



Personnel Policies &
Procedures Manual

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INTRODUCTION

001 Introductory Statement

The Employee Handbook is designed to provide information about working conditions, employee benefits, and policies affecting employment. These policies apply to all employees of the City of Andrews unless specified otherwise. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. It is your responsibility to review the manual and comply with the policies as well as all other rules, guidelines and regulations implemented in accordance with these policies.

It is important to understand that no Employee Handbook can anticipate every circumstance or question. Due to changes in state and federal employment laws, portions of these policies may be superseded by new legislation and it is the intent of the City to monitor and follow any such legislation. The City reserves the right to revise, supplement, or rescind any policy or portion of the Employee Handbook from time to time as it deems appropriate, at its sole and absolute discretion. When there are revisions, supplements, or other changes to the manual, managers, supervisors, and employees will be notified of such changes as these occur.

The language used in any statement, policy, or procedure herein, is not intended to create, nor is it to be construed to create a contract between the City and any one or all our employees.

Should you have any questions as to the interpretation or understanding of any policy, procedure, or practice, please visit the Human Resources Department.

Approval and Effective Date. This policy was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

002 Objectives of Policies

The objectives of the personnel policies are as follows:

- a. To promote good and uniform personnel practices and administration in the management of the City's human resources;
- b. To develop a program of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the citizens of the City;
- c. To provide compensation based upon individual merit and the relative duties and responsibilities of positions in the service of the City;
- d. To promote high morale by the consistent administration of these policies; and
- e. To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

003 Management Authority

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter. Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this manual; however, the final authority on personnel decisions shall be reserved to the City Manager.

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. The issuance of these policies and procedures 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. Policy administration rests with City management and City management reserves sole authority to interpret and administer City operations.

Individual City departments may develop and implement department directives, procedures, rules, regulations, and/or practices, which are separate from, or in addition to, the policies, procedures, and regulations listed in this manual. Any department directives, procedures, rules, and regulations shall not, however, be inconsistent with this manual.

Only the City Manager/City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager/City Council must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

004 Application of Policies

The Personnel Policies and Procedures Manual shall apply to all City employees, 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. The City reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

005 Amendment of Policies

This manual has been approved by the City Council of the City of Andrews, Texas. Amendments of substance require approval by the City Council. Operational changes to any policy, practice, or process will require approval by the City Manager. No City of Andrews supervisor is authorized to modify this manual for any employee or to enter into any agreement, oral or written.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

SECTION 1 GENERAL POLICIES

101 At-Will Employment

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. Although adherence to policies contained within this manual is considered a condition of continued employment, nothing in this manual alters an employee's at-will status and shall not constitute nor be deemed a contract or promise of employment.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

102 Equal Employment Opportunity

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment because of age, race, color, religion, sex, national origin, disability, pregnancy, genetics, veteran's status, or other unlawful basis, is prohibited.

The City may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. The City is prohibited from withholding or terminating contracts, licenses, or employment to persons or organizations based upon association or support of any religious organization. The City may not discriminate against any person who does not possess religious beliefs or engage in religious practices.

The City may not take any adverse action against any person based wholly or partly on the person's national origin, which includes the place of birth of applicant/employee or of their ancestors, the employee/applicant's ethnicity or accent and cultural characteristics closely associated with