision as to which affected employee shall vacate their position.

3. The affected employees will have an additional 15 calendars days to vacate the position. If they fail to do this, the Director shall notify the employee with the least seniority, based on the most recent hire date, that they must vacate their position.

B. Special Considerations

1. SECTION 14.03 NEPOTISM of the City of Celina Charter states:

No member of the City Council, Mayor, or City Manager shall appoint, vote for, or confirm the appointment to any paid office, position, clerkship, employment or duty, any person, related within the second degree of affinity or within the third degree of consanguinity to any member of the City Council, Mayor, or City Manager, when the salary, fees, or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment, or duty for at least thirty (30) days if the officer is appointed, or at least six (6) months if the officer is elected. When a person is allowed to continue in any such position, the officer related shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, re-employment, change in status, compensation, or dismissal of such person, unless such action is taken with respect to

2.05 - Nepotism

a bona fide class or category of employees.

2. Designated Departments: There are some departments/positions within the City that, because of the nature of work conducted with all other positions in the City it is inappropriate for persons in these departments/positions to be related to anyone employed by the City in any capacity, by blood, marriage or cohabitation or roommate relationship. Within the City, these departments, divisions and positions include:

    a. City Manager's Office

    b. City Secretary's Office

    c. Human Resources Office, including Risk Management

    d. Financial Services, including Purchasing

    e. The City reserves the right to designate additional departments/positions to those listed herein as necessary to prevent adverse impact on the work environment.

3. Department Directors: No relative, cohabitant or roommate of a department Director may be employed by the City after the effective date of this policy.

4. Grandfather Clause: Employees hired before the effective date of this policy, who are found to be in violation of this policy, shall be allowed to continue working in their current positions. No person shall be hired, transferred or promoted after the effective date of this policy whose continued employment with the City would create a new violation of this policy.

5. Preferential hiring: Preferential hiring consideration will be provided for those employees who must terminate under this policy. The City will endeavor to work with employees while they apply and/or interview for jobs. The employee(s) shall be required to provide advance notice to their supervisor prior to the date of such interview(s) or appointment(s) and to work with the supervisor on scheduling such absences. Preferential hiring consideration shall no longer be given to an employee who refuses a bona fide job offer.

2.06 – Anti-fraternization

An individual shall not be appointed to a position if the appointment would create a close working relationship with another employee within the department or functional area that could affect the health, safety or welfare of the employees, the efficient departmental operations of the best interests of the organization. A supervisor-subordinate relationship is prohibited between two employees who married or cohabitating or involved in a romantic relationship.

2.07 – Valid Driver's License and Certifications

I. The City of Celina requires that every employee who operates a City-owned or leased vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City. It is the employee's responsibility to notify Human Resources immediately if their driver's license is not valid.

II. Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employee are required to provide the City with any authorization necessary for the City to perform such a check. Moving traffic violations will be considered and may result in failure to hire in the case of prospective employees, and may result in disciplinary action, up to and including termination, of an active employee. Each report will be reviewed and considered on a case by case basis.

III. Additionally, as required by position, employee's may be required to hold separate licenses and certifications as necessary to complete their role with the City.

a. As a condition of employment and a continued condition of employment, it is the employee's responsibility to complete, obtain and maintain any certifications, licenses, and other requirements. Certifications and licenses are required to be obtained as designated by the Department Director.

b. Employment is contingent upon obtaining these licenses and certifications within a certain amount of allotted time, also designated by the Department Director.

i. If an employee fails to obtain and/or maintain these licenses and certifications, the employee can and will be subject to disciplinary action, up to and including termination.

2.08 – Medical Examinations/Fitness for Duty

I. The City of Celina endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of their position, either with or without reasonable accommodation. It is the policy of the City to require certain applicants and employees to be examined by a physician under certain circumstances described below. Medical examinations may also be used to ensure that employees remain in good physical condition in order to perform the demands of the job.

II. The City Manager or Department Director with notice to the City Manager may require a person selected for initial appointment or reinstatement to undergo a medical (mental and/or physical) examination by one or more physicians designated by the City and at the City's expense. If a medical examination is required, the employment will be contingent upon successful completion of the medical examination and determination by the City that the person can perform the essential functions of the job with or without reasonable accommodation.

III. The City recognizes that employees with potentially life-threatening and/or infectious illness or physical and/or mental disability may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without reasonable accommodation, without creating an undue hardship, and medical evidence indicates their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

2.09 – Separation of Employment

I. It is the policy of the City of Celina to request advance written notice of an impending voluntary separation from all positions of employment within the City organization. Minimum notice is necessary in order to expedite employee out-processing and ensure a smooth transition without adversely affecting department efficiency.

II. Notice Requirements

A. Department Directors and other top executives are requested to give twenty working days advanced written notice of separation.

B. Department mid-managers are requested to give fifteen working days' written notice of separation.

C. All other employees are requested to give ten (10) working days' advance written notice of separation.

D. Failure of an employee to provide the minimum notice requested could prohibit eligibility for rehire, negatively affect their receipt of terminal pay and cause the employee to be terminated immediately.

III. Types of Separation

A. Resignation: Regular employees may leave City service by submitting a written resignation to their supervisor at least ten (10) working days in advance of their last day of employment. Generally, the City of Celina does not deem it in the best interest of the organization to accept an employee's withdrawal of a resignation. Once a resignation is tendered by the employee and accepted by the City, it may not be withdrawn unless the Department Director agrees. An employee may also give verbal resignation but it is not considered proper notice.

B. Job Abandonment: An employee is considered to have voluntarily resigned City employment if the employee fails to return from an approved leave of absence on the date agreed upon by the City and employee; or in situation where the employee fails to report to work without notice to the City for two (2) consecutive days or shifts (one (1) shift for fire shift personnel) without sufficient cause. Employees who abandon their jobs will not be eligible for rehire and it may affect their terminal pay.

C. Retirement: Full-time employees are afforded retirement under the Texas Municipal Retirement System (TMRS). Eligible employees may retire from City service in accordance with applicable programs. Service retirement through TMRS requires as much notice as necessary to properly process retirement paperwork but a minimum or ten (10) working days.

D. Involuntary (Disciplinary) Termination: Employees may be separated from the City for violation of City and/or departmental policies. Employee separated through involuntary termination are generally not eligible for rehire.

E. Failure of Introductory/Probationary Period: Employees who fail their introductory period may be separated from the City and generally are not eligible for rehire.

F. Failure to Maintain Minimum Job Requirements: Employees may be separated for failure to maintain or secure license(s) or certification(s) required as a condition for performing the job.

G. Resignation in Lieu of Pending Disciplinary Action/Discharge: A resignation because of pending or possible disciplinary action is considered separation for misconduct. Employees who resign in lieu of pending disciplinary action or discharge will not be eligible for rehire.

H. Incapacity: Should an employee's abilities to perform the essential functions of their position, the Director should consult with the Director of Human Resources or their designee. If reasonable accommodations cannot be made and an employee is unable to perform the essential functions of their position with or without reasonable accommodation, the employee may be given a non-disciplinary termination due to business necessity with no appeal, subject to consideration of an ADAAA accommodation of continued leave and/or provisions of the worker's compensation policy.

I. Death: When a City employee passes away, their estate receives all pay due and any earned and payable benefits as of the date of death.

J. Reduction in Force: A reduction in force is a non-disciplinary decrease in the number of authorized positions. Whenever possible, the employee reduction from one department may be absorbed by transfers to suitable positions elsewhere. Such positions may not be at the same pay rate or grade. If the circumstances necessitate it, the City Manager, and Director of Human Resources will develop a reduction-in-force plan. Layoffs will be a result of business necessity, such as discontinuation in demand for service, technological changes and privatization. The plan will consider the following criteria in order:

1. Department/Division goals
2. Employee productivity
3. Employee skills, knowledge and abilities
4. Employee tenure
5. When possible, the City will notify all employees impacted by a reduction-in-force no later than 60 days prior to the effective day. The City will allow reasonable time during the day/week for completing applications, attending interviews and the like.

IV. Exit Procedures

A. Upon receiving a resignation, the supervisor should contact Human Resources and provide the resignation letter. The supervisor is responsible for completing any necessary paperwork, such as requisition to hire and personnel action form.

B. In accordance with Federal Laws, the City offers eligible employees and their qualified dependents the opportunity for a temporary extension of healthcare coverage at the time of separation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The City utilizes a third-party COBRA administration provider who will notify the employee after their termination about their rights to elect coverage. The terminated employee is responsible for paying the costs associated with any such continuation of coverage.

2.10 – Employment Categories

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

I. **Regular Full-Time Employees (RFT)**: Employees who have successfully completed introductory period and are scheduled to work at least 40 hours per week or work period on a regular basis in a full-time budgeted position. RFT employees are eligible for all City group benefits.

II. **Regular Part-Time Employees (RPT)**: Employees who have successfully completed introductory period and are scheduled to work less than 40 hours per week or work period on a regular basis in a part-time budgeted position. RPT employees who work an average of a least 30 hours per week may qualify to participate in the City's health and dental plans.

III. **Introductory Employees**: Introductory periods apply to employees who are newly hired or employees who have changed positions as a result of a promotion, demotion, or transfer. New hire employees will serve an introductory period of six (6) months and employees who have changed positions as result of a promotion, demotion or transfer will serve an introductory period of three (3) months. Introductory periods for public safety personnel may vary according to departmental needs. Seasonal and temporary employees do not serve introductory periods.

IV. **Seasonal Employees**: Employees who work a specific number of hours per week during a specified work season normally no longer than six (6) months. The need for such positions usually recurs on an annual basis. Seasonal employees are not eligible for any City group benefits.

V. **Temporary Employees**: Employees who are hired for a specific number of hours per week for no longer than 90 days. Temporary employees are not eligible for any City group benefits.

VI. **Intern Employees**: Employees who work a specific number of hours per week during a specified work period normally no longer than six (6) months. Intern employees are not eligible for any City group benefits.

2.11 – Re-employment

I. Rehired employees are subject to the conditions of employment and benefits of a newly-hired employee, except where specifically stated otherwise. Individuals involuntarily terminated for disciplinary reasons are generally not eligible for rehire. Individuals terminated for non-disciplinary reasons, such as incapacity and other reasons outside of their control, may be eligible for re-employment. City of Celina retirees may be rehired into their former city position, or another vacant position for which they qualify, in a part-time or seasonal/contract labor capacity. Retirees hired as part-time or seasonal employees cannot work more than 999 hours per calendar year in a part-time or seasonal capacity without it affecting the TMRS benefits they are receiving.

II. A former employee, excluding retirees, may be rehired into the same classification at the same rate of pay provided it has been less than one (1) year since they left employment. However, if a former employee is rehired into a lower position than the one vacated within one (1) year period, they shall be paid according to that job grade and not at the same rate of pay as prior to leaving the City.

III. An employee, who resigned from City employment and submitted a written notice of resignation stating the date of departure and the reason for resignation, is eligible for rehire. The notice of resignation must have been submitted a minimum of ten (10) business days prior to the effective date. Employees who are not eligible for rehire will not be re-employed with the City unless the Director of Human Resources and the City Manager grant approval.

IV. If a former employee is re-employed by the city within three (3) months of their separation date, they must repay their accrual bank in order to restore accrual and longevity levels/rates. If a former employee is re-employed by the City after three (3) months of their separation date, the new service date shall be used, accrual rates will begin anew, and no accruals shall be restored.

V. An employee may return to City employment only two (2) additional times. Exceptions may be made with the Director of Human Resources and City Manager approval.

2.12 – Promotions/Demotions/Transfers

I. **Promotions** – Assignment of an employee from a position of one classification to a position in another classification having a higher position pay grade.

A. When a position vacancy occurs, an opportunity to promote may be explored consistent to the goal of filling a position with the most capable person available. An employee is encouraged to develop their qualifications and apply for vacant advancement opportunities for which they qualify. A hiring supervisor may promote from within and may first consider current qualified employees to fill a vacancy, unless outside recruitment is considered to be in the City's best interest.

B. An employee must meet minimum qualifications in order to be promoted. The candidate with the best combination of skill, past performance and suitability for the position will be selected. An employee selected for a promotion must provide the releasing department with at least two (2) weeks' notice before assuming the new position. If both departments are in agreement, the notice period may be increased or decreased. Promoted employees will be placed at the minimum of the new pay grade or receive a 5% increase, whichever is greater. Additional pay requested must be approved by the City Manager's office, however the employee's pay may not exceed the pay range for the position.

C. An employee may not be promoted if they are under administrative investigation; has been subject to discipline of a written reprimand or greater within the preceding six (6) months of the date of promotion; or if their most recent evaluation is below "meet expectations".

D. Directors must consult with Human Resources to discuss requests to place an employee above the minimum of the new pay grade to ensure consideration of internal equity issues. An employee promotion is conditional upon a successful introductory period.

II. **Demotions** – Assignment, either voluntary or involuntary, of an employee from a position in one classification to a position in another classification having a lower pay grade.

A. Non-disciplinary demotion is the assignment of an employee from a position in one classification to a position in another classification having lower pay grade. An employee qualified to perform lower-level position duties may be approved for administrative demotion at his/her own request. An administrative demotion may be an alternative to a layoff or for another reason in the best interest of the City. Such a demotion shall not be considered a disciplinary action or disqualify the employee involved from being considered for later advancement. All demotions will result in a decrease in pay unless an exception has been approved by the City Manager's office.

B. Involuntary demotion is the result of less than satisfactory work performance or misconduct. Nothing in this section shall require the City to offer a demotion to employees in lieu of other disciplinary action, lay off or reorganization.

III. **Transfer** is the assignment of an employee from one position to another position in the same classification grade.

A. Transfers may be made administratively, upon request of the employee or in conjunction with an announced selection process. Human Resources shall review transfer requests.

B. Directors may authorize a transfer between their divisions without opening the position internally or externally. Human Resources will coordinate said transfers.

C. An employee shall be employed with the City for six (6) months or longer to apply for a transfer. An exception may be granted by the City Manager when such transfer is in the best interest of the City.

D. A transfer is not allowed if an employee has been employed for less than six (6) months; the employee does NOT meet minimum qualifications for the position transferring to; is under administrative investigation; or if their last evaluation is below "meets expectations".

IV. **Reassignment/Reorganization**

A. It is the policy of the City for the reassignment of job duties at-will and without cause. Such reassignment of duties may result in an employee's lateral transfer, reclassification or non-disciplinary demotion.

B. A reassignment of duties may include the assignment of additional duties or the removal of certain duties from a position. Reassignment of duties that does not affect an employee's classification may be made at the discretion of the employee's supervisor.

C. A reassignment of duties which results in an employee's transfer to another department, reclassification or demotion shall be approved by Human Resources and the City Manager or their designee prior to any such reassignment.

D. Any major department reorganization or changes affecting jobs within the department should be addressed during the preparation of the department's annual budget. A significant reorganization of a department shall be approved by Human Resources and the City Manager prior to its implementation.

E. Nothing herein shall be construed to prevent the assignment of higher-level duties or additional duties to an employee without additional compensations.

V. **Interim/Acting Assignment** – If a position is vacant or its regular incumbent is absent for an extended period of a least four (4) weeks, the Department Director with approval of the City Manager may authorize a temporary promotion to ensure the proper performance of city functions. Sworn Police and Fire personnel will be governed by State statutes.

A. Department Directors may temporarily assign employees to higher-level positions in order to ensure continuance of work project, supervision, etc. Employees do not acquire any rights to the position they temporarily fill and may be returned to their former status and position at any time. Persons who have been temporarily assigned to a higher-paying position will be placed in an interim pay category effective after the 10th full work day of the change.

B. Employees receiving interim pay must perform most all of the duties and responsibilities of the position being temporarily filled. Performing only some of

the duties does not qualify an employee to receive interim promotional pay. Employees in acting positions will be placed at the minimum of the new position pay grade or receive a five (5) percent increase, whichever is greater, with the approval of the City Manager. Upon filling a position for which an employee was functioning an acting basis, the employee shall return to their position and pay for action promotion shall cease. Acting positions will NOT be used to circumvent normal promotional procedures. The employee involved will not acquire any status or rights to the position to which temporarily placed, except as provided herein.

C. City Manager approval is required for interim pay assignments.

2.13 – Dual/Outside Employment

I. Outside Employment

City employees must recognize that the City is their primary employer. Employees may occupy only one (1) position within the City at any given time unless otherwise approved by the respective department Director and Human Resources. Approvals will be filed with the Human Resources department. For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) that constitutes a form of employment or business outside the responsibilities of employment with the City.

II. Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City or conflicts in any way with the best interests of the City. City employees cannot contract with the City for services.

III. An employee will not be covered by the City worker's compensation insurance while working for another employer or while self-employed except for law enforcement officers working within their official peace officer function. In addition, an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, may not engage in outside or self-employment, as defined in this policy, unless expressly authorized by the City Manager.

IV. Failure to notify Department Director and the Director of Human Resources of dual/outside employment and dual/outside employment that is deemed as a conflict of interest to the City, must cease immediately, and can result in progressive discipline, up to and including, termination.

2.14 – Reference Policy

All relevant information of City employees will be given as a result of an official open records request or at the written request of the employee/former employee.

Regarding references, typically the information given will be the job title, the department/division in which the employee worked; their dates of employment; as well as eligibility for re-employment.

Information may be given to other persons if required by law. All requests for references will be referred to Human Resources and information should only be disseminated at the direction of Human Resources.

2.15 – Performance Appraisal (Performance Check-In)

The intent of the City of Celina's performance evaluation (performance check-in) process is to provide sufficient opportunities for employees to receive fair, accurate and helpful performance feedback. The feedback received should assist employees in maintaining and/or improving good job performance and ultimately contribute to providing the best service possible to our citizens and customers, consistent with our core values. The performance evaluation (check-in) process serves as a management tool for making decisions regarding career development, succession planning, training, retention and compensation.

The performance evaluation (check-in) process is the ongoing action of setting performance expectations, coaching employees to reach those expectations, providing feedback to employees and then reviewing and recognizing those performance results.

Feedback discussions should occur throughout the year, in addition to the following formal evaluations for regular full-time and part-time employees.

I. Types of Performance Appraisals/Check-Ins

A. **New Hire:** New employees to the City of Celina are considered introductory employees for six (6) months of continuous service. New employees will receive a formal performance evaluation/check-in after five (5) months of service and again on their one (1) year anniversary date. Sworn Public Safety employees should consult with their respective departments regarding introductory period of employment and performance appraisal. The introductory period serves as a formal opportunity to determine if a mutual fit exists between the employee and the organization. A decision to continue or end employment may be made at any time, by either the employee or the city, during or after completion of this period.

B. **Promotion:** Promoted employees will be on three (3) months' introductory period. This three (3) month period serves as a formal opportunity to determine if the employee is a good fit with the new position assumed. A decision to continue or end employment may be made at any time, by either the employee or the city, during or after completion of this period. Promoted employees who fail introductory period may be offered their previous position if the position is available. If not, termination of employment may occur. Employees who have been promoted will receive a formal performance evaluation after three (3) months of service in their new position and again on their one-year anniversary date.

C. **Demotion:** Employees who have been demoted voluntarily or involuntarily will be on six (6) months' introductory period. This six (6) month period serves as a formal opportunity to determine if the employee is a good fit in the new position. A decision to continue or end employment may be made at any time, by either the employee or the city, during or after completion of this period. Employees will receive a formal performance evaluation/check-in after five (5) months of service in their position and again on their one-year anniversary date.

2.15 – Performance Appraisal (Performance Check-In)

D. **Transfer:** Employees who have transferred will be on six (6) months' introductory period. This six (6) month period serves as a formal opportunity to determine if the employee is a good fit with the new position assumed. A decision to continue or end employment may be made at any time, by either the employee or the city, during or after completion of this period. Transferred employees who fail introductory period may be offered their previous position if the position is available. If not, termination of employment may occur. Employees who have transferred will receive a formal performance evaluation/check-in after six (6) months of service in the new position and again on their one (1) year anniversary date. An employee transferring from a position that he/she has worked in for at least six months will receive a performance evaluation prior to transferring to the new position.

E. **Annual:** Regular full time employees will have a performance appraisal/check-in meeting annually during their anniversary/position month.

F. **Mid-Year:** Employees that have successfully completed introductory period may receive a mid-year performance evaluation/check-in at the discretion of the City Manager's Office. The mid- year review is to obtain employee and supervisor feedback as well as to confirm or adjust goals and/or direction.

G. **90 Day Re-Evaluation:** Employees receiving an overall performance rating of "Below Expectations" on their annual performance evaluation/check-in will generally be placed on a Performance Improvement Plan (PIP) for three (3) months. At the end of the three (3) month period, the employee will receive a formal re-evaluation of his/her performance. If an employee's performance "Meets Expectations" at that time, he/she may be eligible for a merit increase based on his/her overall performance rating and dependent on availability of funds. Failure to meet expectations at the conclusion of the three (3) month period will result in termination of employment.

A performance evaluation/check-in is not subject to appeal or grievance. However, if an employee disagrees with any portion of the evaluation, he/she may provide a written statement to be attached to the evaluation.

An employee on a Leave of Absence at the time formal performance evaluations are done will receive a performance evaluation within two weeks upon his/her return to work.

CITY OF CELINA
PERSONNEL POLICIES

Chapter 3 – Personnel Records

3.00 – Official Personnel File

I. Personnel records of present and former employees are kept in the Human Resources Office. The personnel file is a complete record of an employee's application, physical reports, correspondence, performance evaluation ratings, and changes in official status, such as salary changes, promotions, and transfers.

II. In order for the personnel folder file to remain current, the Department Director and work unit supervisor shall submit, to the Human Resources Department, a notice or copy of all actions relating to an employee's status such as, commendations, reprimands, performance evaluations, etc. Department/Division Directors shall inform the Human Resources Department if any other records are kept by the Department/Division(s) on its employees. NOTE: All personnel records, no matter where they are maintained, are subject to the Texas Public Information Act, subpoenas, and other court orders.

III. The Human Resources Department will maintain personnel records of each active employee. Records will also be maintained on inactive employees for not less than the period required by law. An employee's records are available for inspection in the Human Resources Department by the employee, any individual authorized by the employee, his/her immediate supervisor, Department Head or designee. The Human Resources Department will not release personnel records to individuals or agencies outside the City unless it is required bylaw.

IV. An employee who wishes to review the contents of his or her personnel file may do so (but may not remove any of the contents from the file) in the Human Resources Department. Under no circumstances will the file be removed from the Human Resources Office by the employee, and the employee shall not remove any file contents.

V. Employees are responsible for notifying the Human Resources Department whenever there is a change in name, address, telephone number, marital status, number of dependents, military status, person to notify in case of an accident, or beneficiary assignment of any employee benefit plan so as to keep personnel files up-to-date.

3.01 – Employee Privacy

I. Employees do not have any expectation of privacy as it relates to their office, work space, desk, City vehicle, locker, purse, backpack, or carrying case. Inappropriate or illegal items should never be brought to the work place. The City reserves the right to monitor all city-owned communication systems. The City reserves the right to monitor all correspondence conducted on a City-owned computer or any other type of electronic device capable of transmitting data, voice, and/or video.

II. Employee Privacy

A. Human Resources shall establish procedures necessary to preserve the privacy of employee information as required by applicable state and federal legislation. Access to privileged or confidential employee records shall be based on the need to know as determined by the Director of Human Resources.

B. The Texas Public Information Act permits an employee to determine whether the public shall have access to his/her information such as home address and social security number by submitting the Public Access Authorization form. The following information is a matter of public record under the Texas Public Information Act and, upon official request, will be released for public inspection from an employee's official personnel file:

1. Name
2. Date of original employment or appointment to the city service, or if applicable, last day worked
3. Current position title
4. Current salary
5. Department to which the employee is currently assigned

III. Employees may have access to their own personnel file for the purpose of inspection, review, and duplication during normal business hours. Supervisors may review their employees' or prospective employees' personnel files during normal business hours.

IV. Personnel File Review

A. Upon proper request, the Human Resources Department will, during normal office hours, allow third party access to information contained in personnel files. All files will be reviewed in the presence of a Human Resources Department representative. No document may be removed, entered, or copied without prior permission of the Director of Human Resources or designee.

B. Requests for other information by third parties must be requested in writing with a signed release by the employee. Official open records requests do not require written release from the employee. The Human Resources Department will release documents in accordance with the requirements of the open records requests law, (Texas Public Information Act), other laws governing the release of personal information and in consultation with the City Attorney's Office.

3.02 – Confidentiality of Records

I. Federal law, including the ADA/ADAAA and HIPPA, requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Department maintains these confidential medical files.

A. Examples of information that may be provided to the City by an employee' s health care provider, and maintained in the confidential medical file, include:
   1. a note to justify a medically-related absence;
   2. a note to request leave for medical purposes;
   3. a note to verify the employee's ability to return to work;
   4. a note to verify the employee's completion of a wellness program related activity;
   5. medical records to support a claim for sick pay or disability benefits insurance records; and
   6. Workers' compensation records.

B. It is important that employees understand that the records are confidential, but that the confidentiality may be limited when certain medical disclosures are necessary, i.e., FMLA, ADA/ADAAA and worker's compensation. When an employee provides medical information to their supervisor, the supervisor shall disseminate the information to the Human Resources Department and only on "as needed" basis to other members of management. The Human Resources Department is the point of contact to receive medical information, to ensure confidentiality is maintained.

C. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information as well as their co-workers' family medical information. Employees are required to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a coworker's privacy or breach of confidence. Employees should not speculate about medical conditions of other employees or their family members, and may not publicly discuss another person's medical information.

II. Confidentiality of Records

A. Except in cases where information contained in personnel files is required to be disclosed under the Texas Public Information Act, or unless otherwise provided by law or this manual, personnel records and employee's files will be considered confidential. All documents and information submitted during the employment process and during employment are the property of the City of Celina.

B. Medical records and drug test results will be maintained in separate confidential files from an employee's regular personnel file. Access to these records is limited to those persons who have a need to know the information relative to the employee's job. HIPAA Privacy Rules will apply as applicable.

CITY OF CELINA
PERSONNEL POLICIES

Chapter 4 – Employee Benefits

4.00 – Medical, Disability, Life Insurance, Continuation of Coverage

I. The City provides comprehensive medical, dental and life insurance plans for its full-time employees, retired employees and eligible dependents of such active and retired employees. Because of frequent changes in the law and because of the size and complexity of the Medical, Dental and Life plans, employees are to refer to the Employees Benefits Booklet, which is maintained and distributed by the Human Resources department. The summary provided is only to inform employee of the general benefits and procedures in a more concise manner. The terms of coverage are subject to periodic revision and questions employees may have are referred to the Human Resources department.

II. Plans, Enrollment and Plan Year

A. Enrollment and Plan Year

Employees may enroll in the group health plans and other benefit programs upon hiring with the City after a designated waiting period. Plan years for group health plans are administered by Human Resources and are on a calendar-year basis beginning January 1st and ending December 31st. Open enrollment for an upcoming year is determined by Human Resources and employees will receive notice of the open enrollment period each year. Once elections have been made to participate, not participate or to change elections and have been submitted to Human Resources, no change or revocation may be made in the election except in the case of a qualifying event as defined by the U.S. Internal Revenue Code.

B. Group Health Plans

1. Group Health Plan

The City Offers coverage in a choice of group medical plans to full-time employees, retired employees and eligible dependents. The City may subsidize a portion of the monthly premium. The percentage of subsidy varies between the plans and is subject to change.

2. Group Dental Plan

The City offers coverage in a choice of group dental plans to full-time employees, retired employees, and eligible dependents.

3. Group Life Insurance and Accidental Death and Dismemberment (AD&D) Coverages

a. Group Life and AD&D – Full-time employees are enrolled in the City Group Term Life Insurance and AD&D Plan at no cost to the employee.

b. Optional Life and AD&D – Employees may opt to elect additional term life insurance. The cost of additional term life insurance is deducted from the employee's paycheck.

III. Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

A. COBRA became effective April 7, 1986. Through COBRA, City employees and their dependents, who are currently enrolled in qualified group benefits, are afforded an opportunity to extend those benefits at a percentage of the premium, which is subject to change, in situations by which the benefits coverage would otherwise end. The length of COBRA varies depending on the nature of the qualifying event but could range between eighteen (18) and 36 months.

B. COBRA continuation coverage can become available to the employees and their families when group health coverage would otherwise end. COBRA is continuation of plan coverage when it would otherwise end because of a life event, also called a "qualifying event". After such an event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary". Under COBRA, qualified beneficiaries who elect COBRA continuation coverage must pay for said coverage. COBRA continuation coverage is temporary coverage that generally lasts eighteen (18) months due to qualifying events. Certain qualifying events may allow the benefit to extend up to thirty-six (36) months.

4.01 – Retirement/Social Security and Medicare/Deferred Compensation

I. The City of Celina participates in TMRS, which provides retirement benefits to eligible employees.

A. Eligibility for Enrollment
At the time of employment, all eligible employees are enrolled in TMRS. Participation by every regular full-time employee and regular part-time employees who work more than one thousand hours in a year is a condition of employment.

B. Contributions - Contribution rates and other policies of the City's TMRS Plan are determined by the City Council and are subject to change. Currently, the employee contributes seven (7) percent of his/her earnings each pay period. The contributions are tax deferred and made through payroll deduction. The City matches employee contributions at a rate of two-to-one.

II. Benefits at Retirement

A. Generally, employees may retire after twenty (20) years of TMRS service credit, regardless of age. Previous government employment may contribute service credit toward earlier retirement.

B. TMRS benefits will be based on years of service, salary, the employee and City contributions to the account, and the retirement option selected.

C. Employees should contact the Human Resources Department at least 30 days before the planned retirement date to allow for completion of necessary paperwork.

III. All full-time City employees are automatically enrolled in the Texas Municipal Retirement System (TMRS), which is administered in accordance with the TMRS Act, Subtitle G, Title 8, Government Code of Texas, as amended. For information regarding their terms and conditions, employees are referred to the TMRS website, www.tmrs.org.

IV. Social Security

The City participates in the Social Security system and federal law establishes benefits through the Medicare system. Social Security and Medicare costs are automatically deducted from the employees' checks.

V. Deferred Compensation Program

A. "Deferred compensation" is a method which allows employees to shelter a portion of their income from income taxes by taking that income out of peak earning years, when taxes are normally at their highest, and investing it to provide additional income during retirement years, when most people traditionally earn less, and are taxed at proportionally lower levels. In essence, when properly orchestrated, deferred compensation has the effect of minimizing an employee's lifetime tax liability.

4.01 – Retirement/Social Security and Medicare/Deferred Compensation

1. Section 457 of the Internal Revenue Code allows public employees participating in approved plans to defer earnings not to exceed a set amount in accordance with IRS rules and regulations, which are subject to change.
2. Additional catch-up contributions may also be allowed. These contributions are governed by IRS rules and regulations and, therefore, subject to change.
3. Information regarding the available deferred compensation plan providers and plan options, employees may contact the Human Resources Department.

4.02 – Employee Assistance Program

The City of Celina is committed to helping employees and their dependents cope with personal difficulties that could adversely affect employees' work performance, productivity and/or conduct on and off the job by providing an Employee Assistance Program (EAP). This policy supports the City's commitment to support a healthy, family-oriented work environment and a values-based culture where we help and support one another.

The purpose of the EAP is to assist employees in identifying on- or off-the job personal or behavioral problems that are adversely impacting their work performance and productivity. The EAP provides free counseling and referral assistance for City of Celina employees and dependents by offering counseling services for alcohol and drug abuse, marital and relational problems, psychiatric and emotional illness, financial and legal difficulties, and a wide range of other issues.

All persons employed by the City, including those individuals on a full-time, part-time, seasonal, or temporary basis, are eligible to access the EAP. Employees and dependents may access the EAP via a toll-free number, supplied by the City's EAP vendor, 24 hours a day, 7 days a week.

Utilization of EAP program services will not result in any special privilege or exemptions for established City policies related to job performance or affect the at-will status of employment.

I. Types of Referrals

A. Voluntary Self-Referral: Employees may obtain information about the City's EAP from their Department or they may contact Human Resources. An employee may voluntarily contact the City's EAP at any time for assistance. This self-referral can be completely of his/her own initiative. The self-referral can also be a response to informal suggestions by supervisors. In most cases, appointments are available after normal working hours or on weekends. If appointments are necessary during normal work hours, the time may be charged to accrued sick leave. If sick leave is not available, employees may use other paid leave time available or use time off without pay. Information regarding the reasons employees are seeking assistance through the EAP is strictly confidential. Supervisors should not ask what the reasons are, and if an employee volunteers any information, it must be treated confidentially.

B. Job Performance Referral: A job performance referral by the supervisor generally occurs in conjunction with some form of disciplinary action. If a supervisor feels that he/she should refer an employee to the City's EAP, he/she should first review the facts with the Director of Human Resources or designee. Upon agreement that a job performance referral to the City's EAP is the appropriate action, the Director of Human Resources or designee will contact the EAP with the initial information that the employee has been encouraged to contact the EAP within 24 hours. The supervisor should then tell the employee that he/she is encouraged to contact the EAP within the 24-hour time period to schedule an appointment. Scheduled appointments during work hours for the assessment visits and follow up treatments should be recorded as time worked. An employee should not have

his/her time docked for job performance referred assessment appointments. Although case specific information will be treated confidentially, the EAP will keep Human Resources apprised of employees' general progress, such as whether they have attended scheduled meetings and are cooperating, and whether they are attempting to resolve the issues adversely influencing their work performance. If job performance does not improve, the supervisor may continue the disciplinary process, whether or not the employee contacted the EAP.

C. Fitness for Duty Referral: On occasion, fitness for duty assessments may be required. Supervisors should work with their department Director and Human Resources to determine the specific course of action in each case.

D. Family Violence Referrals. The City of Celina recognizes the impact of family violence on the workplace. As such, we are committed to heightening awareness of family violence and providing guidance to employees and management to address the occurrence of family violence. Referral assistance is also available to employees for these situations through the Celina Police department. Time needed away from work to deal with such issues including the length of absence(s) will be determined on a case by case basis between the employee and the supervisor. Paid leave options should be explored first.

II. Critical Incident Crisis Response

A. The City of Celina may experience a critical incident or trauma in the workplace that can affect the emotional health, morale and productivity of employees and management. These events can range from an accidental death or suicide of a co-worker to a natural disaster, such as a hurricane; or a drastic reduction in force. All of these events can cause a great deal of psychological, mental, physical and emotional stress.

III. Records of EAP Referral/Use

A. All records pertaining to the EAP will be treated with a high degree of confidentiality. Any information released will be clearly defined as confidential and will be released only under the following circumstances:
   1. When the EAP counselor determines that there is a clear and imminent risk to the employee or to the community. Clear and imminent risk includes, but is not limited to an individual who is actively suicidal, an individual who is like to physically harm another person, and/or an individual whose ability to function on the job is so substantially impaired that the individual presents a serious risk to the community;
   2. When and to whom it is required by judicial order or when required by legal proceedings;
   3. As required by law to appropriate authorities in cases involving child abuse;
   4. To Human Resources staff and the employee's supervisors on a need to know basis when a referral was mandatory; and
   5. To others with written consent of the employee.

4.03 – Worker's Compensation

The City provides workers compensation coverage to all employees for job-related injuries or occupational illnesses suffered by employees while acting in the course and scope of their position. For more information regarding workers' compensation procedures, contact the Human Resources department.

4.04 – Requests for Accommodation (ADA/ADAAA)

To ensure compliance with the Americans with Disabilities Act of 1990, as amended (ADAAA), The City offers equal employment opportunities to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

I. The City will employ and will not discriminate against persons with a disability or regarded as having such impairment as defined by the ADAAA. The following definitions shall be applicable to this policy:

A. Disability shall mean with respect to an individual:

1. with a physical or mental impairment that substantially limits one (1) or more major life activities of such individual;
2. with a record of such an impairment; or
3. being regarded as having such an impairment.

B. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effectives of mitigating measures such as:

1. medication, medical supplies, equipment;
2. use of assistive technology.
3. reasonable accommodations or auxiliary aides or services; or
4. learned behavioral or adaptive neurological modifications.

II. The City prohibits discrimination against a qualified individual on the basis of disability. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation for the individual's physical or mental impairments unless it would cause an undue hardship to the City or constitute a threat to the safety of the disabled person or other persons. Individuals with disabilities requiring accommodations should notify the Director of Human Resources. The City requests sufficient notice, when possible, to give time to arrange the accommodation.

A. The City will make every reasonable effort to insure that facilities and hiring procedures are accessible to all persons who wish to make application to the City for employment. The City desires that all accommodation requests by applicants be made in writing outlining

1. he position being applied for;
2. the accommodation being requested; and
3. the suggested accommodation alternative and tools necessary to complete the application process.

B. All accommodation requests made by applicants who are otherwise qualified individuals, will be referred to the Director of Human Resources for consideration. Reasonable accommodations will be provided as long as they do not place an undue burden on the City.

4.04 – Requests for Accommodation (ADA/ADAAA)

III. If the City receives any medical information about an employee, it shall be forwarded confidentially to the Human Resources Department, which will maintain a confidential medical records file for each employee. Medical records include any document where details are supplied. Such medical records files shall be secured, both physically and electronically, and kept separate from the employee's personnel file. Access to the confidential medical records files shall be limited except on a "need to know" basis.

IV. Employees/Applicants who have a disability and are in need of accommodation should report such need to the Human Resources Department. The Human Resources Department will work with the employee/applicant in an interactive process of questions and responses in order to determine if accommodation is possible.

V. Employees, who have a complaint regarding potential violations of ADAAA including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint to the Human Resources Department. Such employees shall not be subject to retaliation for requesting accommodation or because of complaints about the denial of reasonable accommodation.

4.05 – Education/Tuition Assistance

I. Statement of Purpose

A. The Tuition Reimbursement Program is to provide an opportunity and an incentive for employees to increase their individual level of education and expertise in their related job duties, thereby enhancing their job skills and degree of professionalism and subsequently improving the ability for staff to provide continued quality service to the community. The City makes this investment in the employee with the expectation that it will improve the employee's productivity and that the employee is committed to continued employment with the City.

B. Participation in the Tuition Reimbursement Program is subject to availability of funds in the City's annual operating budget and prior written approval of the Department Director and Human Resources Director. Participation in the Tuition Reimbursement Program is a privilege of employment, not a right. Therefore, participation in the program is subject to approval and is not guaranteed for any employee. Only full-time employees are eligible for tuition reimbursement after successful completion of their new hire introductory period. Employees who have been placed on a Performance Improvement Plan are not eligible for tuition reimbursement until successful completion of the Performance Improvement Plan.

C. The Tuition Reimbursement Program is for college courses for Associates, Bachelors or Master's degree plans. The program is NOT for certifications.

II. Course Eligibility

A. The City of Celina may provide assistance when the courses or employee' s degree programs meet one or more of the following criteria:

1. Relates to current job duties;
2. Provides new knowledge and skills to enhance job performance and/or support the City's mission;
3. Are required for a job-related degree program;
4. Enhances the City's ability to respond to current and future needs; or
5. Supports the documented "Employee Development Plan" sections of the employee's Performance Evaluation.

B. Individual courses outside of the degree plan, which are directly related to the employee's present or potential position with the City, may be considered for tuition reimbursement under this plan on a case-by-case basis, with the final determination on written approval made by the Human Resources Director.

4.05 – Education/Tuition Assistance

III. Guidelines

A. The City of Celina will reimburse the employee 100% of state tuition, laboratory, and registration fees. Tuition reimbursement will only be granted for courses taken at or through an accredited university and which is part of an approved degree plan. For courses taken at a private school, the employee pays the difference in the tuition rates between the average rates for state schools within the region, as determined by the Human Resource Director, and the private school.

B. Other fees and education expenses to which this tuition reimbursement does **not** apply includes, but are not limited to:

1. Books;
2. Courses in which no credit is assigned;
3. Courses repeated for purposes of raising a grade level;
4. Testing fees;
5. Extended Payment fees;
6. Parking Fees; or
7. Returned Check fees.

C. If a course is subsidized by another source (i.e. veteran's educational payments, scholarships, and grants), tuition reimbursement is limited to those costs not covered by the other source(s).

D. Employees enrolled in GED courses are eligible for reimbursement for 100% of the GED review course and 100% of the GED exam fee. GED review course and exam fee will only be paid once per employee.

E. Those employees who cease employment with the City prior to completion of the course are ineligible for the tuition reimbursement benefit.

F. If the employee does not maintain employment with the City for two years after reimbursement for the course(s), the employee will be required to repay, at the time of termination of employment, the tuition and fees that were reimbursed by the City according to the scale below. Human Resources will be responsible for tracking if any tuition reimbursement money is due upon termination of employment. Reimbursement amounts may be deducted from an employee's final paycheck with the City.

Length of Time at Separation	Employee Obligation
Termination after 0 months and before 1 year of course completion	Pay 100%
Termination after 1 year and before 2 years of course completion	Pay 75%
Termination after 2 years and before 3 years of course completion	Pay 50%
Termination after 3 years and before 4 years of course completion	Pay 25%
Termination after 4 years of course completion	Pay 0%

G. The time expended by the employee involved in a course approved under this plan shall not be considered as "on-duty" time. Expenses related to travel, meals, or lodging are the cost of the employee and are not considered for reimbursement under this plan.

H. Course work usually is completed during hours of leave without pay or on the employee's own time. However, adjustment of hours or the use of accrued compensatory time or annual leave may be arranged if the Department Director can certify that the work of the unit will not be impaired as a result. However, that is to be the exception and not the norm and course work will be completed outside of normal work hours.

I. This plan is not related to courses, seminars, conferences and similar training sessions that are required, offered, or paid by the City.

IV. Procedures

A. Request for Budget Approval:

Employees must submit a written estimate of their tuition reimbursement expenses to Human Resources, through their Director, in prior to the fiscal year in which they will attend the course(s). If an employee submits for tuition reimbursement for courses that were not submitted within the deadline, reimbursement may or may not be granted depending upon the availability of funds in the City's annual operating budget and approval by the Department Director and Human Resources.

4.05 – Education/Tuition Assistance

B. Request for Course Approval

1. Tuition Reimbursement Approval Form must be completed and approved prior to registration for courses and implementation of work schedule changes.

2. The Department Director will recommend approval or disapproval for the tuition grant. If the Department Director approves course(s) for possible reimbursement, he/she must indicate the reason the course is directly related to the duties of the employee's position. Furthermore, if the Director recommends disapproval for the tuition reimbursement, the reason for such disapproval should also be indicated. The Department Director will then forward the form with his/her decision to the Human Resources Department and City Manager for final review.

3. The employee will pay the initial tuition and related costs in advance and will be granted reimbursement only after the grade has been received. A grade level of "C" or better for an undergraduate course is required for reimbursement. A grade point average of "B" or better for a graduate course is required for reimbursement. Courses graded by "pass/fail" will be reimbursed only if the course uses the "pass/fail" as a mandatory grading requirement and a "pass" grade is received. Such reimbursement is based on the employee's official school grade report or transcript.

B. After completion of the course, the Tuition Reimbursement Request Form, itemized tuition and fee receipt and grade report must be submitted within 45 calendar days of completion of the course for approval by Human Resources. Failure to submit the appropriate documents within the time limit indicated may result in denial or delay of the tuition reimbursement for the course.

CITY OF CELINA
PERSONNEL POLICIES

Chapter 5 – Leaves

5.00 – Sick Leave

I. Purpose

A. The purpose of this policy is to establish uniform guidelines for the accrual, use and payout of sick leave. Sick leave is paid time away from work to provide income protection for an employee who-

B. is unable to perform his/her job due to an illness or injury;

C. Must miss work to care for an immediate family member who is ill or injured; or

D. Needs time away from work for visits to a professional healthcare provider, for him/herself or for a family member, which cannot be reasonably scheduled outside of normal work hours.

II. Eligibility

A. Only regular full-time employees are immediately eligible to accrue sick leave.

B. Part-time, seasonal and temporary employees are ineligible to accrue or use sick leave.

III. Accrual

A. Timing. Sick leave accrues at the rate of 1-day per continuous month of service for full time employees for a total of 12 days per year.

1. Employees who begin employment before the 16th of the month or who leave employment after the 15th of any month shall earn sick leave credit for the month.
2. Employees who begin employment on or after the 16th or who separates on or before the 15th shall not earn sick leave credit for that month.

B. Rate. Sick leave accrual is as listed in the table below. The rate of accrual varies according to the employee's classification as follows:

Regular Full-time Employees	12 days per year
Fire Shift Personnel 24/48 cycle	12 days per year
Police Shift Personnel	12 days per year

C. Termination/transfer. Accrual of sick leave is unlimited until the employee is terminated or is transferred to a position which is ineligible for paid sick leave, at which point the accrual ceases and the employee's sick leave balance is paid out according to the schedule maximums below.

D. Part-time to full-time**.** An employee transferring from a regular part-time position to a regular full-time position or vice versa shall retain the balance of sick leave already accrued, but shall begin to accrue sick leave at the rate applicable for the new position.

E. Fire personnel. Certified Fire personnel shall accrue sick leave according to the rate applicable to their regular shift assignment as indicated by the schedule above; the accrual rate changes on the effective date of a new shift assignment.

5.00 – Sick Leave

IV. Usage

A. After one month**.** An eligible employee may use accrued sick leave after the completion of one (1) full month of employment unless a part of an accommodation under the ADAAA. If sick leave is exhausted, vacation may be used for additional time off needed.

B. Departmental procedures. To be authorized for leave under this policy, an employee must notify the appropriate supervisor according to the procedures adopted by their department.

1. Each department shall establish and communicate to employees procedures for scheduling/reporting the use of sick leave for both foreseeable and unplanned absences.
2. With respect to this policy, an unplanned absence is one that was not scheduled and approved by the employee's supervisor prior to the day of the absence.

C. Unplanned absence**.** In the event that an employee must miss work due to an unexpected illness/injury, s/he should notify the designated supervisor prior to the start of the shift (or as soon as is reasonably possible) and according to the notification procedures adopted by the department but no less than one (1) hour to the start of their shift. Failure to report in will cause an employee's absence to be charged to leave and regarded as a no call/no show.

D. Foreseeable absence. If an absence is foreseeable, such as a doctor's appointment, the employee shall schedule it so as to not unduly disrupt departmental operations and to give supervisors as much advance notice and flexibility in scheduling as possible.

E. Failure to comply**.** An employee who fails to comply with departmental procedures for the notification and scheduling of sick leave may be denied paid sick leave and subject to disciplinary action, up to and including, termination of employment. An employee on sick leave found to be engaged in activities in direct conflict with the purpose of this policy, including outside employment or self-employment, may be denied compensation for the leave and subject to disciplinary action up to and including termination of employment.

F. Time keeping. Use of sick leave will be recorded on the same basis as time worked and subject to a daily limit corresponding to the number of hours the employee is regularly scheduled to work.

G. More than 3 days. In the event that an employee will be or has been absent for *more* than three (3) consecutive work days (or one (1) shift for firefighters) for reasons covered under this policy, they will contact the Human Resources Department as soon as possible to determine whether the absence should be designated as a leave under the Family and Medical Leave Act (FMLA).

1. Supervisors are also responsible for notifying the Human Resources Department of any leave of absence exceeding three (3) consecutive work days or that might otherwise qualify for FMLA leave.
2. An employee who will be absent for more than three (3) consecutive

work days shall notify the designated supervisor of his/her expected return-to- work date as soon as is reasonably possible and prior to the date of return.

H. Illness on vacation. An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be ended and the illness or injury time be converted to sick leave, if available.

I. Absenteeism or misuse. While sick leave is intended to be a form of income protection, it does not provide job protection, except when used in conjunction with FMLA leave.

1. An employee who is habitually absent from work for any reason, other than for an authorized leave of absence under the FMLA, ADAAA or workers' compensation, may be subject to disciplinary action and/or loss of employment.
2. The department Director shall determine what constitutes excessive absenteeism on a case-by-case basis, taking into account the reasons for the absences and the degree to which they disrupt departmental operations.
3. What constitutes excessive absenteeism for an employee in one job classification may be different than for an employee in another job classification.
4. Excessive use, misuse or abuse may be evidenced as follows, but is not limited to these examples:
    a. misrepresenting the need for use of sick leave.
    b. falsifying or altering healthcare provider notices, reports releases or other such physician documentation.
    c. evidence of a pattern of sick leave usage, such as frequently using sick leave before/following holidays, weekends, etc.
    d. Using leave on days that evidence a pattern
    e. taking excessive leave (such as an entire day for an appointment).
    f. using sick leave as it is accrued, thereby having no accumulation.
    g. performing secondary work while on sick leave.

J. Last day of employment. Terminating employees shall not use sick leave in the last two weeks of employment unless providing a doctor's certification of the need for leave and/or unless the employee is using sick leave for approved FMLA leave or as a provision of ADAAA.

K. Family member. Under this policy, an immediate family member is the employee's father, mother, sibling, spouse, child/stepchild, or in-law. In the event of a life-threatening illness or injury of an employee's family member who does not meet the definition of "immediate family," the department Director

may allow the employee limited use sick leave as they deem reasonable under the circumstances.

V. Leave Substitution

A. FMLA. Time away on sick leave due to an event that qualifies for leave under the Family and Medical Leave Act (FMLA) will be deducted from both the employee's sick leave balance and their balance of available FMLA leave. The employee may also be required to use other paid leave if s/he does not have enough sick leave to cover the FMLA absence.

B. Non-FMLA. An employee lacking enough accrued sick leave to cover an absence under this policy which is *not* subject to the FMLA, may request to substitute other paid leave or to be placed on a leave-without-pay status. The substitution of other paid leave is not automatic.

1. Any leave substitution must be approved by the department Director or designee, who will consider whether to-
   a. Approve the use of other paid leave;
   b. Authorize a leave without pay; or
   c. Take other administrative action to mitigate the negative impact of the employee's absence(s).
2. Approved paid leave substitutions shall be subject to the following order:
   a. Vacation leave
   b. Holiday leave
   c. Compensatory time

C. FLSA. The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 and pursuant to the City of Celina's general policy of public accountability. All employees shall account for any absences subject to the application of this policy according to the manner described herein.

1. Exempt employees should substitute paid leave or leave without pay for any absence which causes hours worked to be less than eighty (80) in a pay period.
2. Nonexempt employees must substitute paid leave or leave without pay for any absence which causes hours worked to be less than normally scheduled for any designated work period, which is generally 40 hours in a seven-day work period.

D. Donations. Employees who have exhausted all paid leave and face the possibility of a leave of absence without pay due to an illness/injury may request donations of leave from other employees under the City's Catastrophic Leave policy.

VI. Documentation

A. Return-to-work release. An employee returning from a sick leave absence for their own illness/injury in excess of three (3) consecutive workdays will be required to submit a return-to-work release from the employee's doctor indicating that the employee has recovered enough from their recent illness/injury to perform the essential functions of their position with or without accommodation. The employee may also be required to take a physical ability test if such a test is normally required for placement in the job. Both the return-to-work release and a passing score on the physical ability test (if required) must be submitted to the Human Resources Department before the employee may resume regular work duties.

B. Proof of Illness/Injury. A department Director may, at their discretion, require satisfactory proof of illness/injury if they suspect fraud or misuse of leave for absences not authorized under the FMLA, ADAAA or workers' compensation leave. Departmental requests for medical documentation to support the use of sick leave shall be processed by the Human Resources Department. Employees are encouraged to request and retain evidence of health care office visits/treatment related to sick leave absences in the event that absenteeism or apparent misuse of sick leave becomes a matter for investigation and/or disciplinary action.

C. For FMLA, ADAAA or Workers' Compensation. For absences authorized under FMLA, ADAAA or workers' compensation, the Human Resources Department will request documentation to support the need for absence and/or the return to work. All such requests will be made in accordance with applicable laws and regulations.

VII. Payout of Unused Sick Leave

A. Employees who have completed at least one (1) full year of employment with the City are entitled to a payout of accrued sick leave upon termination (in good standing or upon transfer to a job classification ineligible for sick leave accrual up the maximum. Payout shall be made-

1. In the employee's final paycheck or in the last paycheck reflecting the employee's status as an employee eligible to accrue sick leave; and
2. On the basis of the employee's hourly rate of base pay in force immediately preceding the termination or transfer and shall include any leave accrued for that pay period.

B. Payout limits. Payout of sick leave accrual to employees vacating full-time positions shall be limited according to the following schedule (For this section time begins for all employees on the effective date of this policy):

Years of Full-time Service	Payment Eligibility (percent of unused sick leave)
Under 5	0
5	50%
6	60%

5.00 – Sick Leave

7	70%
8	80%
9	90%
10 plus	100%

No employee will be paid for more than 240 hours for general employees and 360 hours for firefighters.

VIII. The City of Celina reserves the right to modify, alter, delete, suspend or discontinue all or any part of this policy at any time, with or without prior notice to employees; nothing in this policy constitutes a contract, implied or express.

5.01 – Vacation Leave

I. Purpose

A. The purpose of this policy is to establish uniform rules and procedures to govern the accrual, use and payout of vacation leave. Vacation leave is paid time away from work to pursue activities that promote the well-being of the individual.

B. An employee desiring to use vacation leave must notify the appropriate supervisor in accordance with the procedures adopted by his/her department.

II. Eligibility

All regular full-time employees are immediately eligible to accrue vacation leave, at the time of hire as outlined herein; part-time employees and seasonal and temporary employees are not eligible to accrue or use vacation leave.

III. Accrual

A. Vacation leave is accrued at the close of each of the first two (2) pay periods in a month and is not available until the following pay period.

B. Vacation accrual for regular full-time employees is based on an eight (8) hour day. Regular full-time employees shall accrue vacation leave to a maximum balance of 240 hours for general employees and 360 hours for firefighters, at the rate of:

1. General/Police employees
    a. 2 weeks per year up to completion of 5 years of service
    b. 3 weeks per year up to completion of 10 years of service
    c. 4 weeks per year from 11 years of service forward

2. Fire employees (shift personnel)
    a. full-time Fire (shift) employees receive 1.5 times the vacation of general employees in the aforementioned categories.

C. Department Directors and Managers will accrue vacation at the following rate:

1. 3 weeks per year up to completion of 10 years of service
2. 4 weeks per year from 11 years of service forward

D. Accrual of vacation leave continues up to the maximum accrual limit or until the employee terminates employment with the City or transfers to a job classification that is ineligible for vacation leave accrual.

1. In the case of termination (in good standing) or transfer, the employee

is paid for accrued vacation leave at their current rate of pay.

2. At the end of each calendar year, employees with vacation balances above the maximum allowed by policy will have their vacation leave balances administratively reduced to the maximum allowed.

E. An employee transferring from a regular part-time position to a regular full-time position or vice versa shall retain the balance of vacation leave already accrued if the new position is also eligible for vacation leave accrual.

F. In the case of the regular job assignment of a 24-hour shift fire protection personnel moving to an eight (8) hour day schedule, their vacation balance will be divided by 1.5 (the same ratio as the accrual rate). In the case of the regular job assignment of an eight (8) hour day fire protection personnel moving to 24-hour shift, their vacation balance will be multiplied by 1.5 (the same ratio as the accrual rate). Such adjustments in vacation balances will not be made as a result of temporary reassignments of fire protection personnel to light duty and modified duty roles due to medical or administrative restrictions.

IV. Use

A. An employee may begin use of accrued vacation leave upon successful completion of the six (6) month introductory/probationary employment period.

1. All use of vacation leave is subject to the approval of the employee's department Director or designee, who may approve or disapprove vacation leave requests according to the provisions of this policy and subject to the needs of his/her department.
2. Employees should be afforded the opportunity to take at least five (5) continuous days of vacation leave annually.

B. Vacation leave may be used to compensate an employee for time away from work due to reasons for which accrued sick leave would normally be used but has been exhausted.

1. Vacation leave may not be substituted for sick leave until all other accrued leave and/or compensatory time has been exhausted; however, there is no requirement that compensatory time be exhausted prior to using vacation leave for an event that qualifies for leave under the Family Medical Leave Act (FMLA) or City Leave of Absence.
2. Such use is subject to the approval of the department Director or designee based on past utilization and sick leave balances as they relate to tenure with the City.

C. Terminating employees are not allowed to use vacation as their final day of employment unless the employee is using vacation for approved FMLA leave or as a reasonable accommodation under the ADAAA or it is approved by their

department Director.

V. Accounting:

A. An employee shall be compensated for vacation leave subject to a daily limit corresponding to the number of hours for which he/she would have been scheduled to work.

B. In the event that an employee has exhausted all other available leave, time away from work for an event that qualifies for leave under the Family and Medical Leave Act (FMLA) or ADAAA will automatically be paid from the employee's vacation leave balance, as well as be deducted from the employee's available balance of FMLA leave or ADAAA.

C. Employees on sick, FMLA or leave under the ADAAA leave will be required to use, at a minimum, a portion of their accrued leave to pay for required benefits and payroll deductions.

D. The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 effective August 23, 2004, and pursuant to the City of Celina's general policy of public accountability; all employees shall account for any absences subject to the application of this policy according to the manner described herein.

VI. Scheduling and Notification

Each department shall establish and communicate to its employees' specific procedures for the use of vacation leave which reflect the following:

A. For scheduled use, a process for requesting the leave in writing, at least three (3) working days in advance of the requested leave, and documenting and communicating the approval/disapproval of the requested leave, including both the employee's and supervisor's approval;

B. For unscheduled use, a process for documenting the request and the reason for the approval/disapproval of the requested leave, including both the employee's and supervisor's approval;

C. That emergency requests should be reserved for truly unforeseeable events requiring the employee to be absent to handle personal business of an urgent nature; and

D. That the maximum continuous vacation that can be authorized is two (2) calendar weeks, unless otherwise approved by the department Director based on past utilization and sick leave balances as they relate to tenure with the City.

5.01 – Vacation Leave

An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be ended and the illness or injury time be converted to sick leave or other accrued leave type.

An employee who fails to comply with departmental procedures for the notification and scheduling of vacation leave may be denied paid leave and be subject to disciplinary action, including termination of employment. Further, an employee who takes a leave day following denial, as outlined herein, may be subject to disciplinary action, including termination of employment.

VII. Payout

A. Employees who have completed their probationary period with the City are entitled to a payout of accrued vacation leave upon termination of employment or upon transfer to a job classification ineligible for vacation leave accrual. Payout shall be made-

1. In the employee's final paycheck or in the last paycheck for which the employee is eligible to accrue vacation leave; and
2. On the basis of the employee's hourly rate of base pay immediately preceding the termination or transfer and shall include any leave accrued for that pay period.

B. Payout of vacation leave accrual to employees vacating full- or part-time positions shall be limited to a maximum of 240 hours; payout of vacation leave accrual to fire protection personnel, vacating positions designated to work 24-hour shifts, shall be limited to a maximum of 360 hours.

5.02 - Holidays

I. Purpose

The purpose of this policy is to identify the rules and procedures regarding employee compensation for official holidays of the City. All regular full-time employees are immediately eligible for paid time off for an official City holiday. Time off for holidays will be paid at the eligible employee's regular hourly rate of pay and will not be considered time worked for purposes of calculating overtime pay or compensatory time accrual.

II. Eligibility for Benefit

A. All regular full-time employees are eligible for the following holidays.

B. Part-time, seasonal, fixed-term (contract) and temporary employees are not eligible for paid time off for a holiday, but will be paid for any time actually worked on the holiday plus an equivalent amount of holiday pay at the regular rate of pay.

III. Official Holidays

The following holidays are official City holidays for all eligible employees. Human Resources will post a list of dates for recognized holidays before the beginning of each calendar year.

New Year's Day	Labor Day
Martin Luther King Jr. Day	Thanksgiving Day
President's Day	Day After Thanksgiving
Good Friday	Christmas Eve
Memorial Day aka (September 11th Memorial Holiday for Firefighters)	Christmas Day
Fourth of July	
Any other day declared by the CM and/or CC as designated official City holiday	

*Birthday Day off. While it is not a holiday, employees may take their birthdays off from work. The day off will be taken on the birthday. If birthday is on Saturday, take Friday and if it is on Sunday, take Monday. If must work on actual birthday, take another day during the week of the birthday. The day off will not carry over to any other time.

Generally, holidays occurring on Saturday will be observed on the preceding Friday, and holidays occurring on Sunday will be observed on the following Monday. Exceptions to the dates that holidays are observed is at the discretion of the City Manager and will be so noted on the list of holiday dates provided annually by Human Resources.

5.02 - Holidays

IV. Accrual

A. Working on a Holiday. Full-time non-exempt employees (other than Police and Fire) who must work on an official holiday, will be paid for the holiday, in addition to hours actually worked, at the regular rate of pay.

1. Police and Fire Department employees working on a holiday will be allowed to "bank" or accrue the holiday hours for use on an alternate day, as scheduled by the supervisor and subject to the limitations indicated below.
2. Exempt employees who work on an official holiday will also be allowed to accrue holiday hours for use on an alternate day, with the approval of their supervisor and subject to the limitations indicated below.

B. Timing and Limits of Accrual: Police, Fire and exempt employees shall not accrue holiday time until the date that the holiday actually occurs.

1. Police and Firefighters shall accrue holiday hours such that all hours accrued after September 1 of a calendar year must be used or cashed out by August 31 of the following calendar year.
2. Exempt employees shall accrue holiday hours on a fiscal year basis, such that all hours not used by the end of the fiscal year (September 30) shall be converted into vacation hours and applied to the employee's current vacation accrual, subject to the limitations indicated in the vacation leave policy.

V. Use/Payout

A. Termination of Employment: Terminating employees are not allowed to use a holiday as their final day of employment. However, terminating employees will be paid for any holiday hours accrued prior to the last day of employment.

B. Absence Before or After a Designated Holiday: To receive holiday pay, an otherwise eligible non-exempt employee must be at work or on an authorized leave of absence on the scheduled work days immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days because of an illness or injury, the City reserves the right to verify the reason for the absence before approving holiday pay.

C. Leave of Absence. An employee on an approved leave status, including workers' compensation leave, will be paid holiday pay in lieu of any leave status pay they would ordinarily receive at the time of the holiday. Receipt of holiday pay while on a paid leave of absence qualified under the Family and Medical Leave Act (FMLA) does not extend an employee's FMLA leave entitlement.

5.02 - Holidays

D. Religious or Other National Holidays. Employees may request to take other religious and national holidays but any such request is subject to the approval of the supervisor. If approved, the employee must use appropriate leave balances (i.e. holiday accruals, vacation leave, etc.) Sick leave is not authorized for use for religious or other national holidays.

E. Leave Substitution. Holiday hours accrued may not be substituted for sick leave until all accrued sick leave has been exhausted.

F. The City of Celina reserves the right to change, modify, amend, revoke or rescind all or part of this policy in thefuture.

5.03 – Bereavement Leave

I. Statement of Purpose

The purpose of this policy is to identify the rules and procedures with regard to the use of bereavement leave. Bereavement leave is intended for the purpose of allowing an employee time to attend to the immediate needs of the situation.

II. Eligibility

All full and part time employees are eligible for paid bereavement leave from the first day of employment. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisor's approval, use any available vacation time for additional time off as necessary.

III. Maximum Bereavement Leave

While there is no accrual of bereavement leave, each regular employee will be eligible for up to three (3) working days of leave per occurrence. Firefighters assigned to a 24-hour shift will be eligible for a maximum of 36 hours per occurrence.

Employees will receive pay for each hour of bereavement leave used within the maximums set above. Paid leave does not include any special forms of compensation, such as incentives, commissions, bonuses, overtime, or shift differentials.

IV. Appropriate Use of Bereavement Leave

A. Bereavement leave may be used by an employee in the case of the death of:

Consanguinity (Blood Relationships) and Adoptive Relationships

First Degree	**Second Degree**
Mother and/or Father	Grandparent
Daughter and/or Son	Grandchild
Brother and/or Sister	Uncle and/or Aunt
Legal Guardian	1st Cousin
Legal Ward	Niece and/or Nephew

Affinity (Marriage Relationship)

First Degree	**Second Degree**
Spouse	Brother and/or Sister – in - Law
Son and/or Daughter – in Law	Spouse's Grandparent
Mother and/or Father –in – Law	Step-Grandparent
Step Parent	Stepsister and/or Stepbrother
Stepson and/or Stepdaughter	

5.03 – Bereavement Leave

V. Procedures

A. Notification - Employees who wish to take time off should notify their supervisor immediately.

B. Documentation - A Department Director may require the employee provide documentation for a bereavement leave request.

VI. Leave Substitution

If additional days of leave are requested to take care of family needs in conjunction with a death in the family, then appropriate leave pursuant to Vacation Leave or Sick Leave policies is to be used prior to the authorization of unpaid leave.

5.04 – Sick Leave Pool

I. Purpose

The purpose of the Sick Leave Pool (Pool) is to provide employees (who are bank members) with a possibility of obtaining additional paid sick leave days to assist them financially when they are unable to work for an extended period of time due to a qualifying catastrophic illness or injury that cased the employee to exhaust all paid leave time benefits.

II. Definitions

For the purpose of this procedure, the following definitions shall apply:

Qualifying Catastrophic Illness/Injury

A. Catastrophic Illness/Injury:

1. A severe condition that affects the mental or physical health of an employee to the extent that he/she is unable to perform his/her job nor is able to perform one or more normal life functions; or

2. Poses a threat to life; required 'in-patient' or hospice care or extensive outpatient treatment or care; and requires the services of a state licensed physician for an extended period of time.

B. Sick Leave Pool - A depository of employee-donated hours.

C. Catastrophic Illness/Extended Sick Leave Bank Member - A contributing participant in the Bank.

D. Eligible Family Member - Member's child, stepchild, parent, stepparent, spouse and domestic partner. For the purpose of this policy, child is defined as a biological, adopted or foster child, stepchild, child of an employee who is standing in *loco parentis* or legal ward of the employee.

E. Family Illness/Injury - A medically documented catastrophic illness or injury for which an eligible family member receives ongoing medical care, or sudden or unexpected emergencies that require immediate medical attention.

F. Personal Illness/Injury - A non-job related medically documented catastrophic illness or injury for which an employee receives ongoing medical care, or sudden or unexpected emergencies that require immediate medical attention.

G. Extended period of time is defined as thirty (30) calendar days of absence for a single illness or injury.

H. Licensed Physician as defined by the Texas Insurance Code and practices within the scope of her/her license.

5.04 – Sick Leave Pool

III. Policies and Procedures

This policy establishes guidelines for the organization and administration of the City's Sick Leave Pool, (hereinafter referred to as "Pool".)

Employees who, through willful misconduct, purposely self-inflicted, or injured on a job not connected to his/her employment with the City, are NOT eligible for use of the Sick Leave Pool.

No inducement, discipline, promise or threat of inducement or discipline shall be used to encourage or discourage participation.

Request for leave from the Bank may be made by or for a bank member. For a request to be considered under this policy, the incapacity must be a catastrophic illness/injury as defined by this policy. Employees may not request leave for incapacities due to an On-the-Job Injury (workers comp).

Incapacities due to elective procedures or cosmetic surgery are not eligible for consideration under the Sick Leave Bank. However, complications that develop as a result of the procedures may be considered.

A. Contributions to the Sick Leave Pool – Contributions to the Pool are strictly voluntary. Contributions can be made from excess sick leave that would be lost due to maximum carry over limits, at voluntary separation of service from the City, or an annual contribution of between 8 and 24 hours can be contributed by active employees who have a minimum sick leave balance of one hundred and four (104) hours of accumulated sick leave. Annual contributions will not be needed as long as the Pool has a balance of two thousand (2,000) hours.

B. Eligibility:

Regular full-time Employees who have been employed with the City for one year and meet the criteria listed in this policy are eligible to apply for sick leave from the Pool.

a. The employee must have exhausted all paid leave (including sick leave, vacation, holiday and comp time) due to his/her non-job related catastrophic injury or illness.

b. Employee must have had an absence of thirty (30) calendar days to apply to the Pool.

c. The employee must provide a medical certification from a licensed physician, in a form acceptable to the City, that the

5.04 – Sick Leave Pool

illness or injury is catastrophic and will require the employee to remain absent from work. The City reserves the right to request a second opinion (paid for by the City).

d. Pool benefits are not available for absences due to an employee's family member; benefits are only available for the employee's own illness/injury.

e. The employee must not have been disciplined or written-up during the last two (2) years for abuse of sick time. Other factors considered by the City when granting or denying an application for sick pool benefits include, but are not limited to, the nature of the serious health condition giving rise to the request, the employee's length of service, disciplinary and attendance history (including prior utilization of sick leave), the likelihood that the employee will be able to return to his/her regular duties within a reasonable period of time, and available sick leave in the Pool.

f. While using time from the Pool, employees may not work another job (including self-employment). An employee who performs outside work will lose all remaining Pool time and will be subject to disciplinary action, up to and including, termination of employment.

C. Enrollment Period

1. The enrollment period will be January of each year. Forms for enrollment will be provided by the Human Resources Department.

D. Request for Use of Sick Leave Pool

1. Requests must be submitted on the proper form and given to the Human Resources Department along with a medical certification signed by a licensed physician.

a. The Physician's statement must include the date the catastrophic medical condition began, the probable duration, an estimate of time the employee will be unable to perform work of any kind, and any other information requested by the City.

b. The Physician's statement must also indicate if the employee can work a reduced work schedule and list any restrictions.

c. The City may also require the employee to submit to a medical exam by a doctor chosen by the City to determine eligibility of benefits under this policy.

5.04 – Sick Leave Pool

d. The employee must sign required medical releases/authorizations required by the City for this purpose. If the employee is unable to fill out the necessary paperwork due to the critical nature of his/her illness/injury, the employee's department Director may fill out the application on their behalf.

e. If an employee refuses to work an approved reduced work schedule, Pool time will be denied. An updated medical certification will be required for each thirty (30) days of sick leave granted. Any unused balance of sick leave time granted to an employee will be returned to the Pool.

E. Approval Process

1. Application for sick pool leave is contingent upon the available balance in the sick pool at the time of application. Approval will be given in maximum increments of thirty (30) days or two hundred and forty hours (240). In no case will the employee be granted more than ninety (90) work days or seven hundred and twenty hours (720) per calendar year. Unused time will be returned to the pool upon the employee's return back to work.

2. Once the request is received from the employee, a decision will typically be made within five (5) working days and communicated to the requesting employee. The City Manager is the approving authority for all requests for usage of the Pool.

F. Record Keeping

1. Human Resources will maintain the Pool ledger. The ledger will reflect the balance of the sick leave pool along with the records of contributions and advances.

2. The original copies of request forms and medical certifications will be kept in the employee's medical file maintained in the Human Resources Department.

5.05 – Inclement Weather

Regardless of weather or other conditions, the City never closes. Because of the essential and direct impact on public safety and health, essential City services must continue regardless of the weather, man-made or technological emergencies, or disasters. Emergency Essential Personnel are required to report to work as scheduled or as needed regardless of official-delayed opening, early closing, or closure of City facilities.

I. Employee Designations

A. In the event of a wide-scale emergency or significant weather event that could impact the community, all employees must be ready to assist in managing the crisis. Some employees are designated as essential for the continuity of governmental operations.

B. Department Directors shall designate each position as "Emergency Essential Personnel" or "Emergency Non-Essential Personnel". These designations shall be documented by the Human Resources Department in the official job descriptions. All personnel shall be advised of their status each year and/or on their hire date. Individual employee status can change as the needs of the City change during an emergency or inclement weather event at the discretion of the Department Director.

1. "Emergency Essential Personnel" – Each Department Director is responsible for identifying those employees who will be designated as Emergency Essential Personnel. These employees might be required to remain available immediately before, during, and/or after a disaster/emergency condition to perform duties directly related to the emergency conditions.
2. "Emergency Non-Essential Personnel" – Following a needs assessment, some employees might be temporarily dismissed from work, concurrently or successively, as determined by the Department Director. These employees are designated Emergency Non-Essential Personnel.

3. "Essential Recovery" – Some employees might be further identified as "Essential Recovery". The City Manager and each Department Director shall be responsible for identifying those employees who are essential to the quick restoration of critical services to the community.

II. Emergency Periods

A. Pre-Impact Period. This is the time prior to the impending emergency or Inclement weather event and includes emergency response activities and preventive measures by the City in preparing for the impending emergency or inclement weather. This period begins when the City Emergency Operations Center opens or the City Manager determines that an emergency or inclement weather event is imminent.

B. Emergency or Inclement Weather Period. This is the time during which emergency response activities and/or restoration of critical services are conducted to protect life and property and most other regular City services are suspended. This period begins when City facilities are closed for **normal** business and ends when the City Manager declares it safe for all employees to return to work.

C. Emergency/Disaster – Recovery Period. This is the time during which emergency response activities and/or restoration of critical services and all regular City services are suspended. This period begins when the City Manager orders Emergency Essential personnel to take shelter in City-operated Response Centers and ends when the City Manager reinstates emergency response activities and/or the restoration of critical services.

D. Post Impact/Recovery Period. This is the period of time during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. This period begins when the City Manager declares it safe for all employees to return to work and ends when he/she declares the period over.

III. Responsibilities

A. Employee:
Employees shall report for duty at the hour regularly assigned for their workday. No one is excused from work until the City Manager, through each Department Director, authorizes employees to leave their workplace even if a public announcement of office closures or suspension of services is issued.
Additionally, employees must return to work as soon as the emergency or inclement weather period is over to participate in the Post Impact/Recovery Period. Employees must:

1. Contact their supervisor when emergency events, disasters, or inclement weather exists or is anticipated in order to receive specific instructions.
2. Discuss with their supervisor, in advance, any circumstances anticipated that might prevent him/her from arriving to work during emergencies/inclement weather conditions (such as road closures, childcare arrangements, etc.) and any pertinent leave requests.
3. Stay informed about emergencies/inclement weather conditions and City operations through the communication methods designated by the City Manager and his/her Department Director (TV/Radio media, City's intranet City's web page, email, text messages, pagers, supervisors, etc.)
4. Maintain an up-to-date Employee ID Badge and carry it at all times.
5. Ensure that emergency contact information supplied to supervisor and the Human Resources Department is current so the employee can be contacted when away from work.

5.05 – Inclement Weather

When securing or evacuation of personal residences is required, Emergency Essential Personnel will be permitted and expected to make arrangements for their families, including the use of authorized shelters, prior to the Pre-Impact Period.

At the Department Director's discretion, previously approved leave requests may be canceled. Failure to return to **work** upon notice, either written or verbal, that the previously approved leave is being canceled, shall be deemed an unauthorized absence from work or assignment, which may be sufficient cause for termination of employment. In the event that such previously approved leave is not canceled, employees will continue to be charged for such leave. Any unauthorized absence from work or assignment may be considered sufficient cause for termination of employment.

B. Department Directors:

Department Directors shall keep an updated list of the staff that is designated as Emergency Essential Personnel along with defined expectations of duties and reporting during states of emergency, inclement weather delayed openings and closings. The list shall be disseminated to the requisite personnel. Duties of Department Directors are as follows:

1. Coordinate with the City Manager on any anticipated delays or closings and any alternate procedures that might affect the City's normal business operations.
2. Ensure a clear communication mechanism with all of their employees.
3. Conduct employee training regarding emergency operations procedures prior to May 31st each year that outlines expectations, possible work schedules, leave, etc.
4. Provide the Department's list of Emergency Essential Personnel to the Human Resources Department and Emergency Management prior to January 2nd each year.

C. City Manager:

If any City facility is closed due to an emergency and/or adverse weather conditions, the decision about which departments or divisions will be closed and how employees will be compensated is the City Manager's or his/her designee's responsibility. The City Manager also is responsibility for the following:

1. Coordinating with Department Directors on any City-delayed openings or closings.
2. Designating employee(s) to contact/post delayed openings or closings with the media

5.06 – Administrative Leave

I. Administrative Leave with Pay

Employees may receive paid administrative leave for official business or other work-related matters as designated by the division Manager or designee. Other authorized purposes may include, but not be limited to, voting in official elections, investigative proceedings, jury duty, professional conferences, conventions, training activities, legislative proceedings, civic functions or any other purpose deemed to be in the City's best interests.

II. Administrative Leave Without Pay

Administrative Leave without pay (ALWOP) will be utilized when employees have a) exhausted all accrued paid leave, or b) been placed on such leave by department Directors /division Managers.

Employees on "leave without pay" status for 80 hours or more will not accrue benefits for that period unless the leave is in compliance of Family and Medical Leave Act (FMLA). Employee may pay for continuing health insurance coverage. Any employee placed on ALWOP for more than 80 consecutive hours should contact TMRS to find out if such leave had an impact on their TMRS service eligibility.

5.07 – Jury Duty/Court Leave

I. Jury/Court Duty

Employees required by summons to report for jury duty (including grand jury duty), or who are impaneled as a juror or alternate juror, shall receive their regular pay during the time period directly related to jury duty (not to exceed 40 hours of jury duty pay per week). Fire department shift personnel may receive up to 48 hours of jury pay per week.

II. Regular Pay

Employees requesting regular pay for work time spent on jury duty must present proof of attendance from the presiding court before pay can be issued. Upon release from jury duty, employees must contact their supervisor to determine if they should return to their assigned work location. Employees failing to return to work during their normal work hours are subject to disciplinary action.

III. Official City Business

Employees who are subpoenaed to appear in court or before any other judicial or administrative body for and on behalf of official City business or on behalf of the county, state or federal government for services related to City duties, shall be compensated in accordance with the procedures specified under the jury duty section of this chapter.

Employees subpoenaed to appear as a witness on behalf of the City, county, state or federal government for service related to City duties will be compensated for time spent in court in accordance with the procedure specified under the jury duty section of this chapter.

Employees requesting regular pay shall provide a copy of the subpoena and, if available, proof of attendance by the court or respective administrative body.

IV. Personal/Private Business

Employees will not be paid for time off to conduct personal or private legal business.

Vacation or compensatory time may be used if approved by the supervisor.

5.08 – Family and Medical Leave (FML)

I. Statement of Purpose

The purpose of this policy is to outline and establish general procedures and guidelines for compliance with the Family and Medical Leave Act (FMLA).

In accordance with the FMLA, the City of Celina will abide by the provisions and the regulations published by the U.S. Department of Labor to implement the Act. Employees should contact Human Resources for specific information and questions regarding this policy.

II. Procedures

A. Under the FMLA, eligible employees may take up to 12 work weeks of unpaid job-protected leave each year for specified family and medical reasons or 26 weeks of leave to care for an injured or ill service member.

B. FMLA Leave Runs Concurrently With Other Types of Leave: FMLA leave is typically unpaid unless the absence also qualifies for paid leave under another City policy, at which point FMLA leave and paid leave will run concurrently.

1. Sick Leave: If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave.

2. Vacation, Comp Time, Personal Leave & Holiday: If all of the sick time has been used, the following leave time will be applied and will run concurrently with any remaining FMLA leave: accrued vacation, compensatory time, personal leave and then holiday leave.

3. Disability & Workers' Comp. Leave: If the employee is approved for workers' comp. or short-term or long-term disability, the employee's absence from work is automatically approved for FMLA, provided he/she has met the FMLA's eligibility requirements. This means that workers' comp. and short- and long-term disability absences will run concurrently with FMLA leave. Employees being paid either workers' comp. wage benefits or short- or long-term disability benefits while on leave are not required to use accrued sick, personal, holiday, comp time or vacation leave while collecting workers' comp. or disability benefits.

4. In determining the amount of family medical leave available to an employee, the City will use a 'rolling calendar' by considering any family medical leave taken in the twelve (12) months prior to the date the requested leave is to begin and continuous with each additional day leave is taken.

5.08 – Family and Medical Leave (FML)

III. Eligibility

A. Employees (full-time and/or part-time) must have been employed by the City of Celina for at least 12 months (need not be consecutive) prior to the leave date and must have worked at least 1250 hours during the 12 months prior to the date the requested leave is to begin. Eligible Reasons: The City will grant FMLA leave for any of the following circumstances:

1. birth of a child of the employee, in order to care for such child (eligibility for leave expires 12 months after the date of birth of the child);
2. placement of a child with the employee for adoption or foster care (eligibility for leave expires 12 months after the date of placement of the child);
3. to care for the spouse, child or parent of the employee with a serious health condition as defined by FMLA;
4. if the employee has a serious health condition which makes the employee unable to perform all of the essential functions of his/her position;
5. due to a non-medical activity ("qualifying exigency") that is directly related to a covered family member's (limited to a spouse, son/daughter, "next of kin", or parent of the employee) active duty or call to active duty in the Regular Armed Forces, National Guard or Reserves;
6. for an eligible employee (limited to a spouse, son/daughter, parent or next of kin of a covered service member) to care for a covered service member who is a current member of the Regular Armed Forces, National Guard, or Reserves who has incurred an injury or illness in the line of duty while on active duty, provided that such injury or illness renders the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. This leave may be up to 26 work weeks of unpaid leave during a single 12-month period. *This is the only instance in which a leave of up to 26 work weeks may be taken.*
7. for an eligible employee (limited to a spouse, son/daughter, parent or next of kin of a covered veteran) to care for a covered veteran who was honorably discharged within the five (5)-year period prior to the family member's need for leave to provide care during the recuperation, treatment for a condition that was caused or aggravated during the line of duty, or recovering from a serious illness or injury. This leave may be up to 26 work weeks of unpaid leave during a single 12-month period. *This is the only instance in which a leave of up to 26 work weeks may be taken.*

NOTE: During the single 12-month period, an eligible employee

shall be entitled to a combined total of 26 work weeks of unpaid leave, regardless of the various reasons for FMLA leave.

When both a husband and wife are employed by the City and are eligible for leave due to the birth or placement of a child for adoption or foster care, or to care for a parent, or due to an urgent need or requirement (qualifying exigency) arising out of a covered family member's active duty or call to active duty, they are entitled to a total of 12 work weeks together (NOT 12 work weeks each) of family and medical leave in a calendar year. However, if the leave is for self-care or care of a sick spouse or child, each employee is entitled to 12 work weeks of unpaid leave per calendar year under FMLA.

IV. Employee Responsibility

A. Employees must give the City sufficient information so that it can make a determination as to whether the employee's absence is FMLA-qualifying. If an employee fails to explain the reasons, leave may be denied. Employees must also indicate on their time sheet/records when an absence or tardy is or may be covered by FMLA. The City may retroactively designate leave as FMLA-qualifying, upon notice to the employee. Any absence or illness that results in more than three (3) days' absence must be reported to the City's Human Resources Department.

B. At Least 30 Days' Notice Required for Foreseeable Leave: Employees must provide their Department Director or the Human Resources Department with at least 30 days' advance notice when the need for FMLA leave is foreseeable.

C. Notice as Soon as Practicable for Unforeseeable or Emergency Leave: If the need for FMLA leave is not foreseeable, employees must provide their Department Director or the Human Resources Department with as much advance notice as practicable, in accordance with their Department's normal call-in procedures. The employee must also provide an explanation as to why they were unable to provide at least 30 days' advance notice of the need for leave.

D. Content of Notice: Employees must provide the City with at least verbal notice and explain the reasons for the needed leave sufficient to allow the City to determine if the absence is FMLA-qualifying, and the anticipated timing and duration of the leave, if known. If the employee has previously taken FMLA leave for the same reason, they must specifically reference the qualifying reason for leave or the need for FMLA leave. The City may seek additional information from the employee, and the employee is obligated to respond to the City's questions so the City can determine if an absence is potentially FMLA-qualifying. The employee must notify the City as soon as practicable if the dates of his/her scheduled leave change or are extended, or were initially unknown.

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E. Compliance with City's Call-In Procedures: Employees must comply with their Department's normal call-in procedures for reporting absences, tardies and requesting leave, e.g., contacting a specific supervisor by a certain time. Notice may be given by the employee's spokesperson only if the employee is physically unable to do so personally. Where an employee does not comply with the City's and Department's normal call-in procedures and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

F. Consequences for Failing to Provide Required Notice: If the employee fails to timely explain the reasons for his/her need for leave, FMLA leave may be denied or delayed for up to 30 days. The employee may also be subject to disciplinary action in accordance with City policy. Likewise, if an employee fails to respond to the City's reasonable inquiries regarding a leave request, the employee may not be granted FMLA leave protection.

G. Scheduling Planned Medical Treatment: When an employee intends to take leave for planned medical treatment for him/herself or for their spouse, child or parent, the employee is ordinarily expected to consult with their supervisor and to try to schedule the treatment so as not to disrupt unduly the City's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the both the employee and the City.

H. Periodic Check-In While on FMLA: Employees must check in periodically with their supervisor and with the Human Resources Department regarding their status and intent to return to work. If the employee discovers that the amount of leave originally anticipated is no longer necessary, the employee must provide the City with reasonable notice (i.e., within two business days) of the changed circumstances, if foreseeable.

V. Employer Responsibility

A. The Human Resources Department is responsible for the verification, approval and notification of FMLA leave. The Human Resources Department may designate leave as FMLA leave if it determines that a qualifying event has occurred.

B. Eligibility and Rights & Responsibilities Notice: The Human Resources Department will notify an employee of their eligibility to take FMLA within five (5) business days (absent extenuating circumstances) of its receipt of the employee's request for FMLA leave (or from when the City otherwise determines that an employee's absence may be FMLA-qualifying). Employee eligibility is determined at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. Notification may be oral or in writing but the City will normally use the FMLA form - Notice

of Eligibility and Rights and Responsibilities. This FMLA form will also detail the City's specific expectations, the employee's obligations, and consequences to the employee of not meeting his/her obligations. If an employee's eligibility status changes or if any of the specific information in the Rights & Responsibilities Notice changes, the Human Resources Department will so notify the employee within five business days of the receipt of the changed information, absent extenuating circumstances.

C. Designation Notice: When the Human Resources Department has enough information to determine if an absence is FMLA-qualifying (e.g., after receiving the employee's fully completed Certification), the Human Resources Department will notify the employee in writing (FMLA form – Designation Notice) as to whether the leave will or will not be designated as FMLA. This Designation Notice will be given to the employee within five (5) business days, absent extenuating circumstances. If the information in the Designation Notice changes, the Human Resources Department will notify the employee within five (5) business days of the City's receipt of the employee's first notice of need for leave subsequent to any change.

D. Certification Forms & Other Required Documentation: The Human Resources Department is responsible for determining the completeness and authenticity of certification forms, fitness-for-duty/return to work certifications, and for review and coordination of all other FMLA documentation required by this policy.

E. Supervisors & Department Directors: So that the Human Resources Department can meet the notice deadlines required by the FMLA, supervisors must immediately notify both their Department Director and the Human Resources Department if they have reason to believe an employee's absence is due to an FMLA-covered reason. Supervisors must make this report even if the employee is using paid time off to cover the absence, e.g., sick leave, comp time, vacation, holiday, workers' comp., short- or long-term disability. Supervisors and Department Directors must report to Human Resources any time an employee misses work for three (3) or more days because of their own illness or injury or that of a spouse, child or parent. Supervisors and Department Directors may not contact health care providers when employees are sick. Only Human Resources personnel will make contact with health care providers if and when necessary. It is important to remember that under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements. When an employee submits a leave/absence form indicating an FMLA absence, the form must be sent to the Human Resources Department immediately.

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VI. Medical Certification

In all instances in which the City requests a certification from an employee, it is the employee's responsibility to provide the Human Resources Department with medical certification; failure to do so may result in the denial or delay of FMLA leave.

A. Certification: An employee must provide the Human Resources Department with complete and sufficient medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee (FMLA form – Certification of Health Care Provider for Employee's Serious Health Condition), his/her spouse, child or parent (Certification of Health Care Provider for Family Member's Serious Health condition), or due to the serious injury or illness of a covered service member (Certification for Serious Injury or Illness of covered Service Member for Military Family Leave). The required medical certification forms are available from the Human Resources Department. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. The employee is responsible for any expenses associated with providing the City with a required certification. The employee must turn in the required certification to the Human Resources Department within 15 days after it is requested, unless not practicable under the circumstances.

B. Second & Third Opinions: In some cases, the City may require a second or third medical opinion (at the City's expense). The City will not require second or third opinions in the case of leave to care for a covered service member.

C. Recertification: With the exception of injuries or illnesses under workers' comp. or disability benefits, employees may be asked to periodically recertify the need for FMLA. The City will not, however, require recertification in the case of leave to care for a covered service member. The recertification must be provided within 15 days or as soon as practicable under the particular facts and circumstances. The employee is responsible for any expenses associated with providing the City with any required recertification.

1. 30-day rule: The City will request recertification no more than every 30 days and only in connection with an absence by the employee unless paragraphs b or c below applies.

2. More than 30 days: If the certification indicates that the minimum duration of the condition is more than 30 days, the City will wait until that minimum duration expires before requiring a recertification, unless paragraph c below applies. If the minimum duration of a serious health condition extends beyond six months, the City may nevertheless request a recertification every six months in connection with an employee's absence.

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3. Less than 30 days: The City may request recertification in less than 30 days if the employee requests an extension of leave, circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications, a pattern of unscheduled absences), or the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

D. Fitness-for-Duty/Return to Work Certification: Employees must submit a fitness-for-duty certification before they can return to work if FMLA leave is a result of the employee's own serious health condition. The certification must specifically address the employee's ability to perform his/her essential job functions but is limited to the particular health condition that caused the employee's need for FMLA leave. The employee is responsible for any expenses associated with providing the City with the required certification and is not entitled to be paid for the time or travel costs spent in acquiring the certification. The Human Resources Department may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty/return to work certification. The City will not require second or third opinions of fitness-for-duty certifications. However, this does not preclude the City's ability to refer an employee for a medical exam upon his/her return to duty and determination that such an exam is necessary in accordance with City policy. An employee who fails to timely provide the City with this certification will not be allowed to return to work. An employee who exhausts all available leave and does not provide the required fitness-for-duty certification or request additional FMLA leave is no longer entitled to job reinstatement and may be subject to disciplinary action.

While the City will not require a fitness-for-duty certification to return to duty for each absence taken on intermittent or reduced leave schedule, it will require such a certification up to once every 30 days if reasonable safety concerns (i.e., a reasonable belief of significant risk of harm to the employee or others) exist as to the employee's ability to perform his/her duties, based on the serious health condition for which the employee took leave.

E. Failure to Provide Certifications & Deficient Certifications: If an employee fails to provide a required certification within 15 days after the date of the City's written request, the City may deny leave until the certification is provided. If the employee never produces the certification or recertification, the employee is not eligible for FMLA protection. If the certification is incomplete or insufficient, the Human Resources Department will notify the employee, in writing, and advise the employee what additional information is required. The City will provide the employee with seven (7) additional days from the date the Human Resources Department sends written notice to cure any deficiency. If the deficiencies are not cured with the seven-day deadline, the City may deny the taking of FMLA leave. The Human Resources Department may contact the

health care provider for purposes of clarification and authentication after giving the employee the opportunity to cure any deficiencies.

F. Physical Ability Tests: Employees in positions requiring a post job offer physical ability test may be required to complete and pass the fit-for-duty physical ability test prior to returning to work from FMLA leave if the leave was due to the employee's serious medical condition.

G. Documenting Family Relationships: If an employee elects to take FMLA leave in order to care for a qualifying family member or to care for a covered service member, the employee may be required to provide reasonable documentation confirming the family relationship.

VII. Certifications For Qualified Exigency Leave

A. Active Duty Orders: The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the active duty service.

B. Certification Form: The employee must complete and submit to the Human Resources Department the appropriate certification form (FMLA Form – Certification of Qualifying Exigency for Military Family Leave) in support of his/her need for leave. This form must be turned in within 15 days after the City requests it in writing.

C. Verification: If the qualifying exigency involves meeting with a third party, the Human Resources Department may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment and the nature of the meeting. The City may also contact an appropriate unit of the Department of Defense to request verification of active duty or call to active duty status.

D. Denial or Delay of Leave: Exigency leave may be delayed or denied if the employee fails to turn in the required certification within 15 days from the date written notification is sent by the City. If the certification is incomplete or insufficient, the Human Resources Department will notify the employee in writing and advise the employee what additional information is required. The City will provide the employee with seven additional days to cure any deficiency. If the deficiencies are not cured with the seven-day deadline, the City may deny the taking of FMLA leave.

VIII. Intermittent Leave

An eligible employee may take FMLA leave on an intermittent or reduced schedule basis for his/her own serious health condition, or to care for a seriously ill spouse, child, parent or covered service member with a serious injury or illness. The employee must provide certification from the health care provider caring for the employee and /or family member, documenting the need for the intermittent or reduced leave.

A. Birth or Placement of Child: Intermittent leave or reduced schedule leave may be taken to bond with or care for a healthy child due to birth, adoption, or foster care placement. The bonding leave must be taken within one year of the birth or placement of the child and can be taken in blocks of time of no less than one-week increments or two (2) consecutive 24-hour shifts for a shift firefighter.

B. Scheduling Planned Medical Treatment: When an employee intends to take leave for planned medical treatment for him/herself or for his/her spouse, child or parent, the employee is expected to consult with his/her supervisor and try to schedule the treatment so as not to unduly disrupt the City's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employee and the City.

C. Temporary Transfer: The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits, but not necessarily equivalent duties) in order to better accommodate an employee's intermittent or reduced leave schedule. Temporary transfers must be pre-approved by Human Resources.

D. Minimum Increments: Intermittent leave will be counted in increments no greater than the shortest period of time used by the City to account for use of other types of leave.

E. Exempt Employees: Exempt employees using unpaid intermittent or reduced schedule FMLA leave may be docked for absences of less than a day without jeopardizing their exempt status under the Fair Labor Standards Act (FLSA).

IX. Continuation of Benefits

A. Group Health Insurance: During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on FMLA leave. The City will advise the employee of the terms and conditions for making such payments. Failure to pay premiums in a timely manner will result in suspension of group health coverage until the employee makes the payments or returns to work. The City

may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition, the serious injury or illness of a covered service member, or another reason beyond the employee's control. Medical certification is required under such circumstances.

B. Other Benefits: The employee's use of FMLA leave will not result in the loss of any employment benefits that accrued prior to the start of the employee's leave, and seniority will not be affected while on FMLA leave. However, benefit accruals such as vacation and sick leave will be suspended during any unpaid leave.

C. Holidays: When an employee takes a full work week of FMLA leave and a holiday occurs within that week, the week is counted as a full week of FMLA leave. If, however, an employee uses FMLA in increments of less than a week, the intervening holiday does not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work on the holiday. In accordance with the Holiday Policy, employees on paid FMLA leave are paid for holidays if the holiday occurs during the approved FMLA leave period.

D. TMRS: Contributions to TMRS will cease when an employee on unpaid leave stops getting a paycheck from the City and will resume after the employee returns to a paid status.

X. Job Restoration After FMLA Leave

A. Upon return from FMLA leave, an employee will normally be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions. An employee, however, has no greater right to reinstatement than if he/she had been continuously employed during the period of FMLA leave. Further, the City may delay restoration to original jobs for employees who fail to timely provide a fitness-for-duty certification to return to work.

XI. Key Employees

A. Under certain circumstances the City is not required to reinstate key employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried, eligible employee who is among the highest paid 10 percent of employees within 75 miles of the worksite. An employee will be notified of his/her status as a "key" employee, when applicable, after requesting FMLA leave.

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XII. Other Employment During FMLA Prohibited

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment unless expressly authorized in writing in advance by the Department Director, Human Resources Director and the City Manager.

XIII. Fraud

An employee who fraudulently obtains FMLA leave is not protected by the FMLA's job restoration or maintenance of health benefits provisions. Further, an employee who commits fraud will be subject to disciplinary action up to and including termination from City employment.

XIV. FMLA Statute and DOL Regulations

More detailed provisions and definitions of some of the terms used in this policy are set out in the Act and in the DOL's regulations. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Human Resources Department. The City will refer to the Act and the applicable DOL regulations in carrying out this policy, as well as any relevant court interpretations and decisions. This policy does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement, which provides greater family or medical leave rights. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA. In addition, employees may contact the nearest office of the U.S. Department of Labor's Wage & Hour Division or the Department of Labor's website for more information.

XV. Illegal Practices

Absences for FMLA-eligible reasons are employee entitlements under the federal FMLA law, if all required conditions are met. As such, legitimate FMLA absences must not be counted against employees under attendance policies unless the employee fails to submit required medical certification when requested to do so and only upon consultation with Human Resources. The taking of approved FMLA leave may not be used as a negative factor in disciplinary actions, performance evaluations or promotions.

XVI. Mandatory Reporting Of Improper Handling Of FMLA

Employees must immediately report, in writing, to their Department Director or the Director of Human Resources, the following so that the City can investigate and respond appropriately:

A. Any interference with, restraint or denial of the employee's right to take FMLA or any rights protected by the FMLA or this policy.

B. Any discrimination or perceived acts of discrimination against the employee for any right protected by the FMLA or this policy.

C. Any refusal by a supervisor to authorize FMLA leave or attempt to discourage an employee from taking FMLA leave.

D. Any attempt to avoid the City's FMLA responsibilities.

E. Discrimination or retaliation against an employee for exercising or attempting to exercise FMLA rights.

F. Discrimination or retaliation against an employee for opposing or complaining about any unlawful practice under the Act or this policy

XVII. Definitions

More detailed definitions of some of the terms used in this policy are set out in the Act and in the Department of Labor regulations.

A. Son or Daughter – FMLA regulations define a "son or daughter" as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in the place of a parent) who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence.

B. 12-Month Period for Covered Service Members - The 12-month leave period for calculating leave to care for a covered service member with a serious injury or illness is the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered service member begins. During this 12-month period, the maximum FMLA leave an employee may take for any qualifying reason is limited to a combined total of 26 weeks.

C. Covered Military Member – the employee's spouse, son, daughter, or parent on active duty or called to active duty status.

D. Covered Service Member – a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation,

or therapy.

E. Covered Veteran - a veteran who was honorably discharged within the five-year period prior to the family member's need for leave to and who is receiving treatment for a condition that was caused or aggravated during the line of duty, or recovering from a serious illness or injury.

F. Next of Kin of a Covered Service Member –the nearest blood relative other than the covered service member's spouse, parent, or child in the priority established by the DOL.

G. 12-Month Period for All Other FMLA Leave - To determine eligibility for all other leave, the City uses a rolling 12-month period measured backward from the date of any FMLA leave. This means that each time FMLA leave is requested and/or designated by the employee/supervisor, Human Resources will determine how much FMLA leave has been taken 12 months prior to the first date of the most recent FMLA leave request received. Based on the findings, the amount of leave taken in the prior twelve months will determine the amount of leave remaining to be used.

H. Health Care Provider (HCP) – 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.

I. Incapacity – the inability to work, attend school or perform other regular daily activities.

J. Serious Health Condition - For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care – an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care;

2. Continuing treatment by a health care provider (HCP) - includes one or more of the following:

a. Incapacity & Treatment - a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment: (i) two or more times (within 30 days of the first day of incapacity, unless extenuating circumstances exist), by a HCP or under direct supervision of, under orders of, or on referral by, a HCP, or (ii) by a HCP on at least one occasion which results in a regimen of continuing

treatment under supervision of the HCP. The first (or only) in-person treatment visit must take place within 7 days of the first day of incapacity.

b. Pregnancy & Prenatal care - any period of incapacity due to pregnancy or for prenatal care;

c. Chronic Conditions - any period of incapacity or treatment for such incapacity due to a chronic serious health condition which (i) requires periodic visits (at least twice a year) for treatment by, or under the direct supervision of a HCP, or (ii) continues over an extended period of time (including recurring episodes of a single underlying condition); and (iii) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);

d. Permanent or Long-Term Conditions - a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease);

e. Conditions Requiring Multiple Treatments - any period of absence to receive multiple treatments (including any period of recovery) by, or under the supervision of, under orders of, or on referral by, a HCP either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment (e.g., chemo or radiation for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

Unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. In addition, routine physicals, eye examinations, and dental examinations are not considered treatment.

K. Qualifying Exigency – eligible employees may take FMLA leave for one or more of the following qualifying reasons:

1. short-notice deployment; leave for this purpose can be used for a period of seven or less calendar days from the date the member is notified;
2. military events and related activities such as official ceremonies and programs sponsored by the military and to attend family support or assistance programs and informational briefings;
3. childcare and school activities;

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4. financial and legal arrangements in preparation of deployment e.g. preparing or updating a will or living trust etc.
5. counseling;
6. rest and recuperation;
7. post-deployment activities;
8. additional activities arising out of the call to active duty status provided that the employee and the City agree that such leave qualifies as an exigency, and agree to both the timing and duration of the leave.

5.09 – Break time for Nursing Mothers

Lactating mothers may use time during the standard workday for milk expression. This may include various combinations of standard paid break periods, lunch periods and other time as necessary. Lactating mothers must be afforded flexibility in their work schedules, such that the use of accrued leave or leave without pay is not required to cover time used for milk expression. While in general, this may require two to three lactation breaks a day, scheduling will be arranged on a case-by-case basis and be based on the specific needs of the employee. Departments will provide a private location, shielded from view and free from any intrusion from others, to express breast milk. A bathroom, even if private, does not qualify as a location. While a private space does not have to be established strictly for the use of the breastfeeding employee, it does however, have to be available any time the employee needs to express milk. Affected employees are required to inform their supervisors when they need an accommodation for milk expression.

5.10 – Military Leave

To provide eligible employees with military leave benefits pursuant to state and federal law.

I. Definitions

A. Military Leave: Leave to be used solely for the purpose of fulfilling short term annual military training obligations.

B. Extended Military Leave: Leave which goes into an extended active duty status of any branch of the United States armed forces.

II. Procedures

A. Employees must notify their immediate supervisor and Human Resources immediately upon receiving notification, or not less than 30 days before their pending duty, whichever occurs first.

B. Written performed duty verification must be submitted prior to the leave or within a reasonable period of time in order to confirm payment of military pay and to confirm the veteran's re- employment rights. Verification may include, but is not limited to, orders, drill letters, training schedule and signed duty verification from the officer in charge.

III. Military Leave

A. Employees will receive military pay at their normal base rate for up to 15 work days in a calendar year. Military Leave beyond 15 days may be paid, at the employee's discretion, using accrued compensatory, personal day or vacation time (accrued sick leave may not be substituted). The employee may also choose to take the remaining leave as unpaid.

IV. Extended Military Leave

Employees on Extended Military Leave may be paid, at the employee's discretion, using any remaining 15 days of military pay, accrued compensatory, personal day or vacation time (accrued sick leave may not be substituted). The employee may also choose to take the remaining leave as unpaid. Employees may request to receive payment for any accrued, unused personal day, vacation, holiday, or compensatory time at the start of unpaid extended military leave. The City will pay the employee's and City's portion of medical and dental benefits for sixty (60) days, unless the employee elects military medical and dental coverage.

V. Supplemental Pay

Any regular full-time employee who has been called to active duty (Extended Military Leave) will receive supplemental pay if their military salary is less than their City salary. The amount of supplemental pay is the difference between the City salary and the military salary. Supplemental pay is available until an employee is no longer called

to actively serve in the military, their monthly military salary exceeds their regular City salary, or for up to five (5) years, whichever occurs first. The employee is responsible for notifying Human Resources if their military salary changes while on active duty.

VI. Benefits

A. The City shall provide at no cost to the employee all medical and dental benefits for the regular full-time employee and their dependents during such period of sixty (60) days (Extended Military Leave) unless the employee elects military medical and dental benefits. Longevity pay, life insurance and other benefits will not be provided during such leave.

B. Upon an employee's return to employment following Extended Military Leave, the employee will be given the opportunity to enroll or make any changes to desired benefits (i.e., medical, dental, vision, etc.).

C. While on paid Military Leave, excluding the supplemental pay benefit, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid Extended Military Leave, benefit accruals will be suspended and will resume upon the employee's return to active employment.

VII. Returning from Leave

A. An employee who leaves City employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:

1. is physically and mentally qualified to perform the essential duties of the position;
2. was discharged, separated, or released from active military service under honorable or general conditions;
3. Has not been in active military service for more than five (5) years; and
4. Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service within the time constraints prescribed by USERRA.

B. The deadline for an employee to return to work and/or notify the City that they intend to return to work following Extended Military Leave depends upon how long the employee's military service lasted:

1. For service of less than 31 days, employees have 8 hours following their release from service to report to their next scheduled work period.
2. For service between 31 and 180 days, employees have 14 days following their release from service to apply for reemployment.

5.10 – Military Leave

3. For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

C. These deadlines may be extended for two (2) years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits unreasonable, according to the provisions of USERRA.

CITY OF CELINA
PERSONNEL POLICIES

Chapter 6 – Compensation

6.00 - Payroll

I. Purpose

To establish a wage and hour administration policy in compliance with the Fair Labor Standards Act, as amended.

II. Definitions

A. Exempt Employees
An *exempt* employee is one who *is not covered* by the overtime provisions under the Fair Labor Standards Act (FLSA or Act).

B. Non-exempt Employees
Non-exempt employee is one who is covered by the overtime provision under the FLSA and will be paid overtime or receive compensatory time, per departmental policy, for hours ***worked*** in excess of 40 hours per workweek except as otherwise stated by policy, statute or regulation.

C. Workweek Period
The workweek normally begins at 12:01 a.m. on Monday, and ends at midnight on the following Sunday.

D. Work Period (Fire Department shift employees)
The work period for which the city calculates overtime hours for Fire department shift personnel will be not less than 7 and not more than 28 consecutive days. Eligible employees will receive overtime pay for any hours worked in excess of 212 hours in the 28-day period.

E. Hours Worked
The time that the City requires or permits non-exempt employees to be on duty is considered hours worked. Sick leave is not considered hour worked. All other paid leave, including, holidays, compensatory time, vacation, jury duty and bereavement leave will be considered hours worked.

F. Pay Period
Individual paychecks are issued biweekly for each pay period.

III. Direct Deposit

A. It is the policy of the City of Celina that all employees participate in Payroll direct deposit. It is the employee's responsibility to provide accurate banking information to payroll (routing number, account number). Employees must submit a voided check or letter from their banking institution along with the proper direct deposit change form when enrolling or changing direct deposit information.

B. Once the direct deposit form is received in Payroll, it may take up to two (2) payroll cycles for the actual direct deposit to take effect. During that time, the employee

will receive a payroll check.

C. Employees are advised to contact Payroll when contemplating closing their bank account(s), to assure that direct deposit payments are not in transit and to minimize the possibility of delayed payments.

D. Payments credited to bank accounts incorrectly via direct deposit will be reversed by the City of Celina as soon as the error is noted. A corrected entry will be processed as quickly as possible once the city has received the funds credited back from the incorrect banking account and credited via direct deposit as available. If correction by direct deposit is not feasible, a check for the correct amount will be issued by the City of Celina. In the event that an employee has withdrawn funds which were erroneously credited to their account and City of Celina is unable to execute a reversal of the erroneous entry, Payroll will arrange repayment with the employee.

E. The employee's paycheck is payment from the City to the employee for services the employee has rendered, less any applicable deductions. If the employee does not report paycheck errors promptly, the City will rectify any errors upon notification as required by law. If the employee does not understand how to figure their pay or how to read their check, the employee should seek help from Payroll, so that it can be properly explained to the employee.

IV. FLSA Responsibilities

A. The City of Celina is responsible for ensuring compliance with the Fair Labor Standards Act in the classification of positions, policy development, training, payroll, and child labor standards. The Human Resources Department is responsible for the overall administration and interpretation of that Act.

B. Department Directors are responsible for ensuring compliance with the policies and procedures outlined in this policy. Department Directors will be responsible for requesting exemption status changes and reporting any changes, which may affect that status.

C. Each Director is responsible for exercising adequate supervision to ensure that employees comply with established work schedules and that unscheduled work is performed only in bona fide emergencies. The mere establishment or communication of work schedules does not relieve directors, managers or supervisors of their responsibility for controlling work time. Directors/Managers are responsible for controlling starting and stopping times whether within or outside the usual work schedule. Directors/Managers and supervisors are responsible for the recording of hours worked as they actually occur.

D. It shall be the duty of employees to comply with departmental work schedules and avoid performing work that is unscheduled or non-directed outside of assigned work schedules or assignments for bona fide emergency situations.

6.01 – Overtime and Compensatory Time

I. Human Resources will determine, according to the Fair Labor Standards Act, whether a position is exempt or non-exempt.

A. Overtime
Overtime, when ordered for the maintenance of essential City functions, shall be allocated as uniformly as possible among all eligible employees, and will be paid in accordance with applicable law. Department Directors are responsible for exercising adequate supervision to ensure that employees are complying with established work schedules.

1. Eligibility
Overtime pay or compensatory time will be given to non-exempt employees for hours worked in excess of the regular scheduled workweek or applicable work period.

2. Non-exempt Positions

a. Eligibility - Department Directors have the authority to approve, with the employee's request, whether the department's non-exempt employees can work overtime, compensatory time, or a combination of both, for overtime worked. The Department Director is the final authority for compensation method utilization and will take into account the department overtime budget and operational demands.

b. Rate – Overtime pay for non-exempt employees shall be at one and-one-half (1.5) times the employee's regular rate of pay. Overtime calculations for premium pay such as certification pay will be at one-half (.50) times the employee's regular rate of pay. Compensatory time - Shall be credited at the rate of one-and-one half (1.5) hours credit per one hour worked. Official compensatory time records shall reflect the product of actual hours worked, multiplied by 1.5.

c. Accumulation – Non-exempt employees shall not accumulate more than eighty (80) hours of compensatory time. A lower maximum may be set by department policy, based on operational demands. Department Directors can work with the City Manager for approval of more than eighty (80) hours of compensatory time. The Department Director will advise the Director of Human Resources and the Director of Finance of any time approved by the City Manager over the eighty (80) hours.

d. Use of compensatory time - Employees may take compensatory time off within a reasonable period following their request. Compensatory time off must not unduly disrupt departmental operations and must have prior supervisory approval. In order to

reduce the financial impact of compensatory time accruals, Department Heads may require the use of compensatory time.

e. Payment upon termination - Non-exempt employees shall be paid for accumulated, unused compensatory time upon termination, regardless of the reason for termination.

f. Record-keeping - Department Directors/division managers and their employees are responsible for current, accurate compensatory time records for their non-exempt employees.

3. Unauthorized Overtime

Authorized overtime shall require the approval of the supervisor or, in some cases, the City Manager. Employees who work unauthorized hours may be subject to disciplinary action, up to and including termination.

B. Exempt Employees

1. Exempt employees are not eligible to accrue overtime or receive compensatory pay.
2. Exempt employees may be required to report to their shift for the entire work period. Unauthorized absences during a shift shall be addressed as a performance issue and may be subject to deductions from appropriate leave banks or be deducted from salary.
3. Exempt employees shall use sick and vacation leave for partial and full day absences and record on the City of Celina time keeping system.
4. Due to the obligations for exempt employees to attend after hour meetings and work on projects outside of regular work hours, an exempt employee's immediate supervisor has the discretion to flex time periodically so an exempt employee may have time off keeping in mind our fiduciary duty to those we serve. This will be the exception and not the rule of operations.
5. Use of exempt time off in increments greater than four hours within a work day must be recorded on the City of Celina time sheet. Use of any leave must be done with prior approval of the employee's immediate supervisor.

II. Compensatory Time

A. Compensatory time off ("comp time") is paid time off the job that is earned and accrued by a non-exempt employee instead of payment for working overtime hours. Part-time, seasonal, and temporary employees are not eligible to accrue compensatory time.

B. All regular full-time employees classified as non-exempt employees may accrue compensatory time at a rate of one and one half time (1.5) their regular rate. Employees who do not work a standard 40-hour workweek (i.e., Police and Fire employees who are covered under 207(k) of the FLSA and applicable

6.01 – Overtime and Compensatory Time

provisions of state law) will accrue compensatory time based on their work cycle. The maximum accrual for compensatory time if as follows:

1. Employees assigned to a standard 40-hour workweek may accrue up to 80 hours;

2. Employees assigned to a 56-hour workweek may accrue up to 120 hours.

A non-exempt employee who has accrued the maximum compensatory time will be paid for any overtime worked in accordance with the Fair Labor Standards Act.

C. Exempt Employees

Exempt employees are expected to perform job duties that are not strictly defined by an established number of hours. Exempt employees are expected to work whatever hours are necessary to accomplish required responsibilities Exempt employees will not accrue compensatory time.

D. Usage

1. Compensatory time accrued and used by employees will be recorded on individual time sheets to be forwarded to payroll and maintained as official records.

2. Employees may take compensatory time off within a reasonable period following their request. Compensatory time off must not unduly disrupt departmental operations and must have prior supervisory approval. In order to reduce the financial impact of compensatory time accruals, supervisors may require the use of compensatory time prior to use of vacation time.

3. When practical, in the judgment of the supervisor, employee work schedules should be adjusted to reduce the necessity of overtime. Non-exempt employees must receive prior approval from their supervisor prior to working overtime. Working unauthorized overtime by non-exempt employees shall be considered grounds for disciplinary action.

4. City policy requires all applicable leave to be used prior to authorizing an unpaid leave of absence. In accordance with this directive, compensatory time and other leaves will be automatically substituted when there is an insufficient balance of a requested leave.

6.01 – Overtime and Compensatory Time

E. Payouts

1. Non-exempt employees will be paid for accumulated, unused compensatory time upon separation of employment, regardless of the reason for separation.

2. If a non-exempt employee is promoted, any accrued, unused compensatory time shall be the discretion of the City if this is paid out at his/her rate of pay for the position held before the promotion or if the compensatory time will carry over to his/her new role at the prior rate of pay.

3. Any time a non-exempt employee with accrued compensatory time accruals transfers to another department, their accrual shall be cashed out at their current hourly rate. If an employee transfers to another division within the same department, their accrual shall not be cashed out.

4. Non-exempt, full-time employees transferring from a regular full-time position to a regular part- time, seasonal or temporary position will be paid for any accrued, unused compensatory time at the time of transfer.

6.02 – Classification Process

The purpose of a position classification plan is to organize all City positions into groups or classes on the basis of similar duties, responsibilities and qualification requirements as outlined in the job descriptions. Equitable pay is assigned on a class basis in order to provide comparable pay for substantially equal work performed. The pay system is built to meet all criteria associated with the concepts of internal equity, i.e., equal pay for equal work, equal pay for similar work and equal pay for comparable work.

I. Classification review of a position

A. To review positions in which job responsibilities have changed substantially;

B. To determine whether the position may need to be reassessed or may fit into another job classification; and/or

C. To classify new positions.

II. The classification plan was designed to provide the City with a fair market assessment using comparable entities, both public and private where applicable. Where positions are unique and are not deemed comparable, internal comparisons can be made to assess internal equity for an appropriate job classification through the use of compensable factors.

III. Reclassifications of positions generally occur when the job duties and/or responsibilities of the position are materially changed to such a degree that they are no longer comparable to like jobs within the same range throughout the City. A reclassification does not create a vacancy in the number of budgeted positions.

IV. Requests for review will coincide with the annual budget process to ensure any changes to personnel costs can be addressed at that time. If unforeseen circumstances arise during the fiscal year, requests for review will require prior approval from the City Manager's office before initiating the review.

V. Position Review Process

A. No classification changes shall be made within a department/division without first obtaining Director of Human Resources and City Manager approval for review. Any changes of this magnitude must be approved before they are made. Any mid-year changes must be accompanied by a funding plan. The Department Director shall complete the appropriate reclassification paperwork and submit it to the Director of Human Resources, who must agree with and approve the request. If an employee believes that his/her position is improperly classified, that employee may provide specific concerns to the Department Director regarding the classification.

Position classification can neither be grieved nor appealed.

6.02 – Classification Process

B. For new positions, the Supervisor will complete the City-approved job assessment tool to fill a position. For current positions, the incumbent will with the supervisor's approval, complete the City-approved assessment tool. The information submitted for review must be precise, detailed and up-to-date. When completing the request, it is important to remember it is the position being reviewed and not the employee currently in the position. The changes requested must be applicable to not only the current employee but must also serve as minimum requirements for future employees.

C. After review and approval by the appropriate supervisor(s), Division Manager, and Department Director, the forms will be submitted to the City Manager's office. If any supervisor or manager does not agree that the position warrants review, they will list the reason(s) and send it to the Department Director, who will make the final departmental decision and ensure the requestor is notified of the outcome.

D. The City Manager, or designee, will review the information and will decide whether or not Human Resources will conduct the classification review.

E. The position review will focus on the actual position and job classification, not the person, personality, or performance.

F. Human Resources will forward a written recommendation to the City Manager's office for review and disposition. The division/department will be notified of the outcome.

G. If the recommendation is approved by the City Manager's office, the appropriate paperwork will be processed by Human Resources. Human Resources will create a job description based on the City-approved job assessment tool and will send it to the division/department for review and proper signatures. The Human Resources Department shall be aided by departments in the classification preparation and maintenance process by submitting job descriptions any time there is reason to believe that there has been a change in the duties and responsibilities of one or more positions, each time a new position is established for incorporation into the plan or each time a department or division is reorganized.

H. The Director of Human Resources shall be responsible for the review and recommendation to the City Manager of the adoption of duties, responsibilities and qualifications as written in the job description. The Director of Human Resources shall recommend allocation of positions to specified classes in the classification plan. Generally, pay range adjustments will be considered on an annual basis in conjunction with budget preparation. Pay range adjustments will be effective for all employees with the same title within the pay plan.

I. Any reclassifications will be effective only on the first day of a pay period. Any increases where warranted, but not guaranteed with a reclassification, will be

evaluated at the time of reclassification by the Director of Human Resources.

VI. There should be a wholesale review by an outside contracted entity of all positions every three (3) years.

6.03 – Longevity Pay

Regular full-time employees will be paid longevity pay at the rate of $5 per month of service to a maximum of $1,200 annually based on their hire date. Payments are distributed annually (first payday in December) as designated by city management and will be applicable to employees actively employed on the date of payment. The longevity pay will be pro-rated for employees leaving employment and will be added to their final check.

6.04 – Bilingual Pay

I. Purpose:

The purpose of this policy is to establish guidelines regarding bilingual skill certification pay for eligible City of Celina employees. City of Celina employees frequently use bilingual skills to enhance the performance of position duties to better serve citizens of the City of Celina.

II. Levels of Bilingual Certification Pay:

Bilingual certification pay will be awarded in the following areas:

A. Speaking or being able to converse at a minimum of B1 level based on current proficiency scale.

B. Writing or being able to properly write the language at a minimum of B1 level based on current proficiency scale.

III. Eligibility:

A. This policy is applicable to all regular full time and part time employees in all departments of the City of Celina. All regular employees will be eligible for bilingual certification pay. The Department Director will identify positions and/or persons eligible to receive higher levels of bilingual certification pay within their department when:

1. The possession of the bilingual skill is beneficial in the performance of the employee's and/or department's duties.
2. The normal work station of the qualifying employee is such that they are reasonably available to employees and citizens needing assistance to translate from English to another language; or from another language to English when called upon to do so.
3. The secondary language is used by any group constituting at least 5% of the residents of the City of Celina. Other languages will be considered by the Director of Human Resources on a case-by-case basis on recommendation of the Department Director.

B. Employees in positions eligible to receive bilingual certification pay must achieve a passing score (currently level B1) in a testing process established to measure proficiency.

1. Testing requirements for bilingual certification pay will primarily involve verbal, reading and written language skills and translator ability.
2. All testing will be done by an independent consultant selected by the City of Celina.
3. The City of Celina will pay for the employee's first bilingual language

certification test. The employee must pay the cost of any subsequent attempts to be certified. The City of Celina will reimburse the employee for the cost of a successful retest.

4. Arrangements to take the certification test must be made through the Human Resources Department.

IV. Guidelines:

A. Any employee receiving bilingual certification pay is expected to assist other non-bilingual employees in the translation of documents and assistance of the public. Assistance may be required for other departments or areas that extend beyond the employee's normal scope of responsibilities.

B. An employee receiving bilingual certification pay who declines reasonable assistance to non-bilingual employees or assistance to the public may have their bilingual certification pay revoked at the discretion of the Director of Human Resources.

C. Each department is responsible for re-evaluating the need for bilingual skills on a periodic basis and contacting the Human Resources Department should those needs change.

D. An employee receiving bilingual certification pay may be asked periodically to retake the proficiency test. Bilingual certification pay may be discontinued if a passing level of proficiency is not maintained.

E. The Human Resources Department may periodically conduct a random sample of the positions and screen incumbents to ensure the continued need for additional bilingual skills and that employees remain proficient in those skills. Any costs associated with random skills assessments will be paid by the City.

F. Determinations regarding an employee's eligibility for bilingual certification pay may be appealed to the Director of Human Resources whose decision will be final.

G. There is no additional compensation for certification in multiple languages.

V. Procedures:

A. Application for bilingual certification pay: The Department Director will submit in writing, the names of employee's eligible to test for bilingual certification pay. The Human Resources Director will review the applications.

B. Testing. The Human Resources Department will arrange for the

6.04 – Bilingual Pay

employee to take the certification exam(s). Successful completion of the certification exam will result in the employee receiving certification pay for bilingual language skills effective the first pay period of the month following the exam. Certification pay will not be retroactive. The bilingual language certification pay will be awarded in the following areas:

Levels of Bilingual Language Certification	Monthly Pay for Full Time Employee*	Monthly Pay for Part Time Employee*
Reading	$50	$25
Writing	$50	$25

*Paid out bi-weekly.

Testing results will be sent to the Human Resources Department and the employee. Nothing in this policy is to be construed a contract between the City of Celina and its employees. The City of Celina reserves the right to change, modify, amend, revoke or rescind all or part of this policy in the future

6.05 – Certification and Education Pay

I. General Requirements

A. It is the policy of the City to encourage its employees to participate in advanced education and training. Additional training and education are important to the employees and is an overall benefit to the City. It is the intent of this policy to establish criteria by which compensation for education, licensing and certificates may be given. Education and certification pay shall be available to regular full and part-time employees who have completed their introductory period.

B. The City may change an employee's pay rate based on the employee receiving a certification(s), and/or academic degree (s), for their position.

C. Each department is responsible for re-evaluating the need for bilingual skills on a periodic basis and contacting Human Resources should those needs change.

D. Each Department, division or section is responsible for maintaining up-to-date records of their employees' certificates and licenses; to keep the Human Resources department updated on any changes in status to either an employee, as it pertains to this section; and to notify Human Resources when an employee is no longer eligible to receive pay under this section.

E. Total of all certification(s) and licensing shall not exceed $150.00 per month.

F. Managers and positions above are not eligible for certification and education pay stipends unless approved by the City Manager.

II. Certification Pay

A. In order to receive compensation, a certificate must be received and used in the employee's work responsibilities and must NOT be a minimum requirement for their position. Should an employee transfer to a department where the training becomes applicable, the employee may then be eligible for certification pay. Certification pay may be forfeited if a transfer places the employee where the additional pay is not applicable.

B. Payments are made on a bi-weekly basis. Certification pay will only begin upon presentation of the original document by the employee to the Human Resources Department. To qualify for the program, certificates, licenses or college degrees must be obtained from a State accredited college or university, a State certification or licensing agency and/or a recognized professional association performing a similar certification or licensing function for personnel in the applicable profession, and must be maintained in an active status. Certificates, licenses, or college degrees must also be directly related to an employee's present position, and current job duties, profession and/or occupation. To qualify for the program, a certificate, license, or college degree must not be a job requirement for the employee's present position. Should certification/license lapse, it is the employee's responsibility to immediately notify their supervisor and Human Resources Department. If an employee is

promoted or moves into a position that is ineligible for this program, the employee will cease receiving the pay on the effective day of the promotion or move.

C. Bilingual Certification – This pay is for skills used to enhance the performance of position duties to better serve citizens of the City of Celina. The Department Director, in conjunction with Human Resources will identify positions and/or persons eligible to receive bilingual certification pay based organizational need.

1. Employees in positions eligible for bilingual pay must achieve a passing score in a process established to measure proficiency.
2. The City will pay for the first bilingual language certification test. The employee must pay the cost of any subsequent attempts to be certified. Arrangement to take the test are made through Human Resources.
3. Any employee receiving bilingual pay is expected to assist other non-bilingual employees in the translation of documents and assistance of the public.

D. Certification Training Reimbursement Agreements

1. With approval of Department Director, the City will pay for the cost of job related certification training, and subject to annual budget appropriation. However, should an employee elect to voluntarily leave the employment of the City within six (6) months of receiving said training, the employee shall reimburse the City for its cost if it exceeds $1,000.

III. Academic Education Pay

A. Academic education pay will be granted to employees with the following degrees from an accredited college, provided it is not a requirement for their position, the degree is applicable to the employee's work responsibilities and it is subject to annual budget appropriation. College degrees received from colleges and universities will only be recognized if accreditation is verified through the Department of Education National Database of Accredited Postsecondary Institutions and Programs. Academic Education pay may be granted to employees with degrees from foreign countries provided that the Institutional Research Foundation verifies the authenticity of the degree(s) and establishes relevant equivalency to degrees awarded by accredited colleges and universities within the United States.

B. It is the employee's responsibility to furnish documentation that proper accreditation by the Department of Education National Database of Accredited Postsecondary Institutions and Programs. The Human Resources Department will notify the Department Head upon hire of the new employee in their department if the employee has not supplied appropriate documentation. Until documentation is supplied, this monthly addition is not to be added.

6.05 – Certification and Education Pay

CERTIFICATION/LICENSURE PAY SCHEDULE

Certificates and Licenses

All City Departments:

- Unless listed herein, $25 per month for each certificate or license up to a maximum of $150.00 per month. Bilingual and degree pay will not count towards the $150.00 maximum.
- Bilingual Certification – Speaking: $50/$25 per month (full/part time)
  Reading and Writing: $50/$25 per month (full/part time)

Public Works *(non-cumulative)*

Certification/License	Amount Per Month
Water Class B	$50.00
Wastewater Class B	$50.00
Water Class A	$75.00
Wastewater Class A	$75.00

Police *(non-cumulative)*

Certification/License	Amount Per Month
Intermediate Police License	$60.00
Advanced Police License	$90.00
Master Police License	$120.00

Fire *(non-cumulative)*

Certification /License	Amount Per Month
TCFP Intermediate	$75.00
TCFP Advances	$100.00
TCFP Master	$150.00
Fire Investigator/Inspector Basic	$50.00
Fire Investigator/Inspector Intermediate	$75.00
Fire Investigator/Inspector Advanced	$100.00
Fire Investigator/Inspector Master	$150.00

6.05 – Certification and Education Pay

College Degrees:

Degree*	Amount Per Month
Associate	$50.00
Bachelor	$100.00
Post Graduate	$150.00

*Non-cumulative

Nothing in this policy shall be construed as a contract between the City of Celina and its employees. The City reserves the right to change, modify, amend, revoke or rescind all or part of this policy in the future.

6.06 – Response Time On-Call/Call Back Pay

I. Call Out/Back Pay

A. Call out is an assigned duty to accomplish required work assignments after normal working hours in any department that does not have scheduled work hours on a 24-hour basis. Pay for call out will be based on arrival at the Public Works Facility or the location of the emergency with a minimum of two (2) hours credited work time for those who travel to and from an assigned worksite. Employees may be "called out" more than once in a two-hour period. Each call out does not constitute a two (2) hour call out if it is within the current two (2) hour call out period. Departure from the Public Works Facility or the location of the emergency constitutes the end of hours worked.

B. Employees called out to work during emergencies will be compensated at his/her regular rate. If the call out causes the employee to exceed forty (40) hours, the employee will be compensated at his/her overtime rate. An emergency is defined as an unscheduled work time in which life is threatened or the welfare of the public is at risk and requires the immediate assistance of additional personnel. An example of public at risk would include a ruptured water main, blocked wastewater main or a requirement to respond to storm damage jeopardizing public safety.

II. On-Call/Standby Pay

A. The City of Celina compensates employees who are designated and/or placed in a rotating on-call status for each 24-hour period for which they are designated as on-call. This policy applies to all employees in positions required to participate in a rotating on-call status.

B. The supervisor or designee will be responsible for identifying and coordinating the on-call schedule and positions within the respective department.

C. Eligibility for On-Call Pay

1. The employee must be specifically assigned for on-call status for the 24-hour period.
2. The employee designated as the primary on-call person must be able to respond to the call within 30 minutes of being contacted.
3. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until the overtime threshold is reached.
4. This personnel policy is providing general minimum standard guidelines for this policy, for compensation specific policies refer to the internal departmental policies.

6.06 – Response Time On-Call/Call Back Pay

D. On-Call Payment

1. Civilian non-exempt employees who rotate on required on-call status will receive one (1) hour of pay at their regular rate of pay for each day of on-call assignment.
2. On-Call Duty: On-call assignments are not compensable if:
   a. Employees can be contacted by a pager or telephone; and
   b. Have free (personal) use of the time while waiting for an assignment.
   c. Pay will be considered overtime if the employee is non-exempt and has already recorded the hours required to meet the overtime threshold for their position.
   d. On-call employees who do not return to the workplace, but who handle a workplace issue by phone or internet will be compensated based on a departmental policy, approved by the City Manager.

E. In all cases, employees must report their actual hours worked on their time sheets.

F. Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to complete.

6.07 – Meal Periods and Break Periods

The City recognizes the need for employee breaks during the day to prevent undue fatigue and has scheduled the following breaks to accommodate this need:

A. Employees are scheduled for either a one-hour lunch period or a 30-minute lunch period each day. Unless emergency circumstances exist, meal periods should not be less than thirty minutes. This time is generally not included as hours worked toward overtime. If less than 30 minutes, the time is considered hours worked.

B. Depending on workload, employees may be given two brief rest/break periods of no more than 15 minutes one during the first half of the day and another during the last half of the day. The rest/break period is a privilege to be granted by supervisors depending on the various work locations, conditions, and workload. Rest/break periods shall not be combined or accrued.

C. The Department Directors are responsible for scheduling individual rest/break periods and lunch to accommodate the needs of their departments.

D. Employees shall be careful not to abuse rest/break period privileges, including restroom breaks.

E. Employee schedules might deviate from the guidelines depending on the necessity for the successful completion of the job.

6.08 – Membership Dues Payroll Deduction

I. Statement

It is the policy of the City of Celina to make payroll deduction available to employees who are members of a City-approved association or organization that requires membership dues. This policy applies to all employees of the City of Celina. This policy and its administrative procedures should not be interpreted as the City's endorsement of any employee associations and organizations.

II. Administrative Procedure

A. The Director of Human Resources or designee will coordinate the written requests and verification of all payroll deduction membership dues requests. All requests will be forwarded to payroll for final processing. Employees must authorize in writing any and all payroll deductions prior to withholding.

B . Employee Request for Membership Dues Payroll Deduction: The employee must submit the written request for payroll deduction for membership dues of designated associations or organizations to the Human Resources Department. The appropriate forms will be available in Human Resources during regular business hours.

C. Administrative Fee: The City of Celina reserves the right to impose a reasonable administrative fee at any time after submitting written notification to the requesting employee and prior to initiation of the deduction. The fee imposed shall not exceed the amount currently used by the City for processing similar deductions. However, vendor- required processing fees will be the responsibility of the employee and will be included in the total amount deducted from the employee's paycheck each pay period.

D. Frequency of Payroll Deductions: Deductions will be taken from 26 paychecks, after- taxes, on a bi-weekly basis (pay period). Requests for more or less frequent deductions will not be considered. Deductions will continue until the Human Resources Department receives written cancellation from the employee.

E. Methods of Designating Payments: Accumulated deductions will be sent to the vendor periodically or as agreed upon. The method and frequency of payments sent will vary depending upon the guidelines of the vendor. The employee will be responsible for paying any set-up or processing fees required by the vendor. The fee will be included in the total amount deducted from the paycheck.

F. Cancellation of Payroll Deduction: Payroll deduction for membership dues will cease after receiving a written notice requesting cancellation from the employee. The City of Celina has the authority to stop payroll deductions if it is determined that the employee association or organization has disbanded or is no longer sanctioned.

6.09 – Travel time

Travel to and from work is generally not compensable, unless specifically approved by the City Manager. Travel time which is outside of regular working hours is generally not compensable, unless the employee is on call or if travel is approved by the City Manager.

6.10 – Temporary Promotion/Assignment Pay

I. On occasion, an employee is asked to perform a job duty well beyond the scope of their job description and a job classified at a higher pay grade. With concurrence of the City Manager in advance, the Department Director can work with the Director of Human Resources in order to provide a temporary pay amount for the role based upon the duties and assignments of the role. That temporary pay cannot exceed 5% or Step 1 of the role unless approved by the City Manager, or whichever is greater. Generally, this will only apply when an employee is filling in for another employee with a higher pay grade.

II. Eligibility of temporary promotion pay increases requires that the employee must have worked, or be scheduled to work, a minimum of 30 calendar days in the new position. Pay increases will be effective at the start of the temporary promotion pay period.

III. Police and Fire personnel covered by *Texas Local Government Code § 141.033* will be paid in accordance with paragraph (b), to wit; *"A member of the fire or police department who is required to perform the duties of a particular classification is entitled to be paid the salary prescribed for that position during the time the member performs those duties."* This however requires written confirmation of the higher classification assignment by the Department Director immediately before or after the employee's shift and is limited to only those hours wherein the actual duties unique to the higher classification are performed.

IV. Pay After Demotion. Treatment of base pay due to demotions is as follows:

A. For reassignment demotions, pay will be reduced a minimum of five (5) percent and new pay must be in the range of the reassigned pay grade.

B. Performance based and voluntary demotions will result in the employee's base pay being reduced and the employee's new salary will be determined by Human Resources and the Department Director with the approval of the City Manager.

6.11 – Vehicle Allowance and Reimbursement

An employee may be given a monthly allowance for consistently using said employee's own vehicle for City business if the use is deemed necessary by the City Manager and budgeted funds are so designated. Alternatively, an employee who is authorized to use their personal vehicle for City business is eligible to receive expense reimbursement for mileage. If an employee is receiving a vehicle allowance, mileage reimbursement is not allowed unless one-way travel exceeds 100 miles.

6.12 – Termination Pay

I. Upon separation from employment, only employees who have completed their probationary/introductory period and are terminating shall be paid for unused vacation earned.

II. Employees shall be paid any hours worked and overtime compensation due.

III. Employees will be required to sign a release to deduct any indebtedness to the City which the employee might have incurred during his/her tenure with the city while following compliance within State and local guidelines.

IV. If any employee dies while employed by the City, the City shall pay the beneficiary any unpaid pay, unused vacation and accumulated benefits as applicable to normal payouts.

6.13 – Worker's Compensation

I. The City carries a workers' compensation insurance policy. In cases of job related injuries, provisions and benefits available under workers' compensation are activated. **FML runs concurrently with any other leave as well as worker's compensation leave.**

II. Employees must notify their immediate supervisor within 24 hours of an injury or illness that is work related so that a proper claim or notice of claim may be filed with the City's worker's compensation carrier.

A. Employees will clearly relay the place, time, and date of any work related illness/injury as well as any witnesses that were present.

III. Employees may be paid temporary income benefits (TIBs) if their work-related injury or illness causes them to lose all or some of their wages for more than seven (7) days. TIBs are equal to 70% of the difference between an employee's average weekly wage and the wages they are able to earn after their work-related injury (i.e., if an employee was unable to earn any wages, they would receive 70% of their average weekly wage).

A. The City will offer salary continuation to eligible employees, who have an approved work-related injury or illness covered by workers' compensation insurance, after they have missed more than 7 days of work.

B. Worker Compensation will be paid on a weekly basis. Eligible employees may receive salary continuation which will supplement the employee's income up to their current rate of pay, excluding overtime. Employees who are eligible for salary continuation will be required to endorse their workers' compensation checks payable to the City of Celina for deposit. If the employee chooses not to endorse their worker's compensation check to the City of Celina, the employee forfeits their right to supplemental assistance and must use accrued sick and/or vacation as supplement of the worker's compensation wage. Salary continuation may be provided up to a maximum of 90 calendar days from the date of eligibility.

C. Employees whose normal schedule often includes overtime will not be given supplemental pay above 80 hours per pay period.

D. There will be a 90 calendar-day limit on supplemental pay benefits. If the employee remains unable to return to work, accrued sick, vacation and compensatory leave will be used until it is depleted or the employee returns to work.

E. Should there be an initial overpayment balance of benefits paid to the employee due to a delay in benefits from Workers' Compensation and the normal pay of the employee's salary, the employee will be required to sign a release to deduct any overage(s) of workers' compensation paid to the employee in incremental installments each pay period, until the balance is completely paid off.

CITY OF CELINA
PERSONNEL POLICIES

Chapter 7 – Employee Conduct

7.00 – Standards of Conduct

I. General

A. The purpose of this policy is to implement effective personnel policies that encourage a productive work environment and set for the guidelines for ethical behavior. The City and its employees have a responsibility to conduct City business in an ethical manner, safeguard all assets of the municipality, and comply with all applicable federal and state laws, the City charter, local policies, rules, and regulations.

B. The City is committed to a mutually rewarding and direct relationship with its employees and to providing customers, both external and internal, with excellent services. It is expected that City employees will adhere to certain rules and regulations that are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City, or is offensive will not be tolerated.

C. The City expects that employees will conduct themselves in a positive and professional manner in order to promote the best interests of the City, to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that both in business and personal life, employees refrain from any behavior that might be harmful to themselves, their coworkers, or the City.

D. The City does not intend, nor does it assent to, any modification of any at-will relationship, established as a matter of policy, by setting forth specific types of conduct which are unacceptable.

II. Discipline

A. In general, the City will use a progressive disciplinary system. Progressive discipline is NOT required. The City is not obligated to use all of the disciplinary steps and may begin the process at any level, up to and including immediate termination, depending on the severity of the conduct, the employee's work performance and prior disciplinary history and any other relevant factors. Depending on the circumstances of each case, disciplinary action may consist of one or more of the following:

1. Oral counseling/verbal reprimand:
2. Written reprimand
3. Decision Making Leave (DML) with Performance Improvement Plan (PIP) with probation
4. Termination

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B. Documentation: All discipline, other than documented oral warning/employee consultation/verbal reprimand, must be sent to the Human Resources Department for placement in the employee's personnel file. Departments should keep record of oral warnings, verbal reprimands and consultations and provide a copy to the Human Resources Department.

C. Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall:

1. Administer policies and procedures within their scope of authority;
2. Document their subordinates job performance, conduct, and behavior as appropriate;
3. Conduct evaluations of subordinates in a timely manner; discipline their subordinates as appropriate;
4. Address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.
5. Prior to disciplinary action, the supervisor will conduct a thorough examination of the situation before deciding to take any disciplinary action and discuss proper action with their Department Director and Human Resources.

D. Appeal Rights: A regular full-time employee who has received discipline greater than a written reprimand may request a Disciplinary Review Meeting in accordance with City policy, with the understanding that all employees are hired at will. Those employees employed by a written contract, probationary, temporary and seasonal employees likewise have not right of appeal for disciplinary action taken against them and are exempted from this policy.

E. Administrative Leave

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

F. An employee who has received discipline in excess of a written warning/written reprimand may request a meeting with the next level supervisor. In cases of suspensions four (4) days or greater or termination, the meeting will be with the next level supervisor.

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III. Types of Conduct

The following types of conduct are unacceptable. NOTE: The examples given are typical but not all inclusive.

A. Unsatisfactory attendance is exemplified by, but is not limited to, the following violations (subject to the terms and provisions of the Family Medical Leave Act):

1. Unexcused absence, excessive absenteeism, or tardiness;
2. Failure to give notice of an absence or tardiness to the supervisor from within (1) one hour before starting time, as prescribed by departmental policy;
3. Separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group and which lack sufficient justification in the opinion of the employee's supervisor;
4. Absence or tardiness that causes significant curtailment or disruption of service without sufficient justification in the judgement of the employee's supervisor; or
5. Excessive failure to remain at one's workstation without notifying their supervisor, leaving work without permission or taking excessive time or more time than allowed for eating or break periods.

B. Job Abandonment occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate order to report to work, for two (2) consecutive work days or one (1) shift for Fire shift personnel. The employee is deemed to have abandoned his/her job at which time employment might be terminated.

C. Inability to come to work occurs when an employee is absent due to an extended, chronic physical/mental ailment or injury after sick, vacation, compensatory time, or other excused leave paid time off has been exhausted, or when an employee is unable to perform the essential job junctions, with or without accommodation.

D. Inability or unwillingness to perform assigned work satisfactorily is exemplified by:

1. Failure to follow routine written or verbal instructions;
2. Insubordination;
3. Arguing over assignments or instructions; or
4. Negligent or improper conduct leading to damage to employer-owned or citizen- owned property; or

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5. An accumulation of deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.

E. Indifference toward work is exemplified by, but is not limited to, the following violations:

1. Inattention, inefficiency, loafing, sleeping, carelessness, or negligence;
2. Failure to remain at one's work station, leaving work without permission, or taking excessive time or more time than allowed for eating or break periods;
3. Performance of personal business;
4. Interference with the work of others; unnecessarily disrupting the work of other employees;
5. Discourteous or irresponsible treatment of the public or other employees;
6. Wearing improper attire or presenting an inappropriate personal appearance;
7. Failure to maintain, and/or achieve, required job standards, e.g., certification, licensing, etc.
8. Unsatisfactory performance or conduct;
9. Engaging in personal business while on duty without authorization of their supervisor, including watching television, shopping, engaging in entertainment, etc. or
10. Violation of personnel policies and procedures.

F. Sabotage is exemplified by, but is not limited to, the following violations:

1. Negligent or improper conduct leading to damage to or destruction of City or privately-owned equipment or property;
2. Defacing of City property;
3. Unauthorized alteration, removal, destruction, or disclosure of City records;
4. Advocacy of or participation in unlawful trespass or seizure of City property;
5. Encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions;
6. Efforts to limit or restrict employees from working;
7. Refusal to cross picket lines;
8. Interference with the public use of or access to City services, property, or buildings; or
9. Threats to commit any act of sabotage as defined in this subparagraph.

G. Safety violations are exemplified by, but are not limited to, the following violations:

1. Failure to follow City or departmental safety rules and regulations;
2. Failure to follow appropriate safety practices or policies;
3. Failure to use required safety apparel;
4. Removal or circumvention of a safety device;
5. Lifting in an unsafe manner;
6. Operation of vehicle or other equipment in an unsafe manner;
7. Smoking in a prohibited area;
8. Playing tricks or jokes or engaging in horseplay that adversely affects job performance or creates potential safety issues.
9. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
10. Failure to report to one's supervisor or an authorized substitute, an on-the job injury, vehicle accident, or unsafe work condition involving a City employee within two (2) hours of its occurrence;
11. Failure of a supervisor with knowledge of the circumstances toremove from the work place or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress.
12. Possession of dangerous or unauthorized material such as explosives on City premises or while on City business.
13. To have possession on any City property, or to transport in a motor vehicle, a "firearm", or any other weapon prohibited by law, while in the scope of employment.

A "firearm" is defined in Section 46.01, Texas Penal Code. This subsection does not apply to a City employee employed as a peace officer under Article 2.12 C.C.P. or as a special investigator as defined in Article 2.122 C.C.P. "Possession" is defined in Section 1.07(39), Texas Penal Code. This subsection also does not apply to an employee traveling out of town for the City in a personal vehicle.

H. Dishonesty is exemplified by, but is not limited to, the followingviolations:

1. Acceptance or solicitation of money or anything of value from a person subject to the regulatory decision or supervision of the employee, or soliciting or accepting gratuities form customers or vendors;
2. Cheating, forging, or willful falsification of official City reports or records;
3. Abuse or misuse of paid time off benefits;
4. False reporting of the reason for paid time off; or

5. Lying, any act of untruthfulness, and any other falsifying action detrimental to the City or fellow employees.

I. Theft, regardless of item value is exemplified by, but is not limited to, the following violations:

1. Misappropriating, theft or conversion of City property or the property of others whether on or off work;
2. Unauthorized use of City or employees' funds;
3. Using or authorizing the use of City equipment, property, supplies or employee services for other than official City business; or
4. Using or authorizing the use of City equipment or employee services without proper authority.

J. Insubordination is exemplified by, but is not limited to, the following violations:

1. Willful failure, or refusal, to follow the specific orders or instructions of a supervisor or higher authority provided that:
   a. If the employee believes an instruction or order is improper, the employee should obey the instruction or order and file a written statement of concern later;
   b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others or damage to City equipment, or reasonably believes the instruction or order if followed, will violate law carrying criminal penalties, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job; or
2. Pursuit of a denied request to a higher authority without revealing the a lower supervisory-level disposition.
3. Failing to cooperate fully in an internal investigation in which he/she is the primary focus, or for which they are a witness or affected party.

K. Abuse of drugs or alcohol, as defined herein, is exemplified by, but is not limited to, the following violations:

1. An employee is judged unable to perform duties in an effective and safe manner due to:
   a. Ingestion, inhalation, or injection of an intoxicants or a drug (other than those lawfully prescribed and reported to Human Resources; or
   b. Ingestion of an alcoholic beverage and/or being under the influence of alcohol while at work;

c. An employee is under the influence of, manufactures, distributes, dispenses, possesses or uses a drug without a legal prescription:
   i. In the workplace;
   ii. During working hours, including all breaks and meal breaks; or
   iii. In a City vehicle;

2. An employee is under the influence of, manufactures, distributes, dispenses, possesses or uses an alcoholic beverage:
   i. In the workplace;
   ii. During working hours, including all breaks and meal breaks;
   iii. In a City vehicle; but
   iv. Not including the moderate use of alcoholic beverages as specifically authorized by the City Manager at City-sponsored social functions, if such social functions do not occur in the workplace, in a City facility, during working hours, or in a City vehicle;
3. An employee refuses to submit to a drug and/or alcohol test after it is required;
4. An employee tampers with, or attempts to tamper with, a drug and alcohol urine, breath or blood sample or the drug and alcohol testing process;
5. An employee tests positive in a drug and alcohol urine, breath or blood test of a sample taken during working hours for the presence of drugs or alcohol at detectable levels without a reasonable explanation;
6. An employee is convicted of a criminal drug or alcohol statute violation and fails to notify his or her supervisor of said conviction, no later than three (3) days after such conviction;
7. An employee possesses drug paraphernalia in the workplace or a City facility, during working hours or in a City vehicle without a reasonable explanation; or
8. Violation of the City's Drug and Alcohol Policy and procedures.

NOTE: In subparagraph (K) above:

"Drug" means a controlled substance or a controlled substance analogue as defined in Section 481.002(5) and (6) of the Texas Health and Safety Code, marijuana and abusable glue and aerosol paint (inhalants) as defined in Section 485.001 of the Texas Health and Safety Code.

"Alcoholic beverage" means alcohol, or any beverage containing more than

one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

"Drug paraphernalia" means equipment, a product or material of any kind mentioned in Section 481.002(17) of the Texas Health and Safety Code.

L. Disturbance is exemplified by, but is not limited to, the following violations:

1. Fighting, bullying, or other boisterous conduct;
2. Deliberately causing physical injury to another employee or citizen;
3. Intimidation;
4. Unnecessary disruption of the work area;
5. Use of profane, abusive, threatening, loud and boisterous language, or gestures to/against another employee or the public while on duty or in a Cityvehicle;
6. Spreading of false reports;
7. Other disruption of the harmonious relations among employees or between employees and the public.

M. Abuse of City property is exemplified by, but is not limited to, the following violations:

1. Negligent damage, or destruction of City equipment or property;
2. Waste of materials or negligent loss of tools or materials;
3. Improper maintenance of City equipment or property;
4. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.
5. In addition to appropriate disciplinary action, damage caused intentionally or by gross negligence shall cause the employee to be responsible for the repair or replacement of any damaged item. Failure to reimburse the City will result in termination of employment.

N. Disregard of public trust is any conduct which, on becoming public knowledge, could impair the public's confidence or trust in City government taking into consideration the nature of the conduct, whether committed during or after working hours and the duties of the employee. This ground for disciplinary action shall not include any conduct which is protected by law. This subsection may include the conviction of an employee of a criminal drug or alcohol statute violation for off the job conduct if the conviction adversely affects public trust in the City to carry out its responsibilities.

O. Failure to report a violation is exemplified by but not limited to, failure to report to the proper authority any known violation described in Subparagraphs

(F), (G), (H), (I), (K), (L), or if an employee has any doubt about a "proper authority", the employee should report the violation to his or her supervisor, department/division director, or to the Human Resources Department.

P. Violation of rules is exemplified by, but is not limited to, the following violation of rules:

1. City or Departmental or Division Rules, Regulations, Police, or Procedures;
2. General Orders, Special Orders, or the Code of Conduct of the City of Celina Police or Fire Departments; or

Q. Unauthorized use of information or authority is exemplified by, but is not limited to the following:

1. Unauthorized or improper use or disclosure of official information; or
2. Unauthorized or improper use of official authority.

R. Discrimination. Discrimination or harassment based on race, sex, religion, national origin, physical disability, or age or any other protected characteristic will subject the perpetrator to disciplinary action, up to and including termination of employment.

S. Sexual Harassment. Employees, department and division Directors, Managers, Supervisors, and others who violate the sexual harassment policy are subject to disciplinary action, including termination of employment. Any department or division Director, Manager, or Supervisor who receives a complaint of sexual harassment and fails to take action pursuant to this policy is subject to disciplinary action, including termination of employment.

T. Confidential/Sensitive Information. It is City of Celina's policy that all employees, as public servants, must be careful not to violate the trust of citizens and the public. Except as properly authorized by the Public Information Act, it is the responsibility of all employees to maintain the confidentiality of official records, forms, data, and other information. It also is the responsibility of employees to refrain from sharing sensitive information as it might be contrary to good organizational operations. Information designated as confidential/sensitive shall not be discussed/disclosed to anyone outside the organization and shall be discussed within the organization only on a "need to know" basis. Employees are prohibited from attempting to obtain confidential/sensitive information for which they have not received authorization. Employees violating this policy shall be subject to discipline up to and including termination of employment.

IV. Disciplinary Review Meeting

7.00 – Standards of Conduct

It is the policy of the City of Celina to give individual employees an opportunity for a hearing regarding severe disciplinary actions. Disciplinary review hearings are designed to be heard according to prescribed guidelines as set forth in the following procedures. The disciplinary review hearing process is designed to afford the employee a responsive forum; however, nothing in this policy shall be construed as a grant to any employee of a property right in tenured public employment. All employees are employed strictly on an at-will basis.

General Disciplinary Review Meeting Information

A. An employee who has received discipline in excess of a written warning/written reprimand may request a meeting with the next level supervisor. In cases of suspensions four (4) days or greater or termination, the meeting will be with the Director of Human Resources.

B. All requests for disciplinary review hearings must be filed with the Human Resources Department within five (5) working days after receiving notification of an action taken. The request must explain why they do not agree with the action taken and what they recommend as an alternative action. All decisions rendered in response to disciplinary review hearings must be in writing to the employee.

C. An employee who requests a disciplinary review hearing must inform the Human Resources Department in writing of their correct mailing address and telephone number. Failure to provide current mailing address and telephone information may result in administrative closure of the disciplinary review hearing.

D. The employee will meet with the Director of Human Resources deciding the issue within ten (10) working days of the employee's request, unless an extension is agreed upon by the parties.

E. Upon conclusion of the meeting the official hearing the case will have five (5) wherein to make a decision. For issues involving suspension without pay of three (3) or fewer days, the Director of Human Resources will be the final arbiter. For suspensions without pay or four (4) or more days or termination of employment, the City Manager will be the final arbiter.

7.01 – Attendance and Work Hours

I. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Any absenteeism or tardiness is disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment.

II. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify their supervisor at least one (1) hour in advance of the anticipated tardiness or absence; more notice may be required in accordance with individual departmental procedures. The employee must disclose to their supervisor the reason for the absence or tardiness and the date and time of their anticipated arrival.

III. For absences of one day or more, the employee must personally notify their supervisor on each day of their absence. For absences of three (3) or more days the employee's supervisor must notify the Human Resources Department no later than the third day of absence in order to properly administrate the Family and Medical Leave Act (FMLA) procedures as covered this policy manual. FMLA leave is to be considered if an employee is out more than three (3) days.

IV. An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered absent without leave, which constitutes abandonment of duties and shall not be in pay status for the time involved. Absence for two (2) consecutive days (or 24 hours for Fire shift personnel) without prior notification or without satisfactory reason shall be considered job abandonment and designated as a resignation without proper notice.

V. Regular Work Hours

A. Non-exempt employees of the City, except for Fire Department and Police Department shift personnel, normally work forty (40) hours in a seven-day work week. Exempt employees may be required to work in excess of forty (40) hours. The work week begins on 12:01 a.m. Monday and ends on midnight Sunday. The regular work day normally is an eight, twelve and 24 hours. Work days are subject to change based on need and City Manager approval.

B. It is City policy to require employees to be at their assigned worksite on time, ready to pursue City business and to work all scheduled hours and any required overtime.

C. Adjustment to Work Hours. In order to assure the continuity of City services, it may be necessary for Department Directors, with the approval of the City Manager, to establish other operation hours for their departments.

1. Work hours and work shifts must be arranged to provide continuous service to the public.
2. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes

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

3. Contingent on available staffing, a temporary, flexible workweek schedule may be available for full-time employees. Department Directors have the ability to establish temporary flexible work schedules as long as service levels and productivity standards are maintained. All temporary or permanent schedules other than normal eight (8) hour/ five (5) days a week must be approved by the City Manager.

VI. Meal Periods

A. Every effort will be made to ensure that all full-time employees receive a daily meal break during each shift. There may be instances, however, when an employee may not receive a scheduled meal break due to scheduling and/or the nature of the work.

B. Full-time employees (excluding Fire Department and Police Department shift personnel) are normally provided a one (1) hour unpaid meal break near the middle of the work day. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period, without prior supervisor approval.

VII. Rest Breaks

A. Full-time employees may, depending on individual department work schedules and the discretion of their supervisor, take up to two (2), fifteen-minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day.

B. Rest breaks are considered a privilege and NOT a right and shall never interfere with proper performance of an employee's work responsibilities and department work schedules.

C. Rest breaks must be taken at, near, or in route to or from work sites within the fifteen-minute limits or as outlined in departmental policies. Employees whose work sites and or work schedules do not permit opportunities to obtain food or beverages should plan ahead and take provisions with them to the work sites.

VIII. Attendance and Punctuality

A. Employees are expected to be at their work stations and ready to work at their

7.01 – Attendance and Work Hours

scheduled start time. Non-exempt employees are required to record the number of hours worked each day, as well as the time they arrived at work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day.

1. All hourly employees will be required to utilize the appropriate time clock for their departments.
2. If an employee must leave work for any reason other than their lunch hour, they must clock-out upon leaving and clock-in upon return. Prior to leaving, supervisor approval must be given.
3. Time cards with handwritten entries may result in disciplinary action, except in cases relating to emergency responses or on-call duties where completing a time card punch would result in delayed response times. On-call or emergency responses must be designated on the time card when turned into payroll at the end of the pay period for processing.
4. Frequent leave may be subject to review by the Human Resources department and Department Directors and subject to disciplinary action.

B. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work.

1. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. The employee must disclose to their supervisor the reason for the absence or tardiness and the date and time of their anticipated arrival or return.
2. Employees shall notify their supervisors as far in advance as possible, generally one (1) hour prior to start of work, whenever they are unable to report for work, if they know they will be late, or if they must leave early. The employee should make the call. Calls from friends or relatives will be acceptable ***only*** if the employee is unable to communicate. The notice shall include a reason for the absence and a time the employee is expected to report for work.
3. When the supervisor is unavailable, the employee shall notify the next person in their chain of command. When an employee knows in advance of an impending absence, they will request permission to be absent from their supervisor at least 24 hours in advance. The supervisor will evaluate the reason for the absence and decide whether the employee may or may not be excused.
4. For absences of a day or more, the employee must personally notify their supervisor on each day of their absence unless the supervisor expressly waives this requirement.
5. Employees shall be compensated during authorized absences in accordance with the policies contained herein. Failure to notify the City properly of any absence might result in loss of compensation during the

7.01 – Attendance and Work Hours

absence and may be grounds for disciplinary action. When an employee is absent from work, it is important to follow the policies outlined in this policy handbook. Following policy allows the supervisor to plan accordingly. Excessive tardiness and poor attendance disrupts workflow and shall not be tolerated.

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

1. Unexcused absences are unpaid time off and are subject to disciplinary action. An employee who fails to notify the City of an absence and is absent for a period of two (2) working days or shift will be presumed to have voluntarily resigned their employment. At that time, the City will formally note the resignation and advise the employee of the action by mail to the employee's last known address. Failure to report for scheduled modified duty, except during approved FML absence, shall be subject to disciplinary action, up to and including termination of employment.
2. Non-exempt employees who are delayed in reporting for work more than one (1) hour and who have not notified their supervisor of their expected tardiness might lose their right to work the balance of the workday. In addition, employees who report to work without proper equipment or in improper attire might not be permitted to work.
3. Unless authorized by their supervisor, non-exempt employees shall not be permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness or unauthorized absence.

D. Proof of Need for Absence

1. In the case of absenteeism, if the supervisor has reason to suspect abuse, he or she may require the employee to present satisfactory proof of the need for the employee's absence.

E. Non-exempt employees, who are assigned to office settings, shall obtain approval from their supervisor to leave the City premises during work hours. In addition, employees who are frequently away from the premises for business reasons should inform their supervisor of their whereabouts during work hours.

7.02 – Sexual and Other Unlawful Harassment

I. Purpose

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens and vendors. This means that each employee must be respectful of others and act professionally. City employees are prohibited from harassing anyone including citizens, vendors, and third parties.

II. Sexual Harassment - All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or

C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of conduct prohibited by this directive include but are not limited to:

A. Unwelcome sexual advances or repeated flirtations.

B. Asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, or appearance.

C. Unwelcome conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, blocking of physical movement, etc.).

III. Other Prohibited Harassment - In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristics is also strictly prohibited. This means that verbal or physical conduct that singles out, or denigrates, or shows hostility or aversion toward someone because of race, religion, sex, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristics protected by law is prohibited.

IV. Workplace Bullying

A. Workplace bullying is defined as systematic aggressive communication, manipulation of work, and acts aimed at humiliating or degrading one or more individuals that create an unhealthy and unprofessional power balance, result in psychological consequences for targets and witnesses of the behavior, and cost

enormous monetary damage to an organization's bottom line.

B. Examples of bullying behaviors include but is not limited to Inappropriate gestures, excessive yelling, talking down to others, criticizing or point out mistakes to others in front of a group; social exclusion; treating some less favorably than others; withholding pertinent work-related information; gossiping or spreading rumors; any malicious behavior a reasonable person would find unprofessional, disturbing and harmful to their psychological health.

V. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

VI. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

VII. Procedures:

A. Employee Responsibility - An employee who believes that a supervisor's, employee's or nonemployees' actions or words constitute sexual harassment or other unlawful harassment must report the situation to Human Resources as soon as possible. If they are comfortable, an employee should try to resolve the issue by addressing it with the offending party. All employees have the responsibility to cooperate in the investigation of a harassment complaint. <u>If you see/hear something, say something.</u> Employees must contribute to achieving a work environment that does not tolerated harassment and bullying behavior at work.

B. Supervisor Responsibility –

1. Each supervisor has the responsibility to maintain a workplace free of any form of unlawful harassment. The responsibility to maintain a work place free of harassment includes a duty to report any instance of unlawful harassment including but not limited to sexual harassment through the chain of command or directly to Human Resources. All complaints received by a supervisor must immediately be referred to

the Human Resources Director.

2. Supervisors must use a great deal of discretion in their social relationships with other subordinates. This is to avoid compromising their ability to function as an impartial supervisor who can treat all employees fairly. Supervisors should avoid social relationships with their subordinates which may lead to an impression of partiality or bias.

C. Department Director Responsibility - Management and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times. The Department Director of the involved department will cooperate with any investigation. The Director or designated representative may participate in the investigation if determined appropriate by the Human Resources Director or designee.

D. Filing a Complaint - An employee must file a complaint in writing with a signature alleging harassment/bullying with the Director of Human Resources. All harassment/discrimination complaints will be referred to the Human Resources Director or designee for investigation. If the complaint is filed by or against an employee in the Human Resources Department, the City Manager or designated representative will conduct the investigation and render a decision.

E. Investigation - The Human Resources Director or designee or City Manager or designee, will contact the employee to obtain the facts of the alleged harassment. The Human Resources Director or designee or City Manager or designee will conduct an investigation and render a written decision to the employee and appropriate management staff within a reasonable amount of time after meeting with the employee. The City Manager and Department Director will review the findings with the Human Resources Director to consider any proposed action.

1. If the investigation reveals that the complaint is valid, prompt disciplinary action, as approved by the appropriate individuals, will be taken. The immediate supervisor will insure that the harassing conduct is immediately stopped.

F. Confidentiality - All information concerning a harassment complaint will be treated as confidential, to the extent permitted by law. Content of a harassment complaint, whether verbal or written, will not be disclosed except as part of the investigative process, to those who have a need to know or as otherwise required by law.

G. Appeal to the City Manager - If the employee is not satisfied with the decision of the Human Resources Director or their designee, he/she may appeal the decision to the City Manager in writing within fifteen (15) working days of receipt of the decision. The City Manager, or designee, will review the investigation and render a decision. The decision of the City Manager

completes the internal process for sexual harassment complaints.

H. Prohibited Retaliation - No employee will retaliate against another employee who files a harassment complaint or cooperates with a harassment investigation. Any employee retaliating against another employee will be subject to disciplinary action, up to and including dismissal. Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

I. False/Frivolous Complaints – Complaints found to fabricated, frivolous or made in bad faith will not be tolerated and subsequent disciplinary action up to and including termination may result.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a City investigation regarding harassment or discrimination is subject to appropriate discipline, up to and including, termination.

7.03 – Political Activity

I. Political Activity

City of Celina employees will not be appointed or retained on the basis of their political support or activities. City of Celina encourages employees to participate in matters of responsible citizenship, and at the same time, is committed to providing a non-partisan work environment in which staff can responsible carry out their duties without political coercion. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

A. Must not engage in political activity relating to a campaign for elective office while in uniform or on active duty.

B. Publicly endorse or campaign in any manner for any person seeking elective office.

C. Use their position or office to coerce political support from employees or citizens.

D. Use their official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.

E. Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express their opinions and to cast their vote.

F. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.

G. Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment. An employee who contemplates seeking public office shall consult with the Human Resources Department prior to the filing of an application for the purposes of determining whether a conflict would exist.

H. All employees of the City shall refrain from using their influence publicly in any way regarding any election where an issue or proposal involves only City employees.

7.04 – Drug and Alcohol Testing – Non DOT

I. Purpose

A. It is the policy of the City to maintain a safe work environment by ensuring that City employees are not under the influence of alcohol or drugs during working hours. In accordance with the Drug Free Workplace Act, employees are prohibited from the possession, manufacture, distribution, dispensing, or us/misuse of illegal or illicit drugs and alcohol during working hours, or being under the influence or such substances. In addition, legal drugs used illegally or inconsistent with prescription are included in the category of prohibited drug use. Violation of this policy is grounds for disciplinary action up to and including termination. Drug testing will be conducted randomly, for reasonable suspicion, after accidents or injuries, and prior to a transfer, promotion or demotion of employees as explained in the City's policy.

B. City employees whose positions are considered "Safety Sensitive" by the City, including those requiring a Commercial Driver's License (CDL) or which fall under the DOT/FTA regulations are subject to drug and alcohol testing under this policy. If this policy conflicts with DOT or FTA regulations in any way, the DOT/FTA regulations will govern.

II. Prohibited Activities – The following acts are prohibited, and employees who commit any of these acts shall be subject to immediate termination of employment.

A. Consumption of illegal drugs at any time.

B. Abuse or misuse of prescriptive or over the counter (OTC) medications.

C. Consumption of alcohol:

1. While on duty, including hours worked, breaks and on-call;
2. Four (4) hours or less prior to reporting to work;
3. Eight (8) hours or less following an accident or until tested; or
4. While wearing City apparel or uniforms.

D. Operating a City vehicle or equipment or conducting City business while impaired by drugs or under the influence of alcohol.

E. The use or possession of alcohol or illegal drugs in a City vehicle whether on or off duty.

F. Unlawful manufacturing distributing, dispensing, possessing or using controlled substances in the workplace.

G. Employees when scheduled or "on call" to work, doing so while under the influence of alcohol or drugs, neither impaired nor under the influence of a controlled substance or alcohol.

H. Employees who test positive or who refuse (or fail to cooperate) to be tested for a controlled substance or alcohol as directed by this policy.

I. Job applicants who test positive for alcohol or a controlled substance, or who refuse (or fail to cooperate) to be tested for alcohol or controlled substances, will be ineligible for employment with the City and may not apply or be considered for any other City position for a minimum of six (6) months from testing date for non-safety-sensitive positions. Subject to the minimum six (6) months from testing date, the Police and Fire Departments will determine the moratorium on applications for those that fail a pre- employment test for public safetypositions.

Although there are no consequences under DOT regulations for a DOT-regulated employee to refuse a non-DOT, such refusal may result in termination of employment under the City's general Drug and Alcohol policy.

III. Applicability

A. This policy applies to all employees and pre-employment finalists who are not otherwise subject to the drug and alcohol testing regulations of the U. S. Department of Transportation (DOT).

B. For each incident or event, before drug or alcohol testing occurs, a determination will first be made as to whether the DOT regulations apply to the employee and the situation. If the DOT regulations apply, then the Drug and Alcohol Testing: for Department of Transportation (DOT) employees takes precedence over this policy. If the DOT regulations do not apply, testing will be conducted according to this policy.

IV. Definitions

A. Alcohol means ethyl alcohol. Alcohol, as used herein, includes any beverage, mixture or preparation containing ethyl alcohol.

B. City Premises or Facilities means all property of the City (owned or leased), including but not limited to the following:

1. Offices
2. Buildings
3. Equipment
4. Vehicles
5. Parking lots/garages
6. Storage areas
7. City premises also include any location where City employees may be performing contract services.

7.04 – Drug and Alcohol Testing – Non DOT

C. Controlled Substance means a drug or substance which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of it is illegal under any federal, state or local law or regulation and includes, but is not limited to inhalants, marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens and any other substances having either a stimulant or depressant effect on the central nervous system such as amphetamines or barbiturates. Also included in this definition are prescription drugs used for any reason other than a legitimate, prescribed medical reason and inhalants used illegally. All references to "drugs" throughout this policy mean the same as "controlled substance".

D. Impaired means an employee's diminished capacity to perform any duties of the employee's job.

E. Under the Influence means the amount of controlled substance into the employee's body or alcohol at/or above the blood alcohol concentration (BAC) limit of 0.02%.

F. Medical Review Officer (MRO) means a licensed doctor of medicine or osteopathy who has knowledge of substance abuse disorders and who has the appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.

G. Motor Vehicle Accident means any incident involving a motor vehicle in which there is injury to a person or damage to a City vehicle, other vehicle, or property and includes:

1. An accident in which a City employee was driving his personal vehicle in the course and scope of their employment.
2. Any accident involving a City vehicle where damage occurs to a City vehicle or any property that is greater than $1,000.00 as determined by the Department Director. This does not include damage to a City Vehicle when parked.

H. Positive Test Result means the result reported by a laboratory indicating that an individual is under the influence of a controlled substance or alcohol.

I. Reasonable Suspicion means a belief that the actions, appearance or conduct of a person are indicative of the use of a controlled substance or alcohol. A reasonable suspicion situation is any situation in which an employee's job performance is in conflict with established job standards relating to safety and efficiency. This may include accidents, near-accidents, erratic conduct suggestive of drug or alcohol use, boasting on social media sites of drug use, any unsafe performance behaviors and unexplained deviation from productivity. Reasonable suspicion may also include postings via social media which indicate or suggest the use of a controlled substance within 32 hours of

reporting to work.

J. Safety-Sensitive Position for purposes of this policy means a position in which impairment due to drugs or alcohol could constitute an immediate or direct threat to public health or safety, to the employee's health or safety, or a position in which a momentary lapse in attention or judgment could result in injury or death to another person. Examples of such positions include, but are not limited to, those which require driving of city vehicles, carrying of firearms, and operation of heavy equipment, responsibility for the safety or security of another person. Whether a position qualifies as a safety-sensitive shall be left to the reasonable discretion of the City.

V. Conditions Requiring Testing

A. Post Job Offer

1. Policy

Pre-employment drug testing shall be required of application finalists who have otherwise completed the employment screening process and to whom a conditional job offer has been extended and accepted. Each offer of employment is contingent upon the applicant's passing a drug test, regardless of the position. Applicants who refuse to be tested, who fail to cooperate with the testing process, or who test positive for a controlled substance will be immediately disqualified and barred from employment for a minimum of the next six (6) months, depending on the applicable moratorium. Applicants shall be notified of this policy at the time of application.

2. Procedures

a. Timeline - Job applicants (finalists) subject to pre-employment drug testing shall be required to report for drug testing within 48 hours of receiving and accepting a job offer unless the drug test is included in a pre-employment physical/test that cannot be scheduled within 48 hours; exceptions to this policy must be approved by Human Resources.

b. Scheduling - The Human Resources Department will contact the applicant to arrange for the test. If the applicant is also subject to a pre-placement physical exam, the drug test may be scheduled to occur at the same visit as the pre-placement physical.

7.04 – Drug and Alcohol Testing – Non DOT

B. Post-Accident

1. Policy

   a. Drug and alcohol testing shall be required after motor vehicle accidents involving a City vehicle when:

      i. the accident causes injury to any person involving a City Vehicle or City equipment.

      ii. the accident involving a City vehicle results in damage to the vehicle or other property that is greater than $1,000, as determined by the employee's Department Director.

   b. An employee's personal vehicle (used in the course and scope of City employment) and a non-City vehicle is subject to the aforementioned testing.

   c. No drug or alcohol testing will be required if the employee's vehicle is lawfully parked at the time of the accident or unavoidably damaged by debris.

2. Procedures

   a. Timeline - An employee subject to post-accident drug and alcohol testing should be tested as soon as possible following an accident, at least within two (2) hours of the accident if possible. Testing may be delayed for the employee to call for emergency assistance, render aid to others involved in the accident, or to receive medical attention for injuries resulting from the accident.

   b. Documentation/Authorization Consent - Prior to the employee reporting to the medical facility the supervisor shall call Human Resources for test authorization. The medical facility(ies) as identified shall maintain a list of City personnel who can authorize a drug and/or alcohol test and who can receive test results.

3. Scheduling -

   a. Timely Testing and Failure to Test Timely - In the event that an alcohol test (if authorized) is administered, it should be conducted within 8 hours of the accident. A drug test shall be administered within 32 hours of the accident. In the event that an alcohol test (if authorized) is not administered within 8 hours of the accident, the supervisor shall document the reasons why

the test was not administered within 8 hours; there will be no further attempt to test for alcohol due to that particular accident. In the event that a drug test is not administered within 32 hours of the accident, the supervisor shall document the reasons why the test was not administered; there will be no further attempt to test for drugs due to that particular accident.

b. Transportation to and from Test Collection Site -The employee should be transported to the collection site and back to the City of Celina's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi, etc. If the reasonable suspicion test result is negative, the City will reimburse the employee for the cost of the taxi ride home.

c. Compensation and Leave - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, following the test they will return to work but will be prohibited from any driving assignments in a City or personal vehicle until final results are received.

d. City Vehicle - The driver of the City vehicle will be required to submit to post-accident drug/alcohol testing if the accident results in a fatality, outside medical attention is required for any party involved in the accident, if there is damage to the vehicle or property involved in the accident that is greater than $1,000, as determined by the Director; and/or employee received a citation.

e. Personal Vehicle - If the employee was driving his/her own vehicle while on City business, he will be required to consent to post-accident drug/alcohol testing if an accident results: (a) in a fatality; (b) outside medical attention is required for any party involved in the accident; (c) in damage to the vehicle or property involved in the accident that is greater than $1,000, as determined in the sole discretion of the director; and/or (d) the employee received a citation. The employee should, if possible, park and lock the vehicle in the nearest public parking lot or City Lot for pick-up at a later time or arrange to have a friend or family member drive the vehicle away from the scene of the accident.

f. Use of Law Enforcement Tests - In post-accident situations, the City of Celina reserves the option to substitute a blood or breath alcohol test and a urine drug test performed by local law enforcement officials, using procedures required by their jurisdictions, providing such test results are received directly from the local jurisdiction or the driver. If the City substitutes a blood or breath alcohol test and a urine drug test performed by law enforcement in lieu of other procedures described herein for a post-accident test, it may rely on and take appropriate action based on the results.

g. After Hours Testing - If testing is necessary after regular business hours or on the weekend, the employee should be taken to the approved/contracted City testing site. Additionally, the supervisor should send an e-mail to Human Resources of the name of the employee tested, date, andtime.

C. Reasonable Suspicion

1. Policy

Drug and/or alcohol testing shall be conducted whenever there is reasonable suspicion that an employee has engaged in any conduct prohibited under this policy. Reasonable suspicion shall be based on the specific, contemporaneous, articulated observations of the employee's supervisor concerning the appearance, behavior, speech or body odors of the employee, which may include indications of the chronic and withdrawal effects of controlled substances or alcohol. Reasonable suspicion, as determined by the employee's supervisor, must be corroborated by the direct observations of another supervisor, prior to a request that the employee be tested. Testing must be authorized by the employee's Department Director (or designee), with the concurrence of the Human Resources Director or the City Manager (or designee).

2. Procedures

a. Timeline - An employee subject to reasonable suspicion drug and alcohol testing should be tested within 2 hours from the time that authorization is obtained.

b. Documentation/Authorization/Consent - A request for testing due to reasonable suspicion must be initiated by the employee's supervisor, who shall complete the Reasonable Suspicion Report form to document the reasons for testing. Such form should be signed and dated (with time) by both the employee's supervisor and department director (or designee). Testing must with the

concurrence of the Human Resources Director.

c. Scheduling

i. The manager or supervisor will immediately notify the Department Director when reasonable suspicion occurs. The manager or supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol. This information shall be stated on the Reasonable Suspicion Report Form. Once this form has been completed the Department Director will notify the Director of Human Resources for approval to proceed.

ii. The manager or supervisor shall hold a confidential meeting with the employee to discuss the reasonable suspicion and carefully note any explanations offered. The manager or supervisor shall also note any additional observations that may confirm the reasonable suspicion.

iii. Managers and supervisors shall also notify the Department Director when they have reasonable suspicion that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City. After obtaining the Department Director's approval, managers and supervisors may provide information to the Police Department regarding the possible possession.

d. Transportation to and from Test Collection Site- The employee should be transported to the collection site and back to the City of Celina's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi, etc. If the alternative transportation arranged causes the employee to expend funds and the test result is negative, the City will reimburse the employee for the cost of the alternative transportation.

e. Compensation and Leave - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, and if not otherwise engaging in disruptive or insubordinate conduct,

following the test they will return to complete the work day in a non-sensitive position.

f. Failure to Test Timely - In the event that an alcohol test (if authorized) is not administered within 8 hours of the authorization to test, the supervisor shall document the reasons why the test was not administered within 8 hours; there will be no further attempt to test for alcohol based on that particular event that created reasonable suspicion. In the event that a drug test is not administered within 32 hours of the event, the supervisor shall document the reasons why the test was not administered; there will be no further attempt to test for drugs based on that particular event that created reasonable suspicion.

D. Random Testing

1. Policy

All employees occupying safety-sensitive positions will be subject to random testing for drugs and/or alcohol. Testing for drugs and alcohol shall be conducted on a minimum annual percentage rate of 20% of all City designated safety-sensitive positions. The Human Resources Department will maintain a list of safety-sensitive positions subject to testing and will manage the random testing process.

2. Procedures

a. The random selection process will be completely objective and anonymous and will utilize a scientifically valid method such as random number table or computer-based random number generator matched with employees' social security numbers, payroll identification numbers, facility number or other comparable identifying numbers. The test will be unannounced, and the dates for testing will be reasonably spread throughout the year. All employees in roles which may include safety-sensitive functions will have an equal chance of being tested at any time, regardless of the number of previous selections.

b. Any employee notified of their selection for random alcohol and/controlled substances testing will be expected to proceed to the test site immediately. If an employee is performing a safety-sensitive function at the time of his/her notification of the random test requirements, employee will be required to cease performing the safety- sensitive function and proceed to the testing site as soon as possible. However, an employee will only be required to submit to a random alcohol test if the employee is performing a safety-sensitive function, is about to perform a

safety-sensitive function, just ceased performing a safety-sensitive function or is immediately available to perform a safety-sensitive function.

E. Self-Disclosure

1. Employees may voluntarily self-disclose their need to seek medical attention for alcohol and/or drug dependence. At the time of self-disclosure, in accordance with the City's leave policies, the employee will be relieved of their duties and placed on leave until the employee has completed the necessary treatment and provides the City with a note from the employee's treating physician that includes a return-to-work date and restrictions, if any. Employees who self-disclose alcohol and/or drug dependence will be referred to HR and the Employee Assistance Program ("EAP").

2. The City complies with the Americans with Disabilities Act ("ADA") and, upon the employee's return to work, the City will assist the employee in fulfilling his/her job duties, with or without reasonable accommodations. As a reasonable accommodation and in accordance with the ADA, employees in safety sensitive positions who return to work after self-disclosure of alcohol and/or drug dependence will be required to undergo periodic drug and/or alcohol testing for the subsequent six (6) month period. Employees in safety-sensitive positions are also subject to ongoing random testing for drugs and/or alcohol as provided by this policy.

3. If an employee self-discloses his/her need to seek medical attention for an alcohol and/or drug dependence <u>after</u> the employee has been (1) randomly selected to submit to a drug and alcohol test; (2) directed to submit to a post-accident drug and alcohol test; or (3) directed to submit to a drug and alcohol test after the City determines it has reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee is required to submit to the drug and alcohol testing. Refusal to submit to drug and alcohol testing as directed under this policy is conduct subject to termination, as provided in this policy. **Testing positive for alcohol or controlled substances will result in an adverse employment action, up to and including termination, as specified in section City policy, subject to the provisions of the ADA.**

4. Further, in accordance with the ADA, if at any time the City considers an employee to be a "current" drug user, after the employee has self-disclosed once, the City may take adverse employment action up to and including termination.

VI. Prescribed Medications

A. Exceptions to this policy may be made for employees that appear to be impaired by medication taken according to a prescription legal in the State of Texas in the employee's name, obtained from a licensed physician and used in the manner prescribed. The City of Celina reserves the right at all times to judge the effect that a legal drug, including medications not requiring a prescription, may have upon an employee's work performance and to restrict the employee's work activity or presence at the workplace accordingly. The City also reserves the right to have a physician of its choice determine whether a medication at the prescribed or recommended dosage produces impairs or adversely affects the employee's work activity.

VII. Prohibited Activities

A. Conduct That is Subject to Termination

Employees, except Police Officers performing authorized law enforcement activity, will be subject to immediate termination of employment for any violation of this policy, including but not limited to:

1. Being impaired by or under the influence of alcohol or controlled substances when reporting to work, while on duty, while operating a City vehicle/equipment or personal vehicle while conducting City business. The employee will be required to submit to a reasonable random or reasonable suspicion drug test at a City authorized testing facility.
2. Using, possessing, selling, purchasing, transferring, concealing, or transporting controlled substances anywhere on City premises at any time, whether on or off duty.
3. Using, possessing, selling, purchasing, transferring, concealing, or transporting alcohol in a City vehicle at any time.
4. Using controlled substances or consuming alcohol during the employee's scheduled work hours, including meal breaks and on-call assignments.
5. Refusing to submit to a reasonable request for drug and/or alcohol testing as directed by this policy.

6. The City will conduct an investigation and depending on the circumstances the City could allow a “last chance” under a “last chance” agreement in which the employee can opt to go to rehabilitation and return to work under probationary conditions, but this type of second chance is not required under Texas or Federal law. Any “last chance” agreement, the employee must agree to submit to monthly testing, a year’s probation and the employee is subject to immediate termination for any subsequent positive testing results.

B. Conduct Subject to Disciplinary Action

Employees will be subject to disciplinary action up to and including termination of employment for any of the following reasons, including but not limited to:

1. Using controlled substances or consuming alcohol outside of work hours while wearing City uniforms or any apparel that would identify the individual as a City employee.
2. Being involved with drugs or alcohol off duty in a way that is damaging to the City's reputation, or in a way that is inconsistent with or in conflict with the performance of the employee's job duties.
3. Failing to report, as soon as possible, a job-related motor vehicle and/or accident to the employee's supervisor.

VIII. Responsibilities

A. Managers/Supervisors

1. Consistent Enforcement

Managers and supervisors are responsible for consistent enforcement of this policy. Any supervisor who knowingly permits a violation of this policy by employees under his direct supervision will be subject to disciplinary action including but not limited to dismissal.

2. Investigation of Reasonable Suspicion

a. Managers and supervisors will request that an employee submits to a drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion, (see reasonable suspicion definition), that an employee is impaired by or under the influence of drugs or alcohol.

b. When reasonable suspicion exists, managers and supervisors may request, as part of an investigation, that an employee removes any and all controlled substances from his/her being or in his/her possession. If an employee refuses to do so, the employee is refusing to participate in the investigation. Anytime an investigation reaches this stage, both the Department Director and Human Resources Director or City Manager must be involved. Refusal by an employee to cooperate in an investigation is considered serious misconduct and may subject the employee to immediate dismissal from employment.

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c. Managers and supervisors will not confiscate, without consent, prescription drugs or medications from an employee as long as the prescription is in the employee's name.

B. Employees

Every City of Celina employee is to do the following:

1. Report to work during regularly scheduled hours or "on call" not impaired by or under the influence of alcohol or controlled substances.

2. Not possess or use, or have the odor of alcohol or drugs on their breath during working hours, breaks, meal periods, while on City property in an official capacity or while operating any City vehicle/equipment.

3. Report any motor vehicle/equipment accident immediately to the supervisor.

4. Not directly or through a third party sell or provide drugs or alcohol to any person or any other employee while either employee or both employees are on duty, or on-call.

5. Submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a supervisor.

6. At the beginning of the work shift, declare to the supervisor the use of any over-the-counter or prescription medication which may interfere with the safe and effective performance of their duties or the operation of City equipment.

7. Provide within twenty-four (24) hours of the request by the employer a current, valid prescription for any drug or medication identified when a drug screen/analysis is positive. If the prescription is not in the employee's name, the employee will be subject to discipline.

8. Report any suspicious behavior which may be indicative of the use of alcohol or controlled substances to their Supervisor.

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IX. Notification

The City of Celina will notify each covered employee of this policy through New Hire enrollment where they will be provided with information that will guide them to the location of this policy. Each employee will acknowledge in writing the receipt and understanding of this policy.

The City of Celina will notify each employee of the results of random, reasonable cause and post-accident drug and alcohol tests when the test results are positive. The employee will also be advised what drug class was discovered and be removed from performing a safety-sensitive function.

X. Confidentiality

Laboratory reports or test results will be maintained in the Human Resources Department in a confidential medical file separate from the employees' official personnel file. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee/applicant upon request. Disclosures, without patient consent, may also occur when:

A. The information is compelled by law or by the judicial or administrative process.

B. The information has been placed at issue in a formal dispute between the City and the employee.

C. The information is to be used in administering an employee benefit plan.

D. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

XI. Continuous Call-Back Employees

Employees subject to continuous emergency call back are required to declare to their supervisors at the time they are called in the use of alcohol or controlled substances, including prescribed or over-the-counter medications that might affect their ability to perform under the emergency. The supervisor will determine if the employee is fit to work and in what capacity. However, if an accident occurs the employee will be tested. If the test indicates they were under the influence or impaired by a controlled substance or alcohol dismissal will occur.

XII. Social Functions

Employees attending training and conferences may participate in social functions associated with the conference. This includes the consumption of alcohol, so long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions are encouraged not to drive; they will not operate a city owned or rented vehicle.

XIII. Recreation Areas

The use or possession of alcohol outside of work hours at City recreation facilities is regulated by City Ordinance and policies.

XIV. Bar from Employment

An applicant or employee who violates this policy or resigns in lieu of separation from employment due to a violation or suspected violation of this policy will be barred from employment with the City for a minimum period of six (6) months, depending on applicable departmental policy and employee's position at the time of the violation or alleged violation.

XV. Disclaimer

The City of Celina reserves the right to modify, alter, delete, suspend or discontinue all or any part of this policy at any time, with or without prior notice to employees. Nothing in this Policy constitutes a contract of employment, implied or express, and nothing in this policy alters the at-will employment status of employees.

7.05 – Drug and Alcohol Testing – DOT

I. Purpose

A. The City of Celina recognizes that drug and alcohol abuse increases risk of accidents; decreased productivity, and increased medical expenditures. Thus, the City has a vital interest in maintaining a safe and efficient working environment. In order to achieve this environment, City employees are prohibited from reporting to work or work-related activities under the influence of drugs and/or alcohol. Participation in the Drug and Alcohol Program is a requirement of each employee and is a condition of employment.

B. The City employs persons in positions that are regulated by the DOT. City employees who drive a commercial motor vehicle requiring a Commercial Driver's License (CDL) as a part of their duties are subject to alcohol and drug testing as mandated by the DOT, Federal Motor Carrier Safety Administration (FMCSA), and as outlined in this policy. The City shall comply with the regulations as set forth by the DOT. In order to assure compliance with related regulations, employees are to defer to 49 CFR, *Parts 40, and 382* of the DOT regulations regarding testing, test administration, etc.

II. Applicability

A. This policy applies to all employees and job applicants of positions within the City that are designated as DOT-regulated positions.

B. An employee is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety- sensitive function and includes all times in which an employee begins to work or is required to be in readiness to work, e.g., during on-call status, until the time he/she is relieved from all responsibility for performing work.

C. The City's designation of positions determined to be in DOT-regulated positions are determined by the job title and functions. Generally, positions requiring a CDL pursuant to the FMCSA are subject to DOT provisions. This policy is in addition to, not in lieu of, the provisions of the City's Drug and Alcohol Policy. DOT tests will be separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before non-DOT tests. Testing procedures that ensure accuracy, reliability, and confidentiality of results will be followed pursuant to DOT regulations.

III. Prohibited Activities

The following acts are prohibited, and employees who commit these acts shall be subject to immediate termination from City employment:

A. Consumption of illegal drugs at any time. Employees may be tested anytime they are on-duty; off-duty use of illegal drugs might result in an on-duty positive drug test.

7.05 – Drug and Alcohol Testing – DOT

B. Abuse or misuse of prescription or over the counter (TC) medications.

C. Consumption of alcohol:

1. Four (4) hours prior to performing a safety-sensitive function.
2. Eight (8) hours following an accident.
3. While on-call.
4. Blood alcohol concentration of 0.04 or greater when performing a safety-sensitive position.

D. Operating a City vehicle or conducting City business while impaired by drugs or under the influence of alcohol.

E. The use or possession of alcohol or illegal drugs in a City vehicle, whether on or off duty.

F. Manufacturing, distributing, dispensing, possessing, or using controlled substance in the workplace.

Employees attending social functions in conjunction with a training and/or conference may consume a moderate amount of alcoholic beverages ifthe function does not involve the use of a City vehicle and the employee's conduct does not reflect poorly upon the City.

IV. Testing to be Performed

A. Drug testing is conducted by analyzing an employee's urine specimen at a lab certified by the U.S. Department of Health and Human Services and at a lab as designated by the Human Resources Department. The employee will provide a specimen in a location that affords privacy. The "collector" divides the specimen into two (2) bottles, known as "split specimen", in the presence of the donor, seals and labels it, completes a chain-of-custody form, and prepares the specimen and accompanying paperwork for shipment to a Human Resources-approved drug testing laboratory.

B. Upon verification of a positive-test results, the City-contracted Medical Review Officer (MRO) shall notify the employee of the right to have the split specimen tested within 72 hours. The testing of the split specimen will be conducted at the employee's expense.

C. Testing will be conducted for prohibited drugs and drug metabolites in the following circumstances:

1. Pre-Employment
2. Random
3. Return-to-Duty/Follow-Up
4. Post-Accident

5. Reasonable Suspicion

D. The following prohibited drugs/drug metabolites will be tested for:

1. Marijuana (THC)
2. Opiates
3. Phencyclidine (PCP)
4. Cocaine
5. Amphetamines

E. Testing for alcohol will be conducted via breath alcohol test m the following circumstances:

1. Pre-Employment (optional under DOT)
2. Random
3. Post-Accident
4. Reasonable-Suspicion
5. Return-to-Duty

V. Whenever the term "drug", "drugs", or "controlled substances" is used in this policy, it is in reference to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Policy non-DOT.

VI. Drug and Alcohol Testing

To insure compliance with the above rules, the City may require that an employee or prospective employee submit to a breath, urine and/or any other available scientifically valid means of testing to determine the presence of illegal or unauthorized drugs or alcohol and as a condition of employment or continued employment under the following circumstances:

A. Pre-Employment Testing: All applicants for employment, including part-time and seasonal positions, are subject to pre-employmenttesting.

1. After a conditional offer of employment has been extended, and prior to beginning employment with the City of Celina, all persons shall be required to submit to a drug and alcohol test as a part of the routine physical exam.

2. If a pre-employment test is cancelled for any reason, the applicant shall be required to take another test with a verified negative result. All employment offers are contingent upon passing the drug screen with a negative result and before performing safety-sensitive job duties.

3. Previous Employer Information-the City is required, with the applicant's-required written consent, to obtain information from

previous DOT-regulated employers for the past two (2) years prior to the date of application, promotion, or transfer. The City will request the previous employer provide alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations. The City will obtain and review the information prior to hiring. The City also will ask the applicant if he/she tested positive, or refused to test on any pre-employment drug or alcohol test administered by an employer to which the applicant applied during the past two (2) years. If the applicant admits to such conduct, the applicant will not be hired. If the applicant refuses to provide the City with the required written consent, he/she will not be hired.

4. If the previous employer's response is not obtained within 30 days, the employee will not be allowed to perform DOT functions unless there is documentation of good faith efforts to obtain the requested information.

B. Random Testing - Random testing selections are provided by Human Resources and are made using a scientifically-valid method (computer-based random number generator) and are spread reasonably throughout all periods of the calendar year (all days and hours of operation). Each employee subject to this policy will have an equal chance of being tested each time random selections are made. The number of employees randomly selected will be in accordance with applicable DOT regulations. Each employee randomly selected for testing shall be tested during the selection period. Each employee selected for random testing shall proceed to the test site immediately after notification. If the employee is performing a safety-sensitive function at the time of notification, the employee's supervisor or department director will ensure that the employee ceases to perform the function and proceeds to the testing site within one (1) hour. Refusal to submit to random testing when notified or failure to report to the designated testing site within one (1) hour will be considered a test refusal. The Human Resources Generalist will be the Designated Employer Representative (DER) for the City and will ensure all testing is conducted as required by the random testing selections provided by the Human Resources Department.

C. Reasonable Suspicion Testing-A reasonable suspicion test will be conducted if a trained supervisor has a reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, observable, contemporaneous, and particular observations concerning the appearance, behavior, speech, performance, and/or body odors of the employee.

1. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after the

period of workday the employee is required to be in compliance with this policy. If reasonable suspicion alcohol testing cannot be administered within two (2) hours after observation, a written statement explaining why the test was not promptly administered shall be given to the Director of Human Resources. If reasonable suspicion alcohol testing cannot be administered within eight (8) hours after the observation, the City will cease attempts to administer the test and document why the test was not administered.

2. Reasonable suspicion drug testing will be conducted as soon as practicable but no later than 24 hours after the reasonable suspicion observation. If the employee is not tested within 24 hours, the supervisor shall submit a written report documenting the reason why to the Director of Human Resources.

3. Employees being ordered for reasonable suspicion testing will be transported to the testing facility by either their direct supervisor, another supervisor with the department, or their department director. Under no circumstances will the employee be allowed to drive himself/herself. If a reasonable suspicion occurs after hours, the supervisor will transport the employee directly to the City's designated testing facility. The City will arrange to have the employee transported home after the testing is completed.

4. If a DOT-regulated employee refuses to submit to a reasonable suspicion test, he/she will be verbally advised that successful drug/alcohol tests are a condition of employment and shall result in termination of employment under the City Drug and Alcohol (All City Employees).

5. While waiting for the results of a reasonable suspicion test, an employee shall be placed on administrative leave with pay pending the outcome of the test and subsequent investigation. The employee shall not return to the work place until he/she has been contacted by the Human Resources Department or his/her immediate supervisor and advised to do so.

D. Post-Accident Testing- In accordance with *DOT 49 CFR, Parts 40, and 382,* DOT-regulated employees shall be tested following applicable accidents/incidents. Post incident testing includes alcohol and drug testing. When considering DOT post-accident/incident testing, all covered employees whose performance could have contributed to the incident will be tested, e.g., administrative, dispatcher, mechanic, driver, passenger, etc.

1. Employees must remain readily available for testing after an accident/incident. An employee shall not return to duty or perform safety-sensitive job functions until a verified negative

alcohol and drug test results are received. An employee refusing a post-accident/incident test will be considered a test refusal, and his/her employment shall be terminated.

2. Post-accident testing will be conducted in accordance with *DOT 49 CFR, Part 382.303 Regulations (FMCSA),* if:

    a. There is a fatality; or

    b. The City driver/operator is issued a citation within eight (8) to 32 hours of the occurrence due to a violation arising from the accident, tests will be performed if:

        i. An individual requires immediate medical treatment away from the scene.

        ii. One (1) or more of the vehicles suffer disabling damage that requires a tow away from the scene (disabling damage is damage that prevents the vehicles from leaving the scene in its usual manner, in daylight, after simple repairs).

3. Time Limits

    a. DOT Alcohol Post-Accident Time Limits- Tests shall be performed as soon as possible, but no later than eight (8) hours following the accident. Post-accident testing is stayed while the employee assists in the resolution of the accident or receives medical attention following the accident. If alcohol testing cannot be performed within two (2) hours, the reason for delay shall be documented and efforts must continue to administer the test. If alcohol testing cannot be performed within eight (8) hours, all attempts should cease and documented as to the reason for the testing failure.

    b. DOT Drug Post-Accident Time Limits-Tests shall be performed as soon as possible, but no later than 32 hours following the accident. Post-accident testing is stayed while the employee assists in the resolution of the accident or receives medical attention following the accident. If the drug testing cannot be performed within the required time all attempt should cease and documented as to the reason for the test failure.

E. Return to Work

1. If an employee is on leave for 90 days or more, he/she are required to have a pre- employment test completed and passed prior to returning to duty.

2. Applicants, who were tested more than 90 days prior to performing safety-

sensitive duties, must have a new pre-employment test performed and passed prior to performing safety-sensitive duties.

VII. Test Results-All drug test results shall be reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the City. When a positive result is received, the MRO will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in his/her urine specimen. If the employee provides appropriate documentation and the MRO determines there is a legitimate medical reason for the positive results, the test will be reported to the Human Resources Generalist or designee.

A. Test results will be classified as Negative, Positive, or Test Refusal:

1. Negative-A verified negative is acceptable for drug testing. For alcohol, a verified test result below 0.04 is acceptable per DOT regulations.
2. Positive-The following test results shall constitute a positive result:
   a. --Verified positive result.
   b. --Verified BAC (Breath Alcohol Content) greater than 0.04.
3. Test Refusal-Test refusals are considered ***positive*** test results.

B. An employee is considered to have refused to take an alcohol/drug test if:

1. He/she fails to appear for a test within a reasonable time, as defined by the employer.
2. He/she fails to remain at the testing site until the testing process is complete and released to return to duty.
3. He/she refuses or fails to provide a breath or urine specimen as required.
4. He/she fails to permit an observed specimen collection when required.
5. He/she fails to provide sufficient amount of volume with no valid medical explanation.
6. He/she fails or declines to take an additional drug/alcohol test as directed by the employer or collector.
7. He/she fails to undergo a medical exam/evaluation when required.
8. He/she fails to cooperate with any part of the testing process, e.g., refusal to empty pockets, wash hands, remove hat, are confrontational, etc.
9. MRO verification of a test as adulterated or substituted.
10. He/she refuses to sign Step 2 of the Alcohol Test Form (ATF).
11. He/she leaves the scene of an accident without just cause prior to submitting to a test.

VIII. Notification of Test Results- The City shall notify applicants of verified positive test results in writing. The City shall notify an employee of the results of random, reasonable suspicion, and post-accident/incident drug tests if the results are verified positive and which controlled substance(s) are verified positive. The City also will make reasonable efforts to notify any employee who tested positive but is unreachable

by the MRO. He/she shall be notified and instructed to contact the MRO within 72 hours.

Test Result	Outcome
Negative Dilute (creatinine level is equal or greater than 5mg/dl)	Retest will be done unobserved
Negative Dilute (creatinine level is between 2-5mg/dl)	Retest will be done under direct observation
Fatal Flaw/Rejected	Retest will be done under direct observation
Invalid Result (without medical explanation)	Retest will be done under direct observation
Primary is positive adulterated/substituted and split is unavailable or invalid	Retest will be done under direct observation
Primary is positive and split test fails to reconfirm	Test is considered cancelled
Primary is adulterated/substituted and split fails to confirm adulteration/substitution	Test is considered cancelled
Primary is positive and split fails to confirm but is adulterated	Test primary for adulteration

VIII. Consequences - Employees who are found to be positive of drug/alcohol substance(s) will be removed immediately removed from performing safety-sensitive functions.

A. An employee who is tested and has an alcohol concentration of 0.02 to 0.039 shall not be permitted to perform safety-sensitive functions for a minimum of 24 hours and shall be disciplined under City policy. If a tested employee has an alcohol concentration of 0.04 or greater, his/her employment shall be terminated under City Drug and Alcohol Policy.

B. Employees and job applicants with positive results will be terminated from employment or have their offer of employment rescinded.

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C. An employee's refusal to submit to random tested when notified, or failure to report to the testing site within one (1) hour, shall be considered a test refusal. All test refusals (under DOT regulations) are considered positives and shall be terminated from employment under City policy.

D. An employee's refusal to submit to reasonable suspicion testing shall be considered a test refusal. All test refusals (under DOT regulations) are considered positives, and the employee will be terminated from employment under City policy. The date the test refusal occurs shall be the final workday of the employee, and he/she will not be eligible for discretionary benefits.

E. Applicants who refuse to test or who yield a positive test result will not be considered for employment.

F. The City will conduct an investigation and depending on the circumstances the City can elect to follow the Federal stipulations under the U.S. Department of Transportation rules and regulations for testing positive or if an employee refuses to test or elect to exercise the City's right to immediately terminate the employee.

IX. Prescriptions and Over-the-Counter (OTC) Medications - Some prescriptions and OTC medications might adversely affect an employee's ability to perform his/her job safely. Employees are responsible for discussing their job duties with their physician, expressly if they are a DOT- regulated employee. For more guidelines on OTC medications, please refer to the City Drug and Alcohol Policy. An employee shall not report for duty requiring the performance of safety- sensitive functions if he/she uses any controlled substance except when the use is pursuant to the instructions of a licensed medical practitioner who advised the employee that the substance will not adversely affect the employee's ability to safely operate a commercial motor vehicle.

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

XI. Confidentiality - All information relating to alcohol or drug testing shall be protected by the City as confidential unless otherwise required by law or authorized in writing by the employee. All results will be maintained in a confidential file within the Human Resources Department.

7.05 – Drug and Alcohol Testing – DOT

A. Records will be released to subsequent employers with a written request from the covered employee. Without the employee's written consent, records must be released only to those authorized under DOT regulations.

B. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results or any other related matters will likely result in disciplinary action, up to and including termination of employment.

XII. **Records Retention** - The City shall maintain records under this policy as mandated by DOT regulations.

XIII. **Education and Training** - Supervisors also shall be trained on the proper procedures for confronting and referring the employee for testing, which includes one (1) hour of drug training and one (1) hour of alcohol training for reasonable suspicion recognition. This training shall be conducted/coordinated by Human Resources.

XIV. **Contact** - Questions regarding this policy should be directed to Human Resources.

7.06 – Handguns and Firearms

I. Purpose:

The purpose of this policy is to establish the rules and procedures governing the carrying of handguns and firearms by City of Celina employees in the course and scope of their employment.

II. Scope:

This policy applies to all City of Celina employees.

This policy governs the open or concealed carry of "handguns," and "firearms" as defined in Section 46.01 of the Texas Penal Code.

III. Definitions:

A. "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand, as defined in Section 46.01 of the Texas PenalCode.

B. "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use, as defined in Section 46.01 of the Texas Penal Code. The term Firearm includes a handgun.

C. "Licensed Handgun Holder" means a person who is licensed pursuant to Subchapter H, Chapter 411 of the Texas Government Code.

D. "Premises" means a building or a portion of a city building, as defined in Section 46.035 of the Texas Penal Code. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

E. For the purposes of this policy only, an "employee" includes all City of Celina employees including all full-time, part-time, and temporary employees, and contract employees.

IV. Firearm and Handgun Policy:

A. City Premises:

City employees are prohibited from carrying a firearm onto City premises. The prohibition stated above shall not apply to a peace officer or those persons who have written authorization to carry a firearm as part of their official duties.

B. Vehicles:

1. A City employee may transport or store a firearm in his/her personal vehicle in a City parking lot and/or space so long as the vehicle is locked, unless otherwise prohibited by law.

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2. A City employee is prohibited from possessing or storing a firearm in a vehicle owned or leased by the City of Celina, regardless of whether the employee is a Licensed Handgun Holder, unless the City employee is authorized to carry a firearm in a City vehicle as part of his/her normal course and scope of employment, such as a police officer.

C. Prohibited Areas:

1. It is a violation for a City employee when performing City duties or functions to carry a firearm in any location where the carrying of the firearm is not authorized by law. An employee also is prohibited from carrying a weapon while on duty or at any time while engaging in City-related business.

2. Prohibited weapons include, but not limited to, firearms, clubs, explosive devices, knives with blades capable of inflicting serious bodily injury or death by cutting or stabbing, brass knuckles, and the like.

3. An Employee does not have an expectation of privacy, and the City retains the right to search for firearms and other weapons on all City property.

D. Restricted Access:

Employees who have meetings with the public must be aware that those persons may openly carry handguns in public areas. If you have meetings with members of the public, the meetings should be conducted in spaces that are not designated for restricted access. Restricted access areas are any portions of the premises that the public is prohibited from accessing.

V. Intervention:

A. Except peace officers, City employees are prohibited from questioning the public regarding whether a person holds a proper license. Only peace officers may question a person who is carrying a handgun license as to whether the person holds the proper license under Chapter 411 of the Texas Government Code.

B. Anytime another City employee carries a firearm/weapon onto City premises or in a City vehicle (and is not authorized to do so), an employee should notify a supervisor and the supervisor will take the appropriate action necessary to resolve the situation.

C. If any person carrying any firearm/weapon displays erratic/concerning behavior or appears intoxicated, the City employee (regardless of location), should:

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1. Move to a safe location;
2. Dial 911 to alert police so that they may dispatch assistance to the site; and
3. Notify a supervisor immediately.

VI. **Enforcement:** A violation of this policy may result in adverse employment action, up to and including termination. Violations may also incur criminal penalties.

7.07 – Workplace Violence

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

I. Zero Tolerance

A. Harassment, intimidation, threats threatening behavior, violent behavior, or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on or off duty, is strictly prohibited.

II. Mandatory Reporting

Every City employee shall immediately notify their supervisor, Department Director, the Director of Human Resources, and/or the Police Department of any prohibited weapon they observe while on City property.

III. Protective Orders

An employee, who applies for or obtains a protective or restraining order which lists City locations as being protected areas, shall immediately provide the Director of Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which has been granted, and a copy of any protective or restraining order which has been made permanent.

A City employee shall immediately advise their supervisor, their Department Director, and the Director of Human Resources of any protective or restraining issued against them.

IV. Confidentiality

To the extent possible, while accomplishing the purposes of this policy, the City shall respect the privacy of reporting employees and will treat information and reports confidentially. Such information shall be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as might otherwise be required by law.

V. City Property

For purposes of this policy, City property includes, but is not limited to, owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation parks and facilities, and swimming pools.

7.07 – Workplace Violence

VI. Documentation

When appropriate, threats and incidents of violence and possession of dangerous weapons will be documented. Documentation shall be maintained by the Director of Human Resources and/or the Police Department.

VII. Policy Violations

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

7.08 – Outside Employment

Regular, full-time employees shall notify their supervisor ***before*** accepting additional employment outside City employment and shall be subject to certain restrictions as outlined below. Certain key Department Directors, Division Managers, and technical personnel might be expected to devote all their working energies and focus to the performance of their City duties and responsibilities. These employees might not be eligible to accept paid outside/off-duty positions.

The following provisions for outside/off-duty employment applies:

I. The City requires that an employee's activities and conduct away from the job must not compete or conflict with, or compromise the City's interest or adversely affect job performance and the ability to fulfill all responsibilities to the City. These requirements, for example, prohibit employees from performing any services for customers on non-working time that are normally performed by City personnel. This prohibition also extends to the unauthorized use of any City tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside/off-duty business during paid working time. Employees who get paid for working for another public entity, e.g., county commissioner, or other boards, shall receive ***prior*** approval and use vacation time, compensatory time, or unpaid time if paid time off is not available, if they need to be off work from the City and the time away falls within their regular work hours.

II. All full-time employees must obtain ***prior*** approval from their supervisor before any outside/off-duty employment is undertaken. Employee requests for permission to accept outside/off-duty employment, shall submit an "Outside Employer Agreement" before such employment is approved. All other employees who accept additional employment shall be required to sign an "Outside Employer Agreement" and have the second employer sign the agreement before such employment shall be approved.

III. Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission to seek or accept outside/off duty employment. Outside/off-duty employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving work early, refusal to travel, or refusal to work overtime or different hours. If outside/off duty work activity does cause or contribute to job-related issues, authorization might be revoked. Failure on the part of an employee to notify the supervisor of and outside/off duty employment might result in disciplinary action, up to and including termination of employment.

IV. An employee shall not:

A. Solicit, accept or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of their official duties, and/or which substantially interferes with their ability to perform his Job with the City.

7.08 – Outside Employment

B. Personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation or determination from the department of which the employee is a member. An exception exists, with prior supervisory approval, for police officers that work approved outside employment.

V. Employees shall not hold outside/off duty employment while on Family and Medical Leave (FML) or while receiving worker's compensation benefits unless expressly authorized ***in writing in advance*** by their Department Director, Human Resources, and the City Manager. A record of such authorization must be placed in the employee's personnel file.

VI. In some cases, part-time City employees hold primary employment elsewhere. In those instances, the employee shall comply with all City work rules, polices, and procedures when working at the City.

VII. If an employee becomes unable to perform the duties of his/her City job because of any injury or other incapacitating cause while in the employment of their outside/off duty job, the City, at its sole option, might reduce the benefits otherwise granted by these policies to whatever benefits the City deems to be reasonable.

VIII. This section shall be interpreted to comply with Federal and State law regarding Worker's Compensation, pensions, or disabilities.

7.09 – Tobacco and E-Cigarette Products

I. Purpose

It is the intent of the City of Celina to provide a healthy work environment for its employees. Therefore, the City restricts the use of tobacco products in all City buildings, vehicles, and equipment and strives to develop a tobacco free environment.

II. Eligibility

This policy applies to all City employees while they are on duty, utilizing City vehicles or equipment, owned or leased by the City, or in City facilities.

III. Smoking

All City-owned, operated, leased or managed buildings shall be smoke-free. All City-owned or operated vehicles shall be smoke-free.

IV. Smokeless Tobacco

The use of smokeless tobacco is offensive to many people, citizens and co-workers alike. It is therefore, the policy of the City of Celina to restrict the use of smokeless tobacco by City employees.

The use of smokeless tobacco is restricted in City buildings, City vehicles or while employees are conducting City business with other employees, citizens, contractors, and interacting with the public - including special events. City departments may implement other restrictions regarding time and use of smokeless tobacco.

V. Disposal

An employee shall responsibly dispose of all waste products generated by his or her use of smokeless tobacco products. Smokeless tobacco should be disposed of properly, discretely and in a closed container. Though other provisions of this policy allow the use of smokeless tobacco products, a supervisor may prohibit the use of smokeless tobacco products in any area where employees fail to responsibly dispose of waste products generated by the use of smokeless tobacco products.

City employees who experience performance or personal difficulties while overcoming a nicotine addiction may seek help through the City's Health Insurance Programs or Employee Assistance Program (EAP). Interested employees or supervisors may contact a representative from the Human Resources Department for assistance.

Any violation of this policy may result in disciplinary action in accordance with the City's policies.

7.10 – Solicitation and Acceptance of Gifts

I. Solicitation

Solicitation of funds or anything of value for any purpose whatsoever will not be permitted of, or by, City employees on the job unless authorized by the department Director. An employee is not required to make any contribution, nor may an individual be penalized in any way in connection with their employment according to their response to a solicitation. Any non-employee engaging in soliciting will be asked to leave the City premises.

II. Acceptance of Gifts

A. The purpose of the policy governing gifts to public employees is to regulate attempts to influence employees to use their authority or discretion to the advantage of the person making the gift and prevent criminal conduct per City policy.

B. No officer or employee of the City shall accept, directly or indirectly any gifts, privilege or employment from any corporation, business or entity enjoying business from the City. The City recognizes that food items may be received from citizens and vendors as a thank you for service during holiday time and on other occasions. Such offerings are permissible and should be made for the enjoyment of everyone as available in that particular department, division or worksite.

C. Items that are not consumable on the premises shall be returned, donated to a city program or community organization or used as a door prize at a City event.

D. This policy is not intended to prohibit the employee or departments from accepting discounted values when carrying out departmental (non-personal) business or accepting courtesies generally extended to business or governmental organizations within reason.

E. Employees can attend events and sponsored events from citizens and vendors at the discretion of the employee's supervisor.

F. Questions regarding acceptance of gifts should be channeled through the Department Director.

7.11 – Dress and Appearance

I. The City of Celina desires to project a positive and professional image of employees representing the City. Employees are expected to dress in a conservative, professional manner that is appropriate to their position and to observe good grooming and personal hygiene habits. Presenting a positive image creates a favorable impression for the City, promotes confidence in the services the City provides, promotes respect among coworkers, and encourages higher working standards. This policy provides guidelines for appropriate appearance, uniform, and grooming.

II. This policy applies to all employees (regular, temporary, and seasonal) at all times. Due to many types of jobs within the City, several different dress standards are necessary. An employee who is in doubt as to which dress standard applies, should contact their supervisor.

III. Public Safety employees shall comply with the requirements of those departments as issued in General Orders. In instances where this policy conflicts with those orders, the more restrictive shall apply.

IV. The following provides guidance to aid in interpreting this policy:

A. Casual Dress:

1. The casual shirt may be either an oxford and/or a golf shirt or a professional blouse to wear as part of the accepted casual attire. City logo shirts may be purchased by employees with style approval by the Department Director and the Purchasing Department. Shirts purchased by employees may be worn at their discretion unless otherwise directed by his/her Department Director. Jeans are also permissible casual dress attire and may be worn at employee discretion unless otherwise directed by the employee's Department Director.
2. Casual does not mean sloppy. Clothing should be clean, wrinkle free and without holes and frays. Tank tops, shorts, t-shirts, tennis shoes, combat boots, and other clothes or accessories that are revealing, disruptive, or generally better suited for the gym, beach ball game, or even a trendy club are not acceptable office attire.
3. Tennis shoes may be worn only on Fridays or in the event the position requires on-going physical labor or working in a dirty environment.
4. When in doubt, leave it out. The intent of casual wear is to make employees feel more comfortable, yet project a positive image. If there is even the slightest question about suitability of one's attire or accessories, it should not be worn to work.
5. On occasion employees making presentations to the City Council or other groups of like stature are expected to dress in business casual.
    a. Business casual dress is designed to allow employees maximum comfort at work, while at the same time allowing for an appearance standard that is higher than that of casual dress appearance.
6. Supervisors shall periodically review their employees' attire to ensure that

7.11 – Dress and Appearance

required standards are met and that deficiencies are detected and corrected. Each supervisor is responsible for ensuring that their employees maintain a neat, professional appearance in accordance with this policy.

B. Grooming and Hygiene:

1. Each employee shall maintain personal hygiene, grooming, and general appearance that is neat, clean, professional, reflective of the City's philosophy of pride and professionalism, and commensurate with accepted general business practices. Such grooming standards prohibit exotic, ostentatious, gaudy, or other similarly unprofessional appearances. Examples include, but are not necessarily limited to, spiked hair, Mohawk, visible body piercing (except earrings), obscene or offensive tattoos, unkempt or unclean hair, lack of personal hygiene, or scraggly facial hair. Exceptions to grooming standards will be considered on the basis of legitimate personal or religious standards. Facial hair shall be kept clean and neatly trimmed. Nothing in this policy shall prohibit a supervisor from restricting clothing or other personal grooming attributes that might create a safety hazard based on the employee's job duties.

C. Accessories:

1. Clothing shall not be an advertisement or endorsement. Logos or insignias, such as the City logo, small manufacturing logo/names, or small non-ostentatious wording, signs, or symbols are acceptable. Extreme or outrageous color schemes or other accessories, accouterments, or designs deemed by a supervisor or higher authority to be inappropriate or objectionable should not be worn. Employees shall wear undergarments. Except for the exposed front of T-shirts worn with an open collar, all undergarments shall be worn in a manner concealed by outer clothing. All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean and in good repair. Thong sandals or "flip-flops" are never allowed.

D. Uniforms

1. The City supplies some employees with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacements when necessary. Uniforms must be clean and neat. City uniforms will not be used outside of work, for personal use, or by a third party. When the employee terminates employment with the City, uniforms and other City equipment must be returned in good condition before the final check is authorized. The employee will agree in writing to allow a payroll deduction to cover the cost of lost or damaged City property and unreturned uniforms from the employee's final paycheck prior to deduction.

E. Return of Clothing upon Employment Termination:

1. An employee shall return all City purchased apparel or uniforms upon termination from City employment except in those cases when the Department Director authorizes that the person retains selected clothing items that have been worn, do not contain any City identifiers, and are determined to have no value to the City.

F. Dress Code Summary:

1. Business casual dress is a privilege and benefit provided to employees of the City of Celina in an effort to maximize work enjoyment while projecting a professional work image. As such, it is everyone's responsibility to present a personal appearance that is professional and reflects well on the organization. Department Directors shall have discretionary authority to enforce expectations of dress and style appropriateness for the job and shall be responsible for addressing any policy abuse.

G. Dress Code Exceptions

1. Unusual circumstances as approved by the supervisor, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or unusual working hours or situations, may be sufficient reasons to grant an exception to the departmental dress code.

V. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to their supervisor, Department Director or Human Resources. Employees in violation of this policy may be sent home. In such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. The employee is expected to return immediately to work. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

7.12 – Vehicle Use

I. Purpose

The purpose of this policy is to establish the rules and procedures governing the assignment, use and reporting requirements of City vehicles including take-home vehicles. This policy will implement both federal and state mandated regulations and City policy and procedures. City owned vehicles shall be operated in compliance with all applicable state, and local laws and ordinances.

II. Eligibility

A. The Department Director may recommend a take home vehicle for an employee if the following criteria are met:

1. The employee works in the Fire department and has an assigned vehicle;
2. The employee works in the Police department and has an assigned vehicle;
3. The employee is "on-call" and has an assigned vehicle
4. The City Manager has given approval.

III. Definitions

A. Take-Home Vehicle - is any vehicle that is owned, leased, rented or otherwise under the care, custody or control of the City and is taken from the City premises after normal working hours to remain in "home storage" overnight for the use of a City employee or authorized representative for a bona fide city purpose. Take-home vehicles are either assigned to an employee by the Department Director or used by employees for on-call purposes.

B. Bona fide City Purpose - A bona fide city purpose is conducting official city business only.

C. Personal Use - Personal use is not allowed while the operator is on-call. Family members and non-city employees are not allowed in a city take home vehicle. Any exceptions to this policy must be approved by the Department Director and City Manager.

D. Exempt Vehicles - According to Federal guidelines and for purposes of tax calculation only, certain vehicles and equipment, particularly emergency and utility service vehicles (normally not to include pickup trucks or vans), designated by Federal law are exempt for the purpose of increased tax liability. This exemption means that the taxable income of the employee assigned to one of these vehicles will not be affected.

E. Home Storage - is defined as a vehicle kept at the employee's residence. Vehicles may not be parked in the streets, and employees must avoid situations that would give rise to a legitimate complaint from neighbors, such as blocking streets, driveways, alleys, etc.

7.12 – Vehicle Use

F. Non-Exempt Vehicles - According to Federal guidelines and for purposes of tax calculation only, all other vehicles of the City that do not meet the criteria to be exempt vehicles are classified as "non-exempt." These non-exempt vehicles normally include pickup trucks and vans. By "non-exempt" the Federal government means that a tax liability will be incurred by the employee to whom the use of the vehicle is assigned.

G. Hand-held devices - Include but are not limited to cell phones without a hands-free device, radios, and navigation tools.

H. Tax Liability-An employee who has a non-exempt, assigned take home vehicle will have an assessment, of $1.50 on each one-way trip and it will be added to their taxable income for each day of use. The assessed amount is added to the employee's taxable income only for the purpose of calculating the tax liability. The employee assigned the use of a non-exempt take home vehicle will be responsible for the tax on the assessed amount. Specialized vehicles such as animal control vehicle with cages, marked police and fire vehicles are exempt from the taxation. See list in section IV.

I. Assignment/Reporting Requirements for Take Home Vehicles - Employees that are to be assigned a take home vehicle, whether for daily use or an on-call basis, must be recommended by the Department Director and approved by the City Manager or their designee.

IV. Exempted Vehicles

A. Below is a list of exempted vehicles as outlined in the Federal Register Vol. 50. No. 215/Public Law 99-44:

1. Clearly marked police and fire vehicles,
2. Delivery trucks with seating only for the driver and folding jump seat,
3. Flatbed trucks,
4. Cargo vehicles with a gross vehicle weight over 14,000 pounds,
5. Passenger buses with a capacity of at least 20 passengers,
6. Ambulances or hearses,
7. Bucket trucks or "cherry pickers",
8. Cranes and derricks,
9. Forklifts,
10. Cement mixers,
11. Dump trucks and garbage trucks,
12. Refrigerated trucks,
13. Tractors,
14. Combines,
15. School buses,
16. Specialized utility repair trucks,
17. Moving vans,

18. Unmarked law enforcement vehicles operated by an officer or arson investigator who is a full-time employee, authorized to carry a firearm, execute search warrants, and make arrests.

*All other vehicles exempted by the IRS under special rulings.

V. Procedures

A. Department Directors/Division Managers will prepare a written request which will indicate the individuals to be assigned vehicles, the length of the assignment, the location of home storage, the vehicle type and number and a bona fide city purpose for each assignment. This request will be reviewed annually by the Department Director, Manager and be accompanied by an acknowledgement form signed by the employee acknowledging having read and received this policy. Finance will submit the final list to the City Manager for approval.

B. Finance will be considered the primary repository for the take home vehicle records and will be responsible for initiating the annual re-approval process (generally Oct. 1st).

C. Modifications to the take-home list will be reported to Finance.

D. For security purposes all records for Police undercover vehicles will be maintained in the Police Department following approval by the City Manager.

E. If the vehicle that is assigned is non-exempt, the employee to whom it is assigned will incur the tax liability previously described. That employee will also be given the opportunity to complete a new W-4 to adjust withholdings for this liability. For each pay period, the number of one-way commutes incurred for an employee assigned a non-exempt vehicle should be reported to Finance with their biweekly timesheet and appropriate form.

F. Once an on-call assignment has been approved by the City Manager, new requests are necessary only when changes in status (i.e.; new employee, reorganization of duties, employee moves, etc.) occur or as part of the annual review.

VI. General Provisions

A. City vehicles are to be used for conducting official City business. The City reserves the right to search those vehicles at any time, for any purpose. Employees have no expectation of privacy in city vehicles.

B. The operation of City take home vehicles by non-employees is not allowed.

7.12 – Vehicle Use

C. All precautions shall be taken to ensure the safety and security of City Vehicles. This includes, but is not limited to, locking all doors and/or compartments and properly parking vehicles in accordance with applicable laws and ordinances.

D. Employees authorized to take a vehicle home must drive the vehicle to and from work by the most direct route, without any deviation. The location of home storage for a City vehicle may not be further than 15 miles and/or 30 minutes of drive time or less from the City limits unless approved in writing by the City Manager.

E. Use of the City vehicle for going to and from lunch shall be restricted within ten (10) miles of the City of Celina limits.

F. Carpooling to and from work and home in a City vehicle is not allowed. This restriction includes carpooling with other employees and non-employees. No children or family members may be in the vehicle. Other employees or non-employees may ride in a City vehicle as long as the bona fide city purpose is not for carpooling or commuting on a regular basis.

Example: Inclement Weather, Ozone Days, Schools and Conferences, etc. are acceptable reasons for carpooling.

G. If an accident occurs while taking a vehicle home, the employee and his/her supervisor shall report the accident to their Manager and Department Director immediately. A drug and/or alcohol test will then be administered as described in the City's Alcohol/Drug Policy.

H. City employees involved in accidents while not in the "course and scope of employment" are responsible for all liabilities arising from the accident.

I. Employees and supervisors who fail to comply with the requirements of this policy will be subject to disciplinary action as described in the City's Policies.

J. Employees may not use tobacco, e-cigarette, vaping, drugs, alcohol or other controlled substances while operating any City Vehicle.

K. City employees may not use hand-held devices while operating a City Vehicle - whether the vehicle is in motion or stopped. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, and text messages. All motor vehicles must be legally and safely parked to operate hand-held devices. Such restrictions for Police and Fire department personnel will be governed by Police and Fire Department policy.

L. City employees may use accessories or vehicle-based equipment which allows for a hand-held device to be operated hands-free for voice calls only, so the driver may be able to maintain the use of both hands to control the vehicle.

7.12 – Vehicle Use

Vehicle operators are still required to use good judgment when using hands-free equipment so as not to be distracted from maintaining control of the vehicle.

M. Department Management shall be authorized to restrict the use of hands-free usage based on the operational needs of the Department or because of the vehicle size.

VII. Fuel Use

A. The Department Director/Manager shall make the decision as to who is eligible to use a fuel card, and who will be eligible to fuel equipment. The director/manager shall be responsible for card requests, transfers, replacements, and cancellations of fuel cards. All employee transfers or terminations shall be reported immediately to the department and to Finance.

B. Appropriate use of the fuel card program is to fuel only City-owned or leased equipment and only for City business purposes. When interpretation is needed, the director/manager will decide what "City" use will be. The cardholder is responsible for appropriate use of fuel and the input of correct data at the fuel site. Any misappropriation of the fuel card program will subject employees to disciplinary action up to and including employment termination and shall not exclude criminal prosecution.

C. The director/manager shall be responsible for monitoring fuel use, fuel invoices, and reports. Monitoring includes knowing who is getting fuel, how much fuel, which vehicle/equipment is being fueled, and the type of fuel being dispensed. The date, time, and miles per gallon of the vehicle/equipment being fueled also should be monitored. Irregular or questionable transactions must be rectified immediately.

D. Finance shall provide training to the director/manager on how to use the fuel delivery system, how to monitor and understand the invoices and reports, and the critical and problematic areas needed monitoring.

E. The Director/Manager shall inventory their cards and users quarterly to help Control use. Employees who continue to input incorrect data into the card reader shall have their fuel card for fuel PIN terminated by the Finance department after notification to the employee's Director/Manager. Cards that are broken or do not work will be replaced immediately by the Finance department. Employee PINs that do not work will be corrected immediately. Lost cards will be replaced after a 30-day waiting period. City employees shall deal directly with Finance, NOT with the fuel vendor, on matters regarding fuel cards, PINs, or other related issues.

7.13 – Vehicle-Equipment Operating Standards

I. Statement of Purpose

To establish a policy covering minimum standards for the qualification of employees and applicants to operate City Vehicles/Equipment. Furthermore, to minimize the risk of vehicle/equipment accidents by improving the quality of drivers by permitting only those persons with appropriate licenses and acceptable driving records to operate City vehicles/equipment.

II. Procedures

For those employees who drive during the course and scope of their employment, an audit of the employee's current driver's license, as well as the employee's driving record, **can be reviewed annually** by the Human Resources Department through the appropriate agency.

III. Definitions

A. City Vehicles shall mean any owned, leased, and/or rented passenger car, pickup, truck, or other similar type vehicles as defined by the Texas Motor Vehicle Law.

B. City/Motorized Equipment shall include, but not be limited to, backhoes, dozers, mower-tractors, loaders, graders, and other similar equipment.

C. A habitual violator is a person who has four (4) moving violations within any consecutive twelve (12) month period; or seven (7) moving violations within a twenty-four (24) month period, (Texas Motor Vehicle Law, V. C. S. 6687b Sec. 22(b)(4), 1985).

D. A moving violation for the purpose of this policy are the same as defined in the Texas Motor Vehicle Law (Examples: speeding, running stop sign or signal, failure to yield, etc.)

E. A chargeable accident is any accident reported on a Motor Vehicle Record (MVR) unless specifically stated as "not at fault" or "no fault" in the report.

IV. Applicability

A. This directive shall apply to:

B. City employees driving City owned, leased, or rented vehicles and/or motorized equipment.

C. City employees receiving a monthly car allowance.

D. City employees receiving mileage reimbursement for use of the employee's personal vehicle while conducting City business; and

E. Applicants for positions which require the operation of Cityvehicles and/or equipment.

F. City employees covered under this directive shall upon its effective date be subject to these standards. All applicants, who are finalists for positions which require the operation of a City vehicle/equipment, or will be eligible for a car allowance or mileage reimbursement, shall have their Motor Vehicle Driving Records (MVR) audited prior to being hired.

V. Criteria for Application of Formal Levels of Discipline

In recognition of the fact that each disciplinary instance may differ, the City retains the right to treat each disciplinary occurrence on an individual basis and without creating a precedent for other cases that may arise in thefuture. The following criteria may be considered, as appropriate, in determining action to be taken.

A. Severity and type of violation(s).

B. Impact of the violation(s) on other employees and/or customers of theCity.

C. Employee's length of service and previous work record.

D. Period of time since previous coaching or discipline.

E. Disciplinary actions taken by the City with other employees for similar violations(s).

VI. Guidelines

The City of Celina shall require all employees driving City Vehicles/Equipment, or employees driving personal vehicles to conduct City business, to have the appropriate driver's license as required by the City and/or State of Texas.

Failure to meet the qualifications/standards listed below shall be grounds for the suspensions of the employee's driving privileges and subject an employee to the provisions of this directive.

Employees who drive, or applicants who would be required to drive City Vehicles and/or operate covered Motorized Equipment, in the course of their employment shall be required to meet and uphold certain standards. The following minimum qualifications/standards shall constitute conditions of eligibility for driving/operating privileges:

A. The employee/applicant must hold and maintain a current valid Texas driver's license in the appropriate class for his/her position held, or applied for, before beginning work in the position requiring the license;

7.13 – Vehicle-Equipment Operating Standards

B. The employee/applicant must have attained the age of eighteen (18) years of age in order to be eligible to operate City vehicles and/or operate motorized equipment under this policy;

C. The employee/applicant must be physically qualified to hold a driver's license and to safely operate a motor vehicle and/or motorized equipment;

D. The employee/applicant must be insurable under the City's automobile insurance program as determined by the insurance underwriters;

E. The employee/applicant may not be a habitual violator of traffic laws as defined by the Texas Motor Vehicle Laws.

In addition to the above criteria the City has established guidelines which shall be used to evaluate employee and applicant driving records. A Motor Vehicle Record (MVR) will be requested on all applicants, current City employees who are being considered for promotion or transfer, and at least on an annual basis on all employees required to drive/operate vehicles/equipment in the course and scope of their employment. Each employee/applicant must also meet the minimum driving criteria as outlined below:

VII. Evaluation Criteria

Applicants - Applicants, for positions requiring the operation of City Vehicles/Equipment, **SHALL NOT** be eligible for hire if:

A. the applicant's driver's license is currently under suspension or revocation

B. within the past three (3) years, the applicant has been arrested for or convicted of:

1. Driving Under the Influence, (DUI)
2. Driving While Intoxicated (DWI)
3. any other alcohol-related driving offense;
4. a "Hit and Run"
5. "Failure to stop, render aid, and disclose I.D. as the scene of an accident"; and/or
6. Negligent Manslaughter involving a motor vehicle accident.

C. the applicant's driving record contains any of the following that have occurred within the last two (2) years:

1. three (3) moving violations; or
2. two (2) moving violations **and** one (1) chargeable vehicle accident; or
3. two (2) chargeable vehicle accidents.

7.13 – Vehicle-Equipment Operating Standards

NOTE: All vehicle accidents listed on the driving record shall be considered "chargeable" unless otherwise stated on the record or unless the applicant can provide immediate evidence to show that the accident was non-chargeable.

Employees

Employees in positions requiring them to drive City Vehicles/Equipment **SHALL NOT** be eligible to operate such vehicles; and employees receiving a car allowance or mileage reimbursement **SHALL NOT** be eligible for such payments if:

A. the employee's license is suspended or revoked;

B. within the past three (3) years, the employee has been convicted of:

1. Driving Under the Influence, (DUI)
2. Driving While Intoxicated (DWI)
3. any other alcohol-related driving offense;
4. a "Hit and run"
5. "Failure to stop, render aid, and disclose I.D. at the scene of an accident"; and/or
6. Negligent Manslaughter involving a motor vehicle accident.

Action under this section of the directive is predicated on evidence of CONVICTION. An employee who has been charged with an offense listed under this section, but who has not been convicted shall not be automatically disqualified from all driving and/or operating privileges. Pleading “no contest” or the like is the same as a conviction.

EXCEPTION: Certain departments may immediately, upon arrest for and while awaiting the outcome of a charge under this section, remove an employee from driving privileges. Within these departments the employee will be placed on unpaid Administrative Leave until such time as the outcome of the charge has been determined. Departments wishing to utilize this provision must be able to justify the need to, and receive approval from, the City Manager.

Should the charge result in conviction, (even if probated), the affected employee shall be ineligible for driving/operating privileges.

C. The employee's record contains any of the following that have occurred within the last two (2) years:

1. Three (3) moving violations; or
2. Two (2) moving violations and one (1) chargeable vehicle accident; or
3. Two (2) chargeable vehicle accidents.

D. The employee has, within the past twelve (12) months, been involved in three (3) City Vehicle accidents. Only preventable City Vehicle accidents in which personal injury occurs and/or the total incurred property damage **exceeds $500** as determined by the Department Director or his/her designee utilizing a police accident report, if available, will be counted toward the three.

NOTE: Some departments may utilize a review board, approved by the City Manager, for making "chargeable" determination.

Employees who are in jobs requiring the driving/operating of City-owned/leased vehicles or who use a personal vehicle while conducting City business shall report:

A. any traffic convictions to their supervisor immediately.

B. all accidents incurred on the job, to their supervisor immediately.

Failure to report traffic convictions and accidents, as outlined above, will be sufficient grounds for removal from driving and may subject the employee to action in accordance with City policy.

VIII. Post Eligibility Determination Guideline

Employees who are required to operate City Vehicles/Equipment and are determined to be ineligible to drive due to their driving record shall be separated from employment.

NOTE: Employees who are terminated due to poor driving records may be eligible for re-hire into non-driving positions, or into driving positions after achieving an acceptable driving record.

Should an employee who receives a car allowance or mileage reimbursement become ineligible for driving privileges, that employee shall have his/her car allowance or mileage reimbursement and any City automobile insurance coverage revoked until such time that the employee meets the minimum driving qualifications/standards outlined in this directive and is eligible for reinstatement of driving privileges.

City employees who have been found to be ineligible for driving privileges under this section MAY have their privileges reinstated under the following conditions:

A. This option must be approved in advance by the Department Director. The Director is not required to authorize this option simply based on the request. The Director will handle each employee on a case by case basis using the employee's overall driving, work performance and safety records as part of the decision making process.

B. The employee successfully completes a Defensive Driver Training Program approved by the City, and submits evidence of satisfactory completion of the program to the Department Director and the Human Resources Department. Furthermore, the employee will be required to participate in the approved Defensive Driver Training Program on his/her own time and not during the employee's regularly scheduled work hours.

C. An employee who has been ruled ineligible for driving privileges may use the defensive driving course option only **once every three (3) years** in order to have his/her eligibility status reinstated.

D. Other than the defensive driver course option, an employee who has been ruled ineligible for driving privileges shall remain ineligible for driving privileges until his/her driving record meets City driving qualifications/standards.

IX. Audit of Employee Driving Records

For employees who are authorized to operate City Vehicles/Equipment, employees who receive mileage reimbursement for using a personal vehicle while conducting City business, and employees receiving a car allowance, an audit of each employee's MVR will be performed by the Human Resources Department at least once each year. The following procedures will apply:

A. The Department Director shall submit to the Human Resources Department a list of all department personnel who have driving responsibilities or who are eligible for a car allowance or mileage reimbursement. This list shall include the employee's name, date of birth, and current driver's license number. Human Resources will obtain three (3) year Motor Vehicle Record (MVR) on each employee listed.

B. Employee MVR's shall be reviewed by the Human Resources Department and the underwriters for the City's insurance policy.

C. Upon review of the MVR, in those instances when the employee's driving record does not comply with established City criteria, the Department Director shall meet with the employee to discuss the results of the MVR and to take the appropriate action in accordance with policy.

D. Review of the driving record/history shall mean management review of the Texas Motor Vehicle Driving Record and **all** violations listed thereon; and, a review of **all** vehicle accidents involving City vehicles/equipment, experienced during the review period.

Out of state records, if available, will be obtained for applicants and employees if the individual has had a valid Texas driver's license for a period of less than three (3) years.

7.13 – Vehicle-Equipment Operating Standards

X. Exceptions/Grandfather Clause

For those employees hired before the effective date of this policy; and those that have previously been arrested for violations that could, if convicted, make them ineligible; and those who have been convicted for violations which will make them ineligible to drive under the provisions of this policy the City can elect to follow the following criteria in determining exemption/grandfathering:

A. Employees found to be ineligible due to their Driving Record and Accidents shall be grandfathered. However, any additional violations, after the effective date of this policy, shall be considered under the normal provisions of this policy.

B. If driving is a requirement of the position, the City has the discretion on whether this policy will be followed or if the employee will be unable to fulfil the duties of their role.

C. Employees found to be ineligible due to a Suspended License and a DWI shall be immediately removed from driving privileges and the following guidelines shall be used:

1. Assigned non-driving responsibilities within the employee's respective department, if a position is available and the assignment does not cause and undue burden on the department (the number of reassignments will be restricted and must be approved by the City Manager).

   Each employee will be handled on a case-by-case basis using the employee's overall driving, work performance and safety records as part of the decision making process:

   An employee assigned to a non-driving position will receive compensation for work performed based on the classification of the position to which they have been re-assigned.

2. Be separated from employment, if the above alternative cannot be achieved within thirty (30) days from the date the employee was determined ineligible for driving privileges.

D. Employees previously identified, before the effective date of this policy, as being ineligible and are currently under an approved alternative work program will be allowed to complete that program. However, any additional violations, after the effective date of this policy, shall be considered under the normal provisions of this policy.

7.14 – Property and Equipment Use

I. Equipment

A. The City may issue various types of equipment and other property to employees e.g., credit cards, keys, tools, laptops, cell phone, etc. This equipment and property are for use while on City business only unless otherwise approved by the City Council or the City Manager. Employees are responsible for items issued to them by the City as well as items otherwise in their possession or control or used by them in the performance of their duties. It is expected that employees will follow the policies set out relating to the use of City property at all times.

B. It is the employee's responsibility to ensure all equipment issued to him/her is properly maintained. If repair is warranted, the employee is to contact their supervisor and make the necessary steps to have the equipment/property repaired. Failure to properly maintain property/equipment shall lead to disciplinary action up to and including termination of employment. All equipment is to be accounted for in a manner that befits normal use and storage, such as inventories, engraving, and the like. For items valued in excess of $500, excluding automobiles, a departmental representative should be contacted to take digital photographs for the files.

C. Missing equipment shall be reported to the Celina Police Department and police report filed with a phone call to and a subsequent copy of the report forwarded to the Finance Department. Note: The Celina Police Department will conduct an independent inquiry into the matter. At no time shall a supervisor or any member of City management take any action in the matter without the advice and approval of the City Manager and/or the Director of Human Resources.

D. The use of all tobacco products, including smokeless, e-cigarette or vaping products is prohibited while operating and/or being a passenger in City owned/leased equipment. At no time shall an employee under the influence of any alcohol/drug/medication drive/operate City owned/leased equipment.

E. Operators of all motorized equipment used in the service of the City, who become involved in any accident, may be subjected to disciplinary action up to and including termination of employment if, upon investigation, it is determined that the employee is responsible for such action or through carelessness, recklessness, or negligence contributed to the cause of such accident.

F. Employees' use of City equipment/property does not limit the City's right to search said areas. The City has the right to search, for legitimate business purposes, City owned/leased vehicles, equipment, desks, file cabinets, and anything else owned and/or leased on behalf of the City. Employees shall have no expectation of privacy regarding any property owned by and/or leased on behalf of the City.

7.14 – Property and Equipment Use

II. City-Issued Firearms/Badges

A. It is the responsibility of each department to maintain a list of all firearms and Badges issued to its employees and for the disposition of the same, whether destroyed, retired, or returned.

B. It is the responsibility of each employee, upon separation of City employment, to return any and all City-issued firearms and badges to the issuing department.

C. Upon separation of City employment of an employee, the affected department

1. shall notify Human Resources of the separation and whether or not all firearms and/or badges have been returned.

2. If the equipment has not been returned the costs of items will be deducted from the final pay check.

D. Firearms, not prohibited weapons under Section 46.05, Texas Penal Code, and badges may be purchased by the individual peace officer or by the surviving spouse, child, or parent upon the peace officer's separation from City employment.

E. The purchase price of the firearms and/or badges of peace officers shall be established by the City Manager after receiving recommendations from the Chief of Police and may be less than the fair market value of the firearm and/or badge.

F. All firearms and/or badges not disposed of in this manner shall be returned to the issuing department.

7.15 – Employee Identification

I. All City employees are issued an Employee Identification Badge with photo when they are hired. New employees receive their Employee Identification Badge during New Employee Orientation. Contractors who will be working on site as well as temporary seasonal and less than part-time employees will also be issued identification badges. **Badges or employee identification are to be worn at all times while at work.**

II. The employee Identification Badge is City property and can only be used for identification purposes and for employee access to City buildings. Cards cannot be used for obtaining privileges, or for any personal reasons, without the approval of the employee's Department Director. Misuse of the identification cards will be grounds for disciplinary action up to and including termination. Access to secure locations must be approved by the City Manager. The employee must wear the badge when engaged in City business unless working conditions make wearing the badge hazardous or impractical.

III. Employees wearing a department-issued uniform are not required to wear an employee Identification Badge, but must have the badge in their possession.

IV. The employee must wear the badge in City facilities and when dealing with the public. It must be worn so that the employee's name and photo are clearly visible. Old, faded or damaged badges should be replaced as soon as possible.

V. If an employee loses his/her identification badge, the employee should immediately contact Human Resources Director so that the card can be deactivated. Then, contact your Department Head and fill out a form to request for a replacement badge. Employees will be responsible for the replacement costs if they lost their cards. Cost of replacement is $10.00. Cards damaged by normal use will be replaced at no cost to the employee.

VI. Surrender of Identification Card Upon Termination

Employees will surrender their identification cards upon termination of employment. The Department Director or their designee shall be responsible for collecting the department employee's identification card, notifying Human Resources to de-activate the card and returning the card to Human Resources.

7.16 – Technology and Social Media

I. Statement of Purpose

This policy outlines the appropriate use of all electronic and telephonic communication systems, including, but not limited to, computers, telephones, the internet, e-mail, voice mail, pagers and all communications and information transmitted by, received from, or stored in City of Celina ("City") owned or leased systems.

II. Scope:

This policy applies to employees, contractors, consultants, temporary employees, and other workers at the City, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the City.

III. Policy:

A. All news releases by city employees will be approved prior to their release by the City Manager and Mayor, as applicable. The Public Information Officer for the City of Celina will be the Mayor and/or City Manager or designee. Only the City manage or their designee is authorized to respond to information about the City that is posted to sites not maintained by the City

B. City Property. All lnternet/lntranet/Extranet-related systems, including but not limited to computer equipment, telephone equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP are the property of the City and as such are to be used for purposes related to an individual's job with the City, subject to exceptions noted below. For security and network maintenance purposes, authorized individuals within the City may monitor equipment, systems and network traffic, including but not limited to network accounts providing electronic mail, at any time. The City reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

1. The City shall not be liable for users' inappropriate use of electronic communication resources or violations of copyright restrictions, users' mistakes or negligence, or costs incurred by users. The City shall not be responsible for ensuring the accuracy, age, appropriateness, or usability of any information found on electronic resources, including the Internet.

2. The City's system is provided on an "as is, as available" basis. The City does not make any warranties, whether express or implied, including, without limitation, those of fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The City uses a variety of vendor-supplied hardware and software. Therefore, the City does not warrant that the functions or services performed by, or that the information or software contained

on the system will meet the system user's requirements. Neither does the City warrant that the system will be uninterrupted or error-free, nor that defects will be corrected.

3. Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third-party individuals in the system are those of the providers and not necessarily the City. The City will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the City's electronic communications system.

C. Personal Use. **Do not expect privacy.** The City allows incidental and occasional personal use of the communication systems covered by this directive provided that such use does not adversely affect City business uses and/or productivity and does not involve unlawful or unprofessional activities. The City may access, read, monitor, etc., any communication if it chooses to do so. Incidental and occasional personal use of the systems is allowed during non-working hours (before work, during lunch and after normal working hours) only to the extent such use: 1) imposes no tangible cost on the City; 2) does not unduly burden the City's computer or network resources; and 3) has no adverse effect on an employee's job performance. When an emergency requires an employee to make or receive personal calls during business hours, every attempt should be made to limit the calls to five (5) minutes. City communication systems including email shall not be used to conduct personal business. Ethical behavior of government employees and the appropriate use of government resources apply to the use of electronic communications and computer systems supplied by the City.

D. Personal Bills Incurred. The Department Director must authorize personal long distance calls made by an employee and billed to the City in advance and the employee must reimburse the City for whatever charges are incurred. The same rules will apply to computer systems. Should an employee incur any charges on the computer system or the Internet, he/she must have advance permission and must reimburse the City for those charges within 30 days of when the fee was charged. Any fees not reimbursed will be deducted from an employee's monthly compensation and/or final paycheck from the City.

E. Security and Confidential Information**.** User accounts are not to be shared. Passwords must be kept secure and adhere to the City Password Policy. All systems, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by locking the system when the host will be left unattended. Postings by an employee from a City email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the City, unless posting is in the course of business duties. All hosts used by the employee that are connected to the City

lnternet/lntranet/Extranet, whether owned by the employee or the City, shall be continually executing approved virus-scanning software with a current virus database unless granted an exception by the Information Technology Department. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code. The Director should monitor departmental use of the Internet and e-mail, and he/she may revoke an employee's access to such systems at any time.

F. Privacy and Open Records. An employee does not have a privacy right in any matter created, received or sent via City-owned or leased systems. The City reserves the right, without advance notice and at any time, to monitor, access, delete or disclose any messages or documents created, received, sent or stored via the City-owned or leased systems. The City is subject to open records requests and any information on a City computer may be subject to the right of discovery through the Texas Public Information Act.

G. Program Installation. All programs installed on computers must be fully licensed for that computer. No personal or downloaded programs are to be installed unless granted an exception by the Information Technology Department.

IV. **Internet and E-mail Usage:** the City of Celina's presence on social networking outlets will be administered by the City Manager or his/her designee(s). Under certain circumstances, a City department or division might want to create and maintain a presence on a social networking outlet. Such a request must come through the Department Director and be approved by the City Manager prior to implementation. Sites that violate this policy may be removed at any time.

A. Discrimination and Harassment. Use of the internet is a revocable privilege and may be withdrawn if used inappropriately. Creating, sending, forwarding, or storing Internet or e-mail messages or documents (including, but not limited to, e-mail message signature lines, sayings and quotations) which are offensive, intimidating, harassing, disparaging or hostile on the basis of race, gender, color, religion, national origin, disability, age political beliefs, pregnancy or any legally protected status is grounds for disciplinary action, up to and including termination. The City does not allow connections to sites that contain sexually explicit material. Use of such sites on City owned or leased equipment may lead to disciplinary action, up to and including termination.

B. Open Records and Privacy. Electronic messaging systems as well as other computer systems are subject to the right of discovery in legal actions brought against the City and through the Texas Public Information Act. This means that outside parties may have access to the information stored on the City's systems, and as a result, such information may become public knowledge through no action of the City. Additionally, each employee should assume that every Internet site that is visited would capture his/her electronic address, which can lead back to the City.

7.16 – Technology and Social Media

C. Unacceptable Use. The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). Under no circumstances is an employee of the City authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing City resources. The lists below are by no means exhaustive, but constitute an attempt to provide a framework for activities which fall into the category of unacceptable use.

D. While posting on social media employees need to be careful not to post anything that will bring a negative light, disparage the City or have a negative effect on the City's operations or reputation.

V. System and Network Activities:

A. The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or City protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by City.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which City or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
6. Using a City computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
7. Making fraudulent offers of products, items, or services originating from any City account.
8. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of

which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.

9. Port scanning or security scanning is expressly prohibited unless prior approval from the Information Technology Department is received.
10. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
11. Circumventing user authentication or security of any host, network or account.
12. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
13. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the lnternet/lntranet/Extranet.
14. Providing information about, or lists of, City employees to parties outside City.
15. Submitting, publishing, or displaying any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages, whether public or private.
16. Using the network for financial gain or for commercial activity.
17. Personal communication denigrating your employer, “cyber-smearing”, or “cyber-bullying” of other employees.

B. Email and Communication Activities:

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within City's networks of other lnternet/lntranet/Extranet service providers on behalf of, or to

advertise, any service hosted by City or connected via City's network.

7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
8. Attempting to read, delete, copy, or modify the electronic mail of other system users, deliberate interference with the ability of other system users to send/receive electronic mail, or the use of another person's user ID and/or password is prohibited.

C. Blogging:

1. Blogging by employees, whether using City's property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of City's systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate City's policy, is not detrimental to City's best interests, and does not interfere with an employee's regular work duties. Blogging from City's systems is also subject to monitoring at any time.
2. City's employees are prohibited from revealing any City confidential or proprietary information when engaged in blogging.
3. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of City and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by City's policies.
4. Employees may also not attribute personal statements, opinions or beliefs about the City when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of City. Employees assume any and all risk associated with blogging.
5. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, City's trademarks, logos and any other City intellectual property may also not be used in connection with any blogging activity.

VI. Illegal Activities:

A. Employee use of the City owned or leased electronic and telephonic communication systems, including telephones, the Internet, e-mail, voice mail, and pagers must comply with all other Administrative Directives of the City and any established departmental policies. Illegal activities discovered by monitoring or auditing activities may be brought to the attention of the appropriate governmental agency or other persons.

B. Improper or unethical use may result in disciplinary actions consistent with City policies and procedures and, if appropriate, the Texas Penal Code, Computer Crimes, Chapter 33, or other state and federal laws. This may also require restitution for costs associated with system restoration, hardware, or software costs.

VII. Enforcement:

Access to the City's electronic communications system is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to comply with such regulations and guidelines. Noncompliance with applicable regulations may result in suspension or termination of privileges and other disciplinary action consistent with City policies. Violations of law may result in criminal prosecution as well as disciplinary action by the City, up to an including termination of employment.

VIII. Definitions

Term	Definition
Blogging	Writing a blog. A blog (short for weblog) is a personal online journal that is frequently updated and intended for general public consumption.
Spam	Unauthorized and/or unsolicited electronic mass mailings
Host	A machine that communicates via a network, includes servers and clients.
Ponzi	A fraudulent investment operation that involves paying abnormally high returns ("profits") to investors out of the money paid in by subsequent investors, rather than from net revenues generated by any real business. It is named after Charles Ponzi
Trojan Horse	A program that installs malicious software while under the guise of doing something else.
Worm	A program that replicates itself over a network and usually performs malicious actions.
E-mail Bomb	Sending huge volumes of e-mail to an address in an

7.17 – Travel and Meetings

This section establishes City policy regulating travel, meetings, entertainment, personal care, mileage, and/or other expenses incurred by employee who are authorized to officially represent the City at various conferences, meetings, conventions, seminars, and other functions.

This policy provides uniform guidelines and procedures for submission and processing of expenditure requests and ensures proper accounting for approved allowable expenses, including travel advances, per diem meals, and incidentals, City credit card charges, and cash expenditures made for the purposes herein defined on behalf of the City.

This policy is applicable to all City employees regardless of the source of funding.

I. Responsibilities

A. The Department Directors/Managers are responsible for communicating and administering the provisions of this policy to employees and approving expenses as legitimate business items. Nonexempt employees are compensated in accordance with prevailing Wage and Hour Laws.

B. The Director of Finance is responsible for the overall administration of expenditures regarding this policy. Department Directors/Managers are responsible for monitoring the travel and meeting expenses of their employees.

C. The Director of Finance and Department Directors/Managers, as well as all employees, shall have the responsibility to report any abuse and/or misuse of travel funds to appropriate management.

II. Expenses

A. Expenses shall consist of the actual costs that a reasonable, prudent person incurs related to travel and meeting attendance, excluding per diems. All expenses must be directly related to City business.

B. Employees are expected to be conservative in their expenditures as if they were paying such costs.

C. The expenses shall be rejected if required documentation is not provided. Original, detailed receipts must be turned in on all reimbursable expenditures with exception of tips, per diem meals, and incidentals. Per Diem includes the cost of meals, tips, and incidentals. Documentation is a service-provided name or logo-printed receipt, where available. Expenses incurred ***not*** in accordance with this policy are the employee's responsibility.

D. Allowable Living Expenses-Actual living expenses, within specified limits, may be claimed by all City employees when they are representing the City of official business that requires an overnight stay away from Celina. Living expenses include such items as hotel room, tips, parking, ground transportation, and itemized telephone calls.

7.17 – Travel and Meetings

E. Hotels/Motels-The City will pay for local hotels greater than 40 miles away or if there early/late meetings as part of the function. The City will pay actual expenses for hotels, motels, or other lodging for the actual number of days of the conference or other meetings, plus allowance for travel time. The City will pay for a single room. Lodging per night will not exceed actual room cost plus tax and tips.

1. Internet Service-Where not provided for free, the City will pay reasonable Internet service costs where the Internet is used for City business.

2. Parking-Employees may claim actual parking expenses.

3. Ground Transportation- Employees may claim reasonable, actual ground transportation expenses including shuttle, taxis, and Uber services.

4. Tips/Gratuities-Tips and gratuities are allowed and are considered reasonable when paid at the rate of 15% of the meal cost and $1.00 per piece of luggage, except when traveling under per diem.

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

6. The City will not pay or reimburse registration fees, meals, and travel expenses, or cancellation fees or penalties assessed for personal reasons unless emergency in nature.

F. Meals -When officially representing the City that requires an overnight stay.

1. Per Diem should be requested two weeks prior to the trip date.

2. Per Diem rates may be found at: www.gsa.gov/perdiem. The City will use the first and last day amounts, which equal 75% of the full day amount. All other days are paid at 100%.

   a. Employees may use their City issued credit card to pay for registration, transportation, and hotel stay. All receipts must be detailed.
   b. Where meals are provided at conferences and included in the registration fee, reimbursements or per diem shall not be allowed. A continental breakfast consisting of pastries and coffee/juice is not considered a meal.
   c. In instances where a per diem advance was made and the trip was not taken, the employee shall return the funds to the Finance Department for credit to the proper fund.

7.17 – Travel and Meetings

3. **Day Travel** – Defined as travel that does not require an overnight stay, whether in-State or Out-of-State), The City will not reimburse employees and a purchasing card should never be utilized. Compensation for such meals is considered, by the Federal Government, to be taxable income to the employee. It is the responsibility of the employee to provide for his/her own meal if attending training that does not require an overnight stay.

4. **Business Meal/Entertainment-** Business meals are for executive level employees or their designees to conduct official business with an outside business representative. Business meals are not applicable to a group of employees going out to eat. To be a reimbursable "Business Meal" the meal must be one that is: (1) 'non-routine' in nature, (2) is entertainment that has a clear business objective which will benefit the Town, or (3) involves a client, official or customer and an executive level employee or their designee.

    a. In addition, to be a reimbursable "Business Meal" the meal must fall within one of the following tests:

        i. Directly- Related Test: The meal must satisfy all of the following:

            - The main purpose of the combined business and meal is active conduct of business.
            - Business is actually conducted during the meal period, and
            - There is more than a general expectation of deriving income to the City, lowering City expenses, or some other specific City benefit at some future time.

        ii. Associated Test: The meal must satisfy all of the following:

            - Associated with the active conduct of the City's business, and
            - Directly before or after a substantial business discussion.

Expenses that are lavish or extravagant under the circumstances are not allowed. The IRS identifies online *What Entertainment Expenses Are Not Deductible*. An employee must consider all the facts, including the nature of the business transacted and the reasons for conducting business during the entertainment. It is not necessary to devote more time to business than to entertainment. However, if the business discussion is only incidental to

the entertainment, the entertainment expenses do not meet the directly-related test.

Approved Business Meal expenses, including the expenses of non-employees at the meal, will be reimbursed, provided the circumstances are considered to be conductive to a business purpose, and the meal meets all of the criteria stated. The City will not reimburse expenses for alcoholic beverages. A "Business Meal" form will need to be completed and an employee will need to provide a detailed receipt, names of all individuals in attendance, identify the various business relationships involved, and a summary of business discussed. The documentation is requested to insure that the City meets the requirements established by the **IRS.** Absence of documentation will lead to the expense being denied and the employee will be responsible for the charges.

5. **Group Meals** - In order to be reimbursable, Group Meals are considered to be occasional, infrequent and non-routine meals that are provided to a group of employees, such as employee picnics or retirement parties, and are considered by the IRS to be a non-taxable de-minimis fringe benefit. Group meals may also include such things as occasional provision of coffee, donuts, or soft drinks or a meal that is provided to promote good will, boost morale, or to attract prospective employees to the Town.

   To be a reimbursable expense or charged on a purchasing card, the costs related to Group Meals must be approved by a Department Director. A separate document will be required in processing "Group Meals" in the Finance Department to meet IRS requirements. Group Meals should never occur during overnight travel as per diem per employee has been provided. An employee will need to provide a detailed receipt, names of all individuals in attendance, and a reason for the group meal.

   The only meals allowed on a purchasing card is a Group Meal or Business Meal. No other meals, snacks or drinks are allowed on your purchasing card. The City will not reimburse expenses for alcoholic beverages.

G. Other Living Expenses-The cost of alcoholic beverages, laundry/dry cleaning, in- room movies, personal tours, fitness center fees, personal entertainment, and spouse and other family expenses are specifically excluded form reimbursement.

H. Transportation Expenses-Employees will use the most economical form of transportation available. When submitting reports, employees shall submit the completed comparison of the available modes of transportation for review.

   1. Other Transportation-When requesting air transportation, the employee shall request the least expensive cost. The employee may choose to travel first-class, but the City will pay only for coach class.

Accommodations must be booked in a timely manner to ensure coach class is available. Up charges (first class, business class) must be reimbursed at the time of the expense.

2. Vehicle Transportation-Employees may use their personal funds and keep receipts for reimbursement, employees may seek an advance or use a City credit card. Employees also may use a personal car for travel. Actual mileage shall be calculated in miles from the worksite or residence depending on where he/she depart from, to the destination. Any other mileage is considered as part of the normal commute to work. The City shall reimburse the lesser of (1) actual mileage to and from the destination multiplied by the current IRS rate per mile, or (2) the round trip cost of the most reasonable alternative conveyance, e.g., airfare that would be spent for each employee traveling to the destination in the vehicle. Employees receiving auto allowances are reimbursed at a reduced rate for mileage in excess of 100 miles each way.

3. City Vehicles - City vehicles may be used at the discretion of the Department Director/Manager when costs are not in excess of the costs of airfare and site transportation combined or when air transportation is not available or impractical. Direct expenses, e.g., gasoline, oil, etc., associated with the use of a City vehicle shall be reimbursed with paid receipts.

III. Expense Reports

All employees must get prior approval from their Department Director.

A. A per diem advance form should be used to request per diem and resubmitted with all expenses upon return to balance out travel expenses.

B. When it becomes necessary that an employee travel in the interest of the City, the Department Director/Manager may request a travel advance. This request may be made on the Travel Advance/Expense Report and should contain the name of the traveler, purpose of the trip, date(s), and other pertinent information. This request should be prepared and submitted at the earliest practical time, but preferably no later than fourteen (14) full working days prior to departure.

C. The Department Director's/Manager's request for travel advances require prior approval by the City Manager's Office. Others require prior approval of their Department Director/Division Manager. If approved, the request will be sent directly to the Finance Department no later than seven (7) full working days prior to departure.

7.17 – Travel and Meetings

IV. Paid Time

A. Attendance at lectures, meetings, training programs, and similar activities will be counted as working time unless all four (4) of the following criteria are met:

1. it is outside normal working hours;
2. it is voluntary;
3. it is not job related, and
4. there is no other work that is concurrently performed.

B. Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on non-working days. Time that is NOT considered work time is that time spent in travel away from home outside regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

7.18 – Employee Arrest

I. In the case of an arrest of a City employee, the following procedure shall befollowed:

A. Employees shall ensure his/her supervisor is notified within 24 hours of the arrest and prior to returning to work.

B. Upon notification of the employee's arrest, the Department Director/Manager shall notify the Director of Human Resources, the City Manager, and the Legal Department.

C. If an employee fails to contact his/her supervisor, corrective disciplinary action and/or termination of employment will occur.

II. Employees, who are unable to report to work because of arrest or incarceration, must nonetheless contact their supervisor and will be placed on unpaid leave of absence for up to two (2) workdays/shifts. If an employee is unable to secure bail after two (2) workdays/shifts, the employee shall be considered to have abandoned his/her position. If the employee is freed on bail, his/her Department Director, the Director of Human Resources, the City Manager, and the Legal Department will decide whether or not active employment is appropriate pending final disposition of the charges.

CITY OF CELINA
PERSONNEL POLICIES

Chapter 8 – Risk Management

8.00 – General Safety and Risk Management Policies

I. General Safety Policies

A. The success of the City's Safety and Risk Management Program depends on the efficient and effective use of resources to maintain high quality services for the citizens of our community. Our most important resource is our employees; and to protect this resource, we are committed to providing a safe and healthy workplace for all employees by establishing and maintaining an effective safety, accident prevention and overall risk management program. Safety is, and will continue to be, a fundamental part of our organization's operations.

B. The responsibility for safety limiting risk resides within all employees, and each is challenged to stay informed and to take responsibility for their own safety and the safety of their coworkers. To ensure the success of the safety process, every employee must give their full participation and support to the safety and risk management policies and procedures that have been developed to protect employees.

II. Responsibilities – General

A. The Department Directors, Finance and Human Resources, or their designee, has the responsibility to implement and administer this Safety/Risk Management Program and assign tasks as defined in the individual components.

B. Managers are responsible for providing a place of employment that is free from hazards that could result in injuries or accidents. Since it is impossible for managers to personally observe all employee activities, they must ensure that all supervisors and employees alike are trained and are aware of their safety responsibilities. Other safety responsibilities for managers include the following:

1. Provide leadership and direction concerning safety/risk management activities.
2. Be proactive in continuous evaluation of the safety/risk management program.
3. Set goals concerning safety performance/risk management within their department.
4. Review losses for potential trends on a regular basis.
5. Enforce all safety/risk management rules.
6. Participate in facility and worksite safety/risk management audits.
7. Participate and support all accident investigation activities.
8. Review accident reports and recommend corrective actions.

C. Supervisor Safety Responsibilities

Safety is as much a part of the supervisor's responsibility as is getting the job done efficiently. In addition to the aforementioned responsibilities of managers, the important safety/risk management responsibilities of each and every supervisor also include the following:

8.00 – General Safety and Risk Management Policies

1. Familiarize themselves with, and enforcing, the safety rules and regulations that have been established by applicable local, State, and Federal organizations. These regulations are intended to set minimum standards for safety, and the contents of all regulations must be enforced as minimum safety/risk management requirements for all activities on City worksites and in City facilities.
2. Correct, or have corrected, all reported hazards. Operating under known hazards shall not be tolerated.
3. Do not permit new or inexperienced employees to work with power tools, machinery or complex equipment without proper instruction and training.
4. Give adequate safety instructions. Do not assume that an employee knows how to do a job unless knowledgeable in safety rules and regulations that they can perform the job task(s).
5. Ensure tools, equipment, and machinery being used in the workplace are in proper working condition.
6. Ensure that proper personal protective equipment (PPE) is available and used by employees when necessary and required.
7. Always set a good example in safety such as wearing the proper personal protective equipment and following established safety policies and procedures.
8. Consistently and proactively enforce all requirements of the City's safety program and all associated rules and policies.
9. Ensure that all employees have access to a copy of the City's safety policies.
10. Encourage safety/risk management suggestions from employees.
11. Obtain prompt first aid for injured employees.
12. Participate in accident or incident investigations.
13. Conduct audits of all work areas and facilities on a regular basis in an effort to improve housekeeping, eliminate unsafe conditions and encourage safe work practices.

D. Employee Safety Responsibilities

1. Know the job, follow instructions, and think before they act.
2. Use appropriate personal protective equipment as dictated by the job and the policy.
3. Work according to written safety practices as trained, posted, instructed, and/or discussed.
4. Refrain from any unsafe act that might endanger them, fellow workers, or the public.
5. Never take shortcuts and use all safety devices provided for protection.
6. Report any unsafe situation or act to their supervisor immediately.
7. Assume responsibility for thoughtless or deliberate acts that may cause injury to them, or fellow workers, or the public.
8. Never operate equipment that they are unfamiliar with or not trained/licensed to use.
9. Report all accidents/incidents to their supervisor immediately.

10. Report all hazardous conditions, actions, and/or practices to their supervisor.
11. Work areas, including the inside and outside of vehicles and buildings, shall be kept clean and orderly at all times.

12. Employees shall only operate equipment/tools that they are trained and authorized to operate.
13. Employees shall use all safety devices and personal protective equipment provided for their protection.
14. Employees shall use assisted lifting devices or obtain assistance from a coworker when lifting heavy objects.
15. Before starting work on any machine or equipment that is out of service, employees shall render the equipment or machine inoperable and attach a lockout device to the equipment control. Guards shall never be removed except when authorized to make repairs or adjustments. Replace guard immediately upon completion of work.
16. Employees shall not engage in practical jokes or horseplay.
17. During work hours, personal telephones should only be used for high-priority personal communication and not for mere casual use. If a phone is to be used for work in a vehicle, the vehicle should be safely stopped, preferably off the road, and placed in park prior to receiving or placing a call.

III. Risk Management

A. The goal of Risk Management is to limit injury or damage to persons, employees, and property within the City of Celina. The mission is to reduce the liability to the City in the form of safeguarding the public and employees from claims against the City that can be prevented by effective policies.

B. All Department Directors/Managers are responsible for developing and implementing risk management policies specific to their function, including but not limited to safety clothing and equipment, footwear, hard hats, gloves, eye and ear protection, safety vests and the like. All employees are required to follow risk management policies and attend safety meetings as required.

C. Supervisors shall follow all safety rules and advise those whom they supervise of all such rules per their particular function. Supervisors shall observe employees' actions for safety and advise them accordingly.

D. Disciplinary Action – Violation of any of the above policies may result in disciplinary action in accordance with established City policy.

8.01 – City Vehicle Operator Standards

I. City-Owned and City-Leased Vehicles

A. The operator of a City-owned or City-leased vehicle shall take the following actions when involved in an accident whether or not on City-related business:

1. Stop immediately.
2. Radio or telephone for an ambulance if anyone appears to be in the need of emergency medical service.
3. Keep the accident from becoming worse by warning other drivers.
4. Render reasonable assistance to injured persons.
5. Notify law enforcement and the employee's department immediately through their radio dispatcher or telephone. If injured, the supervisor must be notified.
    a. The driver shall request a police report in the following situations:
6. A collision with another vehicle regardless of the damage severity or location.
7. A collision with other property, telephone pole, guardrail, tree, and the like, regardless of the owner, if the supervisor determines the damage is over $500.
8. A collision that requires a vehicle to be towed.
9. A collision that causes injury to any party to the accident.
10. The decision to call out a Police Accident Investigator will remain with the Police Department. All vehicular accidents involving City vehicles responding to an emergency or major accident involving reported injuries will be investigated by the Texas Department of Public Safety (DPS) Highway Patrol. If DPS is not available, then a neighboring law enforcement agency investigate.
11. Make no admission of fault or negligence to anyone. Do not apologize or say “sorry”. Be courteous, but do not discuss the accident except with the Police and do not sign any statements or releases for anyone other than medical processing required by the City.
12. Exchange name and address with drivers of other vehicles involved, and obtain the name phone, and policy numbers of the other driver's insurance company.
13. Move vehicles to the nearest point of safety when necessary or as instructed by a law enforcement officer.
14. Complete a Motor Vehicle Accident Report immediately, and file it with their department.

B. The supervisor/manager shall take the following actions when their employee is involved in an accident in a City-owned vehicle:

1. Upon receiving notice of an accident, the employee's supervisor/manager shall contact Finance/Human Resources as soon as possible and advise

them of the accident and all known details.

2. If possible, the supervisor/manager go to the accident scene and take photographs showing visible damage to all vehicles and the position of the vehicles. If not possible, request the responding police officer to take pictures of the scene.
3. Comply with the City's Drug and Alcohol Policy.
4. It shall be the direct responsibility of the supervisor/manager in charge of the employee to see that a Motor Vehicle Accident Report is immediately prepared concerning the accident.
5. All accident reports shall be submitted to Finance/Human Resources as soon as possible after the accident, but no later than the next business day.

II. Vehicles Owned by Employees

A. At times, employees will use personally-owned vehicles on City business. If an accident should occur while on City business, employees shall adhere to the following:

1. It is the employee's responsibility to notify their insurance carrier.
2. The City does not provide insurance for damage to personally-owned vehicles. The mileage reimbursement payment is to provide a contribution toward the employee's operating cost of his/her vehicle, insurance, repairs, gasoline, etc. Any damage to a personally-owned vehicle is the employee's responsibility to correct.
3. If citations of any type are issued, report them to Human Resources.

III. Employee Injuries

Any injury incurred by an employee driving on City business shall be treated as worker's compensation, and the guidelines for workers' compensation/post-accident testing shall be followed.

IV. Consequences of Failure to Promptly Report

Delay in reporting an accident shall result in corrective action, up to and including employment termination.

8.02 – On the Job Injury/Worker's Compensation

I. Definitions:

A. "Course and Scope" of Employment-as defined by the Texas Workers' Compensation Act, means "an activity of any kind or character that has to do with and originated in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in/about the furtherance of the affairs or business of the employer". The term includes activities conducted on the premises of the employer or at otherlocations.

B. Job-Related Illness, Injury, or Medical Condition-an illness, injury, or medical condition which occurred as the result of the employee performing the assigned duties of their occupation within the course and scope of employment.

C. Maximum Medical Improvement – defined as follows, whichever comes first:

1. 104 weeks from the date disability benefits begin to accrue.
2. The date a doctor certifies that, based on reasonable medical probability, the injured employee can no longer reasonably anticipate further recovery or lasting improvement from a compensable injury.

D. Modified Duty Assignment - temporary assignment of an employee with a job-related illness, injury, or medical condition to duties that can be performed within the limitations of the employee's medical condition. Modified Duty Assignment, however, may be for as little as one (1) week and is based on actual need for the work to be done. Modified Duty Assignments are only for those employees with job-related illness, injuries, or medical conditions unless a part of an accommodation under the Americans with Disabilities Act, as amended (ADAAA).

E. Workers' Compensation Benefits – Temporary income benefits (TIBs) provided under the Texas Workers' Compensation Act starting on the eighth (8th) day of inability to work.

F. Supplemental Workers' Compensation Income-additional income provided by the City to all full-time and part-time employees to make up the difference between workers' compensation benefits and gross earnings. This includes the seven (7) calendar days prior to being paid workers' compensation. All injured employees may qualify to be on salary continuation for up to six (6) months, depending on the circumstances.

II. Medical Care

A. Employees injured on the job shall be promptly taken to a first aid facility for any necessary medical treatment. The compensability of the injury shall be determined by the City workers' compensation's approved insurance carrier. Employees must be seen by an approved health care provider. For serious

injuries, an employee shall use the nearest appropriate medical facility.

B. For policies concerning drug/alcohol testing, please refer to the City's Drug and Alcohol Policy. All employees involved in an on-the-job accident shall undergo drug and alcohol testing. Minor injuries include, but not limited to, small cuts, abrasions, bruises, insect bites, poison ivy, etc. The employee's supervisor is responsible for ensuring the testing follows the City's Drug and Alcohol Policy.

C. Injured employees shall submit to medical treatment by their City-approved physician, and refusal to abide by their instructions might constitute a barrier to further medical expenditures and weekly salary continuation payments.

III. Reporting Accidents/Injuries

A. Is it the responsibility of the employee's supervisor to ensure that the appropriate reports are completed as soon as possible following an accident or injury. The supervisor must complete the Employee's First Report of Injury or Illness. The employee's report must be transmitted to Human Resources no later than the end of the next business day following the accident or injury.

B. Any violation of any of these policies by an employee may result in possible delay of treatment as well as disciplinary action, up to and including termination of employment.

IV. Employee Responsibility

A. It is the employee's responsibility to immediately advise their supervisor of all scheduled appointments pertaining to medical treatment of a work-related injury prior to the appointment. Following each appointment, the employee is charged with the responsibility to provide their supervisor and Human Resources with a copy of the Texas Workers' Compensation Work Status Report, DWC73, within 24 hours after the appointment. Injured employees shall make their best effort to recuperate from injuries and not engage in any activity that would hinder recovery.

B. When an employee's injury results in an unpaid time off status, it is the employee's responsibility to contact Huma Resources in order to make arrangements to pay their portion of any voluntary deductions, e.g., dependent health and/or dental coverage, supplemental life insurance, etc. Failure to make payment within 30 days of the due date shall result in cancellation of those unpaid coverages.

C. An employee on unpaid time off has the option to maintain their pension service credit by contributing to their retirement fund while receiving TIBs. The employee must coordinate this with the City's Finance Department prior to the start of their unpaid time off status.

V. Outside Employment

An employee on FML, Sick/Vacation leave, Compensatory time, disability leave, or Workers' Compensation leave shall not engage in outside training, school, or employment unless expressly authorized in writing in advance by the Department Director and the Director of Human Resources. A copy of the written approval shall be sent to Human Resources.

VI. Accidents Caused by Non-Employees

If an employee is injured because of the negligence or wrong doing of a third party, not another City employee, the City is entitled to subrogate to the employee's right of recovery against the third party to the extent of all payments made to the employee by the City for such related injuries. The City shall have the right of first recovery against any payments made by, or on behalf of, such third parties to the employee to the extent that such payments are in compensation for an element of injury that the City has already paid.

VII. Modified Duty

In some cases, regular, full-time employees who have missed work due to an injury sustained on the job are unable to return directly to the duties that they previously performed. In such cases, employees may be assigned to modified duty positions pending return to their previous employment positions if such modified duty is available and if judged by the attending physician to be within the abilities of the employee. Modified duty assignments will not be appropriate for all employees who have suffered a job-related injury. Such assignments shall be made on a case-by-case basis where appropriate for the benefit of the City and the employee. If available, modified duty assignments are available only to regular, full-time employees who have sustained an on- the-job injury (or as an accommodation under the Americans with Disabilities Act, as amended (ADAAA). The ultimate goal is to return qualified employees to their original jobs. In accordance, the following modified duty procedures are established:

A. Supervision - Human Resources shall coordinate <u>all</u> modified duty assignments with the Department where the employees are placed. The employee shall report to Human Resources for all administrative matters related to their relationship with the City. Actual supervision of the employee shall be performed by the Department in which the employee is placed with supervision being coordinated with Human Resources.

B. Assignments - whenever possible, Human Resources shall assign employees to modified duty positions within the Department in which the employee was assigned immediately prior to the injury. If no modified duty placement is available with the Department, Human Resources shall attempt to find another modified duty work for the employee. The duties of the modified duty position shall, when possible, relate to the duties of the employee's position for which they were hired. Modified duty work should be necessary, constructive, rehabilitative, and supportive of the City's overall operations.

C. Time Limitations - it is the purpose of modified duty assignments to allow an employee to perform constructive and productive labor while continuing to recuperate from a work - related injury. Modified duty assignments shall not be permanent in nature. Progress toward returning to an employee's prior duties shall be regularly monitored and periodically evaluated; however, in no instance shall an employee be allowed to remain on modified duty for a period of over 180 cumulative calendar days, six (6) months, from the date of the doctor's first release to modified duty. If employee remains unable to perform essential functions of position, accommodations under the ADAAA may be considered, depending upon the specifics of the case.

D. Hours of Work - Most modified duty assignments are typically for 8:00 a.m. to 5:00 p.m., Monday through Friday. Employees, however, also must recognize that some modified duty jobs might require working evenings, weekends, and holidays.

E. Evaluations - employees assigned to modified duty positions shall not be evaluated until such time as they return to the position for which they were otherwise employed and have performed a sufficient length of time in their position to be evaluated.

F. Probationary/Introductory Employees - the probationary/introductory period of employees assigned to modified duty shall be extended for an additional period equivalent to the period of time the employee is absent from work due to the injury or illness and such additional period of time the employee is assigned to a modified duty position.

G. Change in Assignments - all assignment changes for modified duty personnel shall be coordinated through, and approved by, Human Resources. The Department for which the employee worked at the time of the injury;/illness shall be responsible for paying the employee's salary during the modified duty period.

H. Request for Modified Duty Personnel - all City Departments shall report to Human Resources the need of that Department for modified duty personnel. Human Resources shall be responsible for assigning priority to filling such positions; and where the employee is not placed with the employee's own Department, the employee shall be placed in accordance with priority requests.

I. Seniority - the time that an employee spends while on modified duty assignment shall count toward their seniority with the City and within the Department for which the employee was working at the time of the work-related injury/illness.

VIII. Termination

Leaves of absence for any reason, including work-related injuries/illnesses shall not

8.02 – On the Job Injury/Worker's Compensation

last longer than six (6) months unless part of reasonable accommodation under the ADAAA.

A regular, full-time employee, who for a job-related injury or a combination of work-related injuries or FML-qualifying events, misses a total of six (6) months of work, shall be separated from employment due to the unavailability for work if not part of a reasonable accommodation arrangement. An employee part of said "no fault" employment termination shall be eligible for rehire and shall be able to apply for any vacancies that might exist at any given time, depending on qualifications and availability of job openings. The six (6) month period shall be measured cumulatively by the rolling backward method.

The City reserves the right, at any time, to require an independent physical or mental analysis/assessment by an occupational health care professional or a health care professional of the City's choice and at the City's expense.

8.03 – Loss and Property Management

Loss - Property Damage

Employees shall report all property damage to their supervisor immediately. Supervisors shall report all property damage to the City Secretary.

Procedures

All property damage must be reported on the appropriate "Property Damage Report" form to the City Secretary within 24 hours, or the next working day.

8.04 – Driver Records Check

For the safety of the City employees and citizens, driving standards have been established for all City employees who drive for the City. Traffic laws for the State of Texas and the City imposes requirements on the City, as an employer, to ensure that employees are properly licensed and that their driving behavior, both on and off the job, reflects obedience to the State and City laws. This driving records policy is established as a means to ensure this compliance.

A. At least once a year, Human Resources shall submit, on specified forms, requests for driving record histories for all employees. Human Resources also shall compile those fleet accidents that are not maintained by the DPS. This includes all investigated, on or off-road, motor vehicle accident reports that are not required to be reported to the DPS but are maintained by the Departments.

B. Upon receipt, each record shall be reviewed and points shall be assessed against the employee's City driving record. A maximum of ten (10) points is allowable preceding the date of the record check. Points shall be assessed as follows:

Accident Citation Point Assessment

Class	Description	Points
NCI	Non-classifiable incident not a collision.	0
Non-Preventable A	Collisions in which the vehicle was parked or was otherwise in a position where it had a legal right to be parked.	0
Non-Preventable B	Collisions where the vehicle was in motion, but it can be determined that the collision was clearly and absolutely beyond the control of the City driver.	0
Preventable C	Collisions with little or no property damage where the City driver failed to take reasonable action that could have avoided or prevented the collision or where preventability can be shared with others, backup spotters, landfill attendants, flaggers, etc.	1-3
Preventable D	Collisions with moderate to more serious property damage or personal injury where the City driver failed to take reasonable preventive measures to prevent the collision despite the actions of other or adverse conditions.	4-6

8.05 – Driver Records Check

Preventable E	Collisions of a very nature, normally resulting in hospitalization or major property damage where it is determined that the responsibility rests entirely on the City driver.	7-10
Citations	Any moving vehicle 3 violations or citations including no insurance, expired license, or seatbelt violation	3

C. Points shall be assessed for violations arising from a preventable accident by the Department Director and Human Resources. If a Department has an accident review process, the findings shall be forwarded to Human Resources prior to the assessment. Human Resources shall forward its recommendations for point(s) assessment to the Department Director for review and final disposition. The Department Director shall report the final outcome to Human Resources. Duplicate points shall not be assessed for violations arising from a preventable accident and an accompanying citation.

D. No employee will be allowed to operate any vehicle for the City and may be subject to disciplinary action, up to and including termination of employment, if convicted or placed on deferred adjudication or disposition for any of the following violations in the immediate preceding three (3) years:

1. Driving while intoxicated;
2. Driving under the influence of alcohol or drugs, including prescription drugs.
3. Negligent homicide arising out of the use of a motor vehicle or gross negligence;
4. Operating a motor vehicle while a driver license is suspended or revoked;
5. Using a motor vehicle for commission of a felony;
6. Aggravated assault with a motor vehicle;
7. Operating a motor vehicle without the owner's authority/permission;
8. Reckless driving; and/or
9. Leaving the scene of an accident involving bodily injury or property damage.

E. Any employee who drives for the City and who accumulates more than ten (10) points in any consecutive eighteen (18) month period shall be immediately removed from any driving position and be subject to reassignment and/or disciplinary action, up to and including termination of employment.

F. Any employee who is required to drive as an essential function of his/her job and who receives notice that their license to drive has been suspended or

8.04 – Driver Records Check

revoked or an employee who fails to renew an expired license, must report this to their supervisor no later than the beginning of the first workday following receipt of the notice of suspension or revocation or knowledge of expiration.

An employee who properly reports a suspended, revoked, or expired driver license may be reassigned to a non-driving position for a period of suspension or revocation or until the license is renewed if such a position exists; or the employee may be terminated from employment at the discretion of the Department Director. Reassignment shall require the employee to be fully qualified for the new position, and it must be in the best interest of the City. If no such position exists, the employee may be subject to disciplinary action, up to and including termination of employment. Any reassignment or disciplinary action shall be coordinated through Human Resources.

G. Determination of Preventable Accidents

1. Whenever any accident is listed on the DPS report, which was not listed on previous DPS reports or which is not an accident occurring while driving for the City, Human Resources shall request a copy of the accident report from the DPS.

2. Upon receipt of the accident report, Human Resources shall review the report and determine if the employee's driving accident was preventable. This can be determined by the listing of citations issued by the investigating officer and by the contributing factors listed in the report if the accident is preventable. Human Resources shall assess the specified points to the employees driving record and forward the assessment to the Department Director for review and final disposition. The Department Director shall report the final outcome to Human Resources.

H. Improvement Points

1. If an employee has points on his/her City driving record and drives for a period of 12 months without any further violations or accidents being charges against them, up to three (3) improvement points may be credited to the employee's driving record.

2. Every 12 months after this, if the employee's record shows no additional violations or accidents, the employee's driving record may be credited with up to three (3) points. This may continue until all accumulated points are removed.

8.04 – Driver Records Check

I. City Driving Record

Human Resources shall maintain a City driving record in each employee's personnel file. The record will contain all DPS-reported citations, violations, and/or accidents and all accidents occurring while the employee is driving for the City, whether or not reported to the police and/or DPS. The employee's driving record will reflect any points assessed as a result of citations, violations, or preventable accidents recorded by the DPS. The employee's City driving record shall be assessed points for preventable accidents while operating City vehicles or equipment, even if these accidents do not result in a police report or DPS record.

8.05 – Injury Policy and Salary Continuation Plan

The City of Celina's Injury Policy and Salary Continuation Plan is designed to minimize salary loss and financial difficulties for employees who are eligible to receive weekly income benefits as a result of an injury sustained in the course of employment with the City.

A. ELIGIBILITY: A full-time employee, including ones on probation who as the result of an injury sustained in the course of his or her employment with the City is being paid weekly income benefits for a period of more than seven (7) days, shall receive salary payments, as "injured employee salary continuation payments," separate and distinct from and in addition to the weekly income benefits. Temporary and part-time employees are not eligible for salary continuation payments.

B. AMOUNT: The salary continuation payments shall be in an amount equal to the difference between any weekly income benefits and the employee's regular pay subject to taxes and other mandatory deductions.

C. DISCONTINUATION: In no event shall salary continuation payments to any employee be continued beyond when the first of the following occur:

1. for a period of more than six (6) calendar months for any one job-related injury, unless expressly authorized by Human Resources or the City Manager in accordance this policy.

2. after a compromise settlement agreement or any agreed judgement has been effected or entered;

3. after weekly income benefits have ceased; or

4. after an employee is no longer disabled or has reached maximum medical improvement.

D. EXAMINATION AND TREATMENT: As a condition of receiving or continuing to receive salary continuation payments, or any light duty assignments, Human Resources may require an injured employee to submit to examination and treatment, at the City's expense, by a physician approved by the workers' compensation insurance carrier. An injured employee forfeits all rights to salary continuation payments if he or she refuses to submit to an examination or to any diagnostic test, x-ray, surgical procedure, or other treatment prescribed or recommended by the City-approved physician as medically necessary or indicated to diagnose, treat, or cure the employee's injured condition.

E. EXTENSION OF SALARY CONTINUATION: In rare cases, it may be appropriate for salary continuation benefits to continue beyond six (6) months, up to 12 months. Such an extension will be at the discretion of the City Manager. The City Manager will consider the following elements in order to determine whether continuation is appropriate:

1. In order to be eligible for salary continuation benefits, the employee must have received an injury in the course of extraordinary service or circumstances and severity of the injury must be such that it has resulted in one of the following:

    a. the complete loss of use of a limb, eye, or both ears
    b. traumatic brain injury (this is not intended to include psychological injuries) resulting in the inability to perform daily functions, or
    c. severe spinal cord damage.

2. The employee will shall submit to evaluation by a physician designated by Human Resources, at the expense of the City, and

3. In determining the length by which salary continuation is extended, the ability of the employee to secure gainful employment may be considered.

F. MEDICAL STATEMENT REQUIRED: All salary continuation payments must be supported by a medical statement from the employee's treating physician, whether partial - or full-day leave is granted, stating that because of the on the job injury sustained by the employee, he/she is not physically capable of performing the job duties of the position occupied by the employee at the time of such injury or any light- duty job for which the employee is qualified.

G. FORFEITURE: An injured employee forfeits all rights to any salary continuation payments to which he or she would normally have been entitled, or any light duty assignment if he/she:

1. engages in work, whether part-time or full-time, for pay or as a volunteer, for himself /of herself or for any other person, firm or corporation, while receiving salary continuation payments;
2. terminates employment for any reason while receiving salary continuation payments;
3. fails or refuses to comply with the treating physician's or City- approved physician's instructions or advice regarding treatment of the injured condition;
4. fails to act in a manner which is conducive to being off work convalescing from job related injury;

5. refuses to perform light, partial, or part- time duty that in the opinion of the treating physician, or City-approved physician, is within the employee's physical capacity and for which the employee is qualified. However, the continuance pay will continue to be based on the position occupied at the time of the injury;
6. refuses to accept or perform a different job with the City that, in the opinion of the treating physician or the City-approved physician, is within

the employee's physical capacity and for which the employee is qualified; however, the continuance pay will continue to be based on the position occupied at the time of the injury;

7. represents his/her injured condition, physical incapacity, or disability as worse than it is while receiving salary continuation payments or any light duty assignments. The condition of the employee must be supported by a written statement of the City- approved physician;
8. refuses to return to regular duty after being released for regular duty by the City- approved physician or treating physician;
9. commits any act of fraud or falsification while applying for or receiving salary continuation payments, weekly income benefits, medical payments. or a light duty assignment.

H. ACCRUAL OF LEAVE: A full-time employee will continue to earn leave at his/her regular rate while off work and receiving weekly income benefits and salary continuation payments. Once salary continuation payments are exhausted, and the employee does not receive them for more than half of his or her scheduled work period as established by the department, no leave will be accrued unless otherwise qualified.

I. USE OF LEAVE: Human Resources must be notified of any denial of salary continuation payments. An employee who is denied salary continuation payments, or who has exhausted salary continuation payments while receiving weekly income benefits, medical payments, may take his or her accrued leave, pursuant to policy, but only in an amount necessary to make up the difference between weekly income benefits and his/her regular net rate of pay.

J. LEAVE WITHOUT PAY: An employee who has used all of his or her leave, compensatory time, FMLA, if requested and authorized, and salary continuation payments, and is still off work and receiving weekly income benefits, shall be on leave without pay status until or unless accommodations may be made pursuant to the ADA. If all efforts have been exhausted, the employee may be terminated.

K. MODIFIED WORK: When an employee has sustained an injury, the Director of Human Resources may require the employee to return to work and to perform light, partial, or part-time work when authorized or approved by the City- approved physician or treating physician. Failure to return to work when able to perform light work, with or without a reasonable accommodation, and not on FMLA leave, with FMLA approved medical certification, shall constitute job abandonment. No employee will shall be allowed to perform light-duty work after salary continuation payments cease or after an employee reaches maximum medical improvement.

8.05 – Injury Policy and Salary Continuation Plan

L. STATUS UPON RETURN FROM LEAVE:

1. Prior to returning to work, the employee must produce a medical certification showing that the employee is able to perform all essential tasks of the employee's job, with or without a reasonable accommodation, otherwise referred to as "satisfactory medical certification."

2. If the medical certification is satisfactory, and the employee is coming off of FMLA leave, with medical certification to justify FMLA leave, the employee shall:

    a. be restored by the City to the vacant position held by the employee when injured; or

    b. be restored to a position with equivalent status, benefits, pay, terms and conditions of employment.

3. If the medical certification is satisfactory, and the employee is not coming off FMLA leave, the employee shall:

    a. be restored by the City to the vacant position held by the employee when injured; or

    b. be restored to another available position with the City, for which the employee is qualified. The City does not guarantee the original position or an equal paying, equivalent position.

4. If the employee does not return to work after receiving notice of satisfactory medical certification, disciplinary procedures, up to and including employment termination, shall be undertaken for job abandonment.

5. There shall be no discrimination because the employee has filed a worker's compensation claim.

6. The injured employee must provide immediate notice to the supervisor of the injured condition, and the type of leave to be taken. The supervisor, or other appropriate city official, shall take whatever actions are considered reasonable and appropriate to confirm the condition and to determine if the requested leave is appropriate.

M. COVERAGE CONTINUATION: an employee who is placed on leave without pay status under the provisions of this policy (this does not apply to FMLA leave):

1. may elect to continue participation in the City's Medical and Dental Plan by paying his/her monthly premium directly to the Finance Department;

8.05 – Injury Policy and Salary Continuation Plan

2. is, by definition, temporarily ineligible for participation in the Texas Municipal Retirement System (TMRS);

3. will not accrue any leave time or other benefits if on leave without pay for more than half of his or her scheduled work period as established by the department.

N. TERMINATION OR LAYOFF: This policy does not preempt the disciplinary and grievance policies of the City of Celina, which shall take precedent over any of the sections in this policy. This policy also does not preclude an employee from being terminated during an official reduction in force due to budget reductions.

8.06 – Safety Meetings and Training

I. Safety Meetings & Training

A. Safety meetings are an effective way to encourage, educate, and train employees on safe work practices and will be held on a regular basis, based upon the specific department or operation. The Department Supervisor/Manager will provide information to be used in the meetings and will attend and participate in the meetings when possible. Safety meetings will normally be conducted by the Department Supervisor/Manager. Discussions of safety rules, possible hazards to be encountered in future job duties, or changes in procedures or equipment are some topics that should be covered on a regular basis. Topics discussed during safety meetings should pertain to the specific hazards associated with the employee's assigned job or task as well as general hazards associated with the workplace. All employee safety meetings and training will be documented.

B. Employees who do not attend regularly scheduled safety meetings or training will be identified and scheduled to attend makeup training at the supervisor's discretion. Documentation of makeup training will be made as well.

II. Special Training

A. Additional or specialized safety training will be conducted for the following areas as the need arises:

1. New equipment purchases
2. New/changes in operations
3. Identified areas of increased accidents
4. Newly identified areas of exposure

III. New Employee Safety Orientation

A. Department Directors/Managers, in conjunction with Human Resources department will provide an orientation to all new employees to address the hazards associated with his/her positions and will include a review of all safety rules, policies/procedures, and equipment that are applicable to the employee's area of assignment. New employees will be given an opportunity to ask relevant questions that may pertain to their assigned duties and safety. Documentation of the new employee safety orientation will be complete and maintained in the employee's personnel file.

B. New employees' work activities will be limited until the safety orientation is completed.

IV. Documentation of Safety Meetings & Training

1. Documentation from any formal meeting, 'tailgate' meeting, or training courses attended by employees, supervisors, or managers will also be maintained for recordkeeping purposes. Documentation should include the topic(s) covered, presenter information, and copies of any materials or handouts used during the training.

8.07 – Fall Prevention

Slips, trips, and falls constitute a large percentage of accidents and injuries in public entities. These procedures are designed to prevent hazardous conditions that could result in slips, trips, or falls.

I. Responsibilities

A. Supervisors

1. Conduct routine inspections to ensure all walking and working surfaces are free from potential slip, trip, and fall hazards.
2. Conduct safety training for employees who use ladders, scaffolds, or other elevated surfaces.
3. Conduct training in the use and inspection of fall prevention and fall arrest equipment.
4. Ensure proper ladders are used for specific tasks.
5. Provide adequate fall prevention and fall arrest equipment.

B. Employee

1. Maintain work areas free from potential slip, trip, and fall hazards.
2. Correct or immediately report potential slip, trip, and fall hazards.
3. Use proper ladders for assigned tasks.
4. Use proper fall prevention and fall arrest equipment as prescribed by policies.

C. Engineered and Administrative Hazard Controls

D. Although every effort is made to prevent slips, trips, and fall accidents, additional precautions should be taken to ensure all possible measures have been taken. These include:

1. Proper construction of elevated work surfaces.
2. Proper use of hand, knee, and toe rails, where required.
3. Proper design and use of fixed ladders and stairs.
4. Adequate lighting in all areas.
5. Training for all employees who work on elevated work surfaces.
6. Routine inspections of ladders, stairs, walking, and working surfaces.
7. Following housekeeping and cleaning requirements
8. Immediate addressing potential problem areas.

II. General Requirements

A. Housekeeping

1. All work areas, passageways, storerooms, and shop areas should be kept clean and orderly at all times.
2. The floor of every work area shall be maintained in a clean and dry condition as possible. Where wet operations are held, adequate drainage

8.07 – Fall Prevention

should be maintained, and non-slip mats or floor covering shall be provided.

3. Every floor, work area, and passageway shall be kept free of protruding nails, splinters, holes, debris, and stored items.

B. Aisles and Passageways

1. Aisles and passageways shall be kept clear and in good repair with no obstructions across or in aisles that could cause a hazard.
2. Where mechanical equipment is used, aisles should be of adequate width as improper aisles coupled with poor housekeeping, vehicle and foot traffic, can cause injury to employees, damage to equipment and materials, and can limit egress in the event of an emergency.
3. Changes in elevation, such as steps, curbs, and ramps, should be marked or highlighted with a stripe of highly-visible paint or other non-skid material to assist in the identification of the known trip and fall hazard.

C. Guarding Floor and Wall Opening, Runways, Stairs

1. Floor openings and holes, wall openings and holes, and the open sides of elevated work surfaces may create hazards as people may fall through the openings or over the side to the level below. Objects such as tools or parts, may also fall through holes and strike employees or damage machinery on lower levels.
2. Standard railings shall be provided on all exposed sides of a stairway opening, except at the stairway entrance.
3. Every open-sided floor or work surface located 4 feet or more above the adjacent floor or ground level shall be guarded by a standard railing on all open sides, except where there is an entrance to a ramp, stairway, or fixed ladder. A toe board shall be provided as well.
4. Guarding Stairways - Every flight of stairs, with four or more risers, shall have standard stair railings or standard hand railings.
5. Fixed Industrial Stairs - Fixed industrial stairs shall be provided for access to and from places of work where operations necessitate regular travel between levels.
6. Portable Ladders - The primary hazard associated with the use of a ladder is falling. A poorly designed, maintained, or improperly used ladder may collapse under the load placed upon it and cause the employee to fall.
7. Fixed Ladders - A fixed ladder is a ladder permanently installed or attached to a structure, building, or equipment. Fixed ladders with a length of more than 20 feet shall be equipped with a safety cage or ladder safety device. A 'cage' is a guard that is fastened to the side rails of the fixed ladder or to the structure designed to encircle the climbing space of the ladder for the safety of the person who must climb the ladder. Cages should extend a minimum of 42 inches above the top of the landing unless other acceptable fall protection is provided.

8.08 – General Rules for Motor Vehicle and Equipment Operation

I. General Provisions

A. Employees who are authorized to operate City of Celina vehicles or personally owned vehicles on City business, must have a valid Texas driver's license for the class vehicle they operate and must notify their supervisor immediately should the license be suspended or revoked.

B. All drivers of City of Celina vehicles must be familiar with and abide by all applicable state, federal, and local traffic regulations.

All drivers/operators shall be responsible for the proper care and use of vehicles and motorized equipment. This includes maintaining City of Celina vehicle/motorized equipment interiors and exterior, regularly servicing these items and reporting maintenance needs to the supervisor.

C. A driver/operator shall not permit any unauthorized persons to drive, operate or ride in or on a City vehicle. Riders shall not be allowed on running boards, tailgates, fenders, bumpers, atop cabs, on tow bars, or towed equipment. (Exceptions may include operator trainees and mechanics sharing operator positions.)

D. Where seat belts are provided, they shall be worn by all occupants. The size or operation of the vehicle or equipment does not excuse the operator from the seat belt requirement.

E. Unsafe and discourteous driving practices such as 'road-hogging', disregarding the rights of pedestrians, violating traffic regulations, and deliberate recklessness of any kind are prohibited.

Personnel should maintain three points of contact with mobile equipment when entering and exiting to help in maintaining balance if a slip occurs. Many injuries occur as a result of slips and using three points of contact will help control this exposure. In addition, the condition of the handrails, steps, etc. should be inspected regularly.

F. Except in emergencies, gasoline must not be carried inside passenger cars or the cabs of trucks. Gasoline shall be transported in approved safety containers and sealed tight to prevent the leakage of gasoline or gasoline vapors.

G. Garage doors must be opened for ventilation whenever a motor vehicle engine is running to help prevent the accumulation of carbon monoxide gas.

H. Keys shall be removed from unattended vehicles and equipment. Doors should be locked for security purposes.

I. Driving a vehicle under the influence of alcohol or any controlled substance will not be tolerated. Never attempt to perform work or drive a vehicle when you are impaired by alcohol, medication, or drugs, including over-the-counter or

prescription medications.

J. Picking up hitchhikers is dangerous and prohibited.

K. Driving is a full time job. Drivers should not engage in other activities, such as dialing a telephone, while operating a vehicle. The vehicle should be pulled off the road and stopped before performing these types of activities.

L. Driving at the maximum posted speed limit can be too fast for safety in some situations. The drivers of all vehicles must use good judgment and proceed at a pace suitable to conditions of the vehicle, road, traffic, and weather.

M. All vehicle cabs should be kept clean to reduce distractions to drivers and interference with the operation of the vehicle or equipment.

II. Backing

A. When possible, park so that backing is not required.

B. Extreme caution shall be exercised when backing any vehicle. If another employee is present, he/she shall act as a spotter to assist the driver in backing safely. Drivers shall stop immediately if they lose sight of the spotter.

C. Backup alarms are a useful warning device and should be used when possible, especially on larger vehicles and equipment that may severely restrict your view to the rear of the vehicle. If an alarm is not present, the operator should honk his horn to warn others of the moving vehicle.

III. Stopping on Roadways

A. When it is necessary to stop on the roadway, extreme caution shall be used.

B. A rotating beacon light shall be used, if so equipped. Tail lights/emergency flashers shall be used.

C. If work is in progress, traffic control devices shall be used in accordance with the Texas Manual on Uniform Traffic Control Devices, Part VI. Please see additional information in the respective departmental policies regarding vehicle/equipment us.

IV. Inspection of Vehicles and Equipment

A. Drivers/operator shall utilize equipment checklists to inspect vehicles and equipment to determine if they are in good operating condition *prior* to operating the vehicle.

B. The driver/operator shall determine that brakes are in good operating condition before using the vehicle or equipment. If brakes are not working properly, they must be corrected before use.

C. The driver/operator shall report all defects promptly. Items that affect safety shall be repaired prior to continued use.

D. For additional information, please refer to City of Celina and/or Departmental Vehicle Operator Standards.

V. Powered Carts & Low-Speed Vehicles

A. Powered carts and other low-speed vehicles (LSV) such as golf carts, 'Mules', 'Gators', etc. should be driven with special care. This classification of vehicle includes those which are electric-, gasoline-, or diesel-powered (LSV) and may or may not be licensed to operate on public roadways. Vehicles not licensed (registered) by the Texas Department of Public Safety as an on-road vehicle should not be driven on public roadways. The following operating rules apply to powered carts & LSV:

1. Only drivers authorized by the respective department and trained in the safe operation of powered carts and LSV shall be permitted to operate such vehicles.
2. All prospective cart or LSV operators must receive training before being allowed to operate a powered cart or LSV.
3. Operators and passengers shall keep arms and legs inside the cart or LSV at all times and shall not jump on or off of moving vehicles.
4. Powered carts or LSV shall be driven on facility vehicle traffic areas whenever possible. If a sidewalk must be used, the cart speed should not exceed that of the pedestrian traffic.
5. Carts or LSV which are capable of reaching 25 mph or higher must remain in facility vehicle traffic areas and should not be driven on the sidewalks or "pedestrian only" areas.
6. Operators shall be familiar with, and observe all established traffic laws.
7. Materials and equipment shall be properly secured so that they will not shift or fall off of moving carts or LSV.
8. Powered carts & LSV shall not be operated at night without properly working head and taillights.
9. Be extremely cautious while making turns and while driving on uneven surfaces to avoid tipping in carts.
10. Parking a powered cart or LSV should follow the same rules as a motor vehicle and is prohibited in the following areas:

8.09 – Back Injury Prevention and Material Handling

Back injuries are prevalent and continue to be one of the leading causes of on-the-job injuries in the workplace. The following procedures are designed to prevent injury and disability to employees; decrease lost productivity due to accidents and injuries; and, decrease costs associated with these types of injuries.

I. Common Causes of Back Injuries

Prolonged positions
Poor posture
Poor ergonomics
Improper lifting/lifting too much
Twisting while lifting
Reaching while lifting
Slips/trips and falls
Vehicle and equipment entry and exit

II. Safe Lifting Principles

The following steps should be taken prior to lifting, handling, or carrying materials:

A. Prior to beginning to lift or carry, check to ensure that the walkway is clear of all obstacles.

B. Carefully check the object's weight and center of gravity.

C. Face the object and get as close as you can with feet slightly apart and the head and neck facing forward. Grip the object firmly and hold it as close to your body as possible.

D. Bend at your knees, not at your waist.

E. Use your legs to bring you to a standing position, making the lift smoothly and under control.

F. Do not twist your body when lifting or lowering.

G. If necessary, obtain assistance in lifting heavy objects by utilizing additional personnel, power equipment, or other types of assistive lifting devices.

1. When two or more persons carry a heavy object that is to be lowered or dropped, there shall be a pre-arranged signal for releasing the load.

2. When two or more persons are carrying an object, each employee, if possible, should face the direction in which the object is being carried. Crouch or squat with the feet close to the object to be lifted; secure good footing; take a firm grip; bend the knees; keep the back vertical; and lift by bending at the knees and using the leg and thigh muscles. Employees shall

not attempt to lift beyond their capacity. Caution shall be taken when lifting or pulling in an awkward position.

H. Material shall not be thrown from place-to-place or person-to-person.

8.10 – Fire Prevention and Life Safety

I. General

These address specific exposures and prevention methods related to fire prevention and the life safety of employees.

A. Management Responsibilities

1. Ensure all fire prevention methods are established and enforced.
2. Ensure fire suppression systems such as sprinklers and extinguishers are periodically inspected and maintained in working order.
3. Train supervisors to use fire extinguishers for incipient (developing) fires.
4. Train employees on evacuation routes and procedures.

B. Supervisor Responsibilities

1. Closely monitor the use of flammable materials and liquids.
2. Train assigned employees in the safe use, storage, and handling flammable materials.
3. Ensure flammable material storage areas are properly maintained.

C. Employee Responsibilities

1. Use, store, and transfer flammable materials in accordance with provided training and policy.
2. Do not mix flammable materials.
3. Immediately report violations of this program to a supervisor.

II. Potential Hazards

Fire and explosion hazards can exist in almost any work area. Potential hazards include, but are not limited to:

1. Improper operation or maintenance of gas-fired equipment
2. Improper storage of use of flammable liquids
3. Smoking in prohibited areas
4. Accumulation of trash and debris
5. Unauthorized 'hot work' operations

A. Hazard Prevention and Control

1. All nonessential ignition sources must be eliminated where flammable liquids are used or stored. The following is a list of some of the more common ignition sources:
2. Open flames, such as cutting and welding torches, furnaces, matches, and heaters, should be kept away from flammable liquids. Cutting or welding on flammable liquids equipment should not be performed unless the equipment has been properly emptied and purged with a neutral gas, such

as nitrogen.

3. Electrical sources of ignition, such as DC motors, switches, and circuit breakers should be eliminated where flammable liquids are used, handled, or stored. Only approved, explosion-proof devices should be used in these areas.
4. Mechanical sparks produced as a result of friction should not be used near flammable liquids.
5. Static sparks generated as a result of static electricity. Every effort should be made to eliminate the possibility of static sparks including proper bonding and grounding of tools and equipment.

B. Removal of Incompatibles

Materials that can contribute to a flammable liquid fire should not be stored with flammable liquids. Examples include oxidizers and fertilizers stored near petroleum-based products.

C. Control of Flammable Gases

Generally, flammable gases pose similar fire hazards as flammable liquids and their vapors and many of the same safeguards also apply. Other properties, such as toxicity, reactivity, and corrosivity must also be taken into consideration as a flammable gas could produce toxic combustion products.

III. Fire Extinguishers

A portable fire extinguisher is the "first aid" device and is very effective when used while a fire is small. The use of an extinguisher that corresponds to the class of fire, by a trained person, can save both lives and property. Portable fire extinguishers must be installed in all workplaces, regardless of other firefighting measures. The successful performance of an extinguisher in a fire situation largely depends on the proper selection, inspection, maintenance, and distribution.

A. Classifications of Fire Extinguishers

Fires are classified into five general categories, depending upon the type of material or fuel involved. The type of fire determines the type of extinguisher to be used to extinguish it.

1. ***Class A*** fires involve combustible materials such as wood, paper, and cloth, which produces glowing embers or char.
2. ***Class B*** fires involve flammable gases, liquids, and greases, including gasoline and most hydrocarbon liquids, which must be vaporized for combustion to occur.
3. ***Class C*** fires involve live electrical equipment or materials near electrically energized equipment.

8.10 – Fire Prevention and Life Safety

4. ***Class D*** fires involve combustible metals such as magnesium, zirconium, potassium, and sodium.
5. ***Class K*** fires involve cooking fats and oils found in deep fat fryers or other cooking appliances such as solid fuel char-broilers.

In many cases, areas will be equipped with an 'ABC'-type extinguisher, which can be used for wide variety of common fires.

B. Location and Identification of Extinguishers

1. Extinguishers should be conspicuously located and readily accessible for immediate use in the event of a fire. Generally, extinguishers will be placed along normal paths of travel and egress. Wall recesses and/or flush-mounted cabinets should be used whenever possible.
2. Extinguishers should be clearly visible. In locations where visual obstruction cannot be completely avoided, directional arrows will be provided to indicate the location of extinguishers and the arrow will be marked with the extinguisher classification.
3. If extinguishers intended for different classes of fires are located together, they will be marked to ensure the proper class of extinguisher is selected. Classification markings will be located on the front of the shell above or below the extinguisher nameplate and should be legible from a distance of three feet.

C. Condition of Extinguishers

Portable extinguishers will be maintained in a fully charged and operable condition and kept in their designated locations at all times when not being used. When extinguishers are removed for maintenance, inspection, or testing, a fully charged and operable replacement should be provided.

D. Mounting and Distribution of Extinguishers

Extinguishers should be installed on hangers, brackets, in cabinets, or on shelves, no more than 42-inches above the floor.

Extinguishers should be distributed such that the amount of time required to travel to the extinguisher and back to the fire does not allow the fire to get out of control. Generally, the travel distance for Class A and Class D extinguishers should not exceed 75 feet; Class B extinguishers should not exceed 50 feet, due to the quick spread of flammable liquid fires; Class C extinguishers should simply be placed where they are likely needed, based upon the given hazards; and, Class K extinguishers are generally located within a proximate distance to the cooking areas in which they are designed to protect.

E. Inspection and Maintenance of Extinguishers

All extinguishers should be visually inspected on a monthly basis and tested and certified by a qualified service provider on an annual basis.

F. Use of Fire Extinguishers

In most cases, recalling the ***PASS*** acronym will help remember the four steps of safe extinguisher use.

Pull the pin (from the handle)
Aim the nozzle (at the base of the fire)
Squeeze the handle (to actuate the extinguisher)
Sweep the nozzle (from side-to-side)

IV. Fire Safety

A. Inspections
Supervisors and Managers are responsible for conducting workplace fire inspections as a part of the normal workplace safety inspection. These surveys should include observations of housekeeping issues and should specifically address proper storage of chemicals and supplies, unobstructed access to fire extinguishers and emergency exit or evacuation routes.

B. Emergency Exits
Every exit designated as an emergency exit should be clearly visible or the route to it conspicuously identified in such a manner that every occupant of the building will readily know the direction of escape from any point. At no time should exits or paths of egress be blocked.
Any doorway or passageway, which is not an exit or access to an exit, but which may be mistaken for an exit, should be identified by a sign reading "Not an Exit" or otherwise labeled as to the purpose (i.e., "Closet"). Exits and accesses to exits will be marked by a readily visible sign. Each exit sign (other than internally illuminated signs) should be illuminated by a reliable light source or phosphorescence.

C. Emergency Lighting

Emergency lighting in buildings, if equipped, should be tested at least monthly to ensure proper operational conditions in the event of an emergency. These tests should be completed in conjunction with the fire extinguisher visual inspections.

D. Evacuation Routes and Plans

1. Each facility shall design and post an emergency evacuation plan to allow employees and other to safely evacuate the building or affected area in the case of an emergency.
2. Should evacuation be necessary, proceed to the nearest exit or stairway and proceed to an area of refuge outside the building. Most stairways are fire

resistant and are often equipped with barriers to smoke if doors remain closed.

3. Do not use elevators. Should a fire involve the control panel of the elevator or the electrical system of the building, power in the building may be lost and you could become trapped in the elevator, potentially between floors. Also, the elevator shaft can become a flue, lending itself to the passage and accumulation of hot gases and smoke generated by the fire.

E. Fire Emergency Procedures

The following procedures should be followed in the event of a fire within a building:

1. Activate the nearest fire alarm, if equipped
2. Notify your supervisor, co-workers, and other occupants
3. Fight the fire only if:
    a. The Fire Department has been notified of the fire, and
    b. The fire is small and confined enough to its area of origin, and
    c. You have a way out and can fight the fire with your back to the exit, and
    d. You have the proper extinguisher, in good working condition, and know how to use it.
4. If you are unsure of your ability or the fire extinguisher's capacity to contain the fire, leave the area.
5. Leave the building and move away from exits, maintaining clear path for emergency operations.
6. Assemble in a designated area.
7. Report your safety to the appropriate supervisor or personnel.

V. First Aid

A. All injuries, regardless of severity, shall be reported to your supervisor.

B. Preplanning for a potential emergency situation is most valuable. All employees shall be aware of the medical services available and how to obtain them. Emergency phone numbers shall be posted in all work areas.

C. Where first aid kits are supplied, employees shall be familiar with the location, contents, and the instructions given with the first aid kit. Each employee shall learn how to use this equipment so they can render treatment when needed.

D. The contents of the first aid kits shall be inspected each month and expended items replaced. Personal medication shall not be kept in first aid kits.

E. Where the eyes or body may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided for emergency use.

F. Emergency eye wash and/or shower stations should be tested at least once per month to ensure proper working condition.

8.11 – Office Safety & Ergonomic Awareness

I. Office Safety

A. Employees shall walk cautiously up and down stairs and use handrails whenever possible.

B. Caution shall be exercised when walking around blind corners.

C. Desk drawers and file cabinets shall be kept closed when not in use.

D. Only one drawer of a file cabinet shall be pulled out at a time.

E. Boxes, chairs, buckets, etc. shall not be used in place of ladders.

F. The floor shall be kept clear of tripping hazards such as telephone cords, electrical extension cords, paper cartons, etc.

G. Employees mopping or waxing floors shall place warning signs to alert co-workers of the potential for slippery floors. In addition, all liquid spills shall be cleaned up immediately and signs put in place until the hazard is alleviated.

H. Material shall be stored on shelves in a manner to prevent falling; heavy objects shall be placed on lower shelves.

I. Hallways and aisles shall be kept clear of obstructions.

J. All emergency exits, electrical panels, fire extinguishers, and emergency equipment shall be kept clear of all obstructions.

K. Solvents or other toxic substances shall be used only with adequate personal protection or in well-ventilated areas. Material Safety Data Sheets (MSDS) should be accessible to all employees who are using these substances.

L. Employees shall not attempt to clean, oil or adjust any machine that is running. If the machine is not equipped with a starting switch that can be locked in the “off” position, it shall be disconnected from the power source.

M. Unsafe electrical cords, faulty equipment, or any other hazardous condition shall be reported and taken out of service until the repairs are completed.

N. Broken glass and other sharp objects shall not be placed in wastepaper containers.

II. Ergonomic Awareness

A. Work Stations, Desks, and Counter-Tops

1. Chairs should be easily adjustable and provide good lumbar support. If feet cannot rest firmly on the ground, a footrest may be provided. Chairs with a

8.11 – Office Safety & Ergonomic Awareness

five-point base are recommended due to the stability that is provided.

2. Sufficient leg room must be allowed for seated operators.
3. Position the monitor directly in front of the operator. The operator's eyes should be level with the top of the screen. Viewing distance between the user's eyes and the screen should be approximately 16 to 22 inches.
4. The equipment or sources of light should be positioned so that glare or bright reflections on the display screen are minimized.
5. Adjust the height of the chair and/or keyboard so that the shoulder-elbow-arm angle is approximately 70-90 degrees.
6. Keyboard heights and placement should be adjustable. Use a cushioned palm rest if needed to keep user's hands and fingers in the same plane as the forearm and avoid resting wrists and forearms on sharp table edges.
7. Work surface heights should range from 23 to 28 inches for seated work stations. In addition, your work area should be well organized with routine operations within easy reach and easily accessible.
8. Document holders should be placed adjacent to and at the same height as the display screen.
9. Operators should adjust positions frequently and get up and move around to help avoid fatigue.

B. Lighting, Noise and Heat

1. Adequate but not excessive heat should be provided during cooler weather.
2. Windows should be equipped with adjustable blinds.
3. Use task lighting where extra illumination is required.
4. Noise above 85 to 90 decibels (DBA) may be harmful to workers. When exposed to high noise levels, employees shall utilize hearing protection equipment to ensure proper working conditions.
5. Whenever possible, isolate noisy machines and equipment in a remote location.
6. Tailor work practices to prevent heat/cold-related disorders. Employees exposed to hot environments must know the appropriate medical steps to counteract life threatening situations such as hypothermia, heat stroke, heat exhaustion, and heat cramps.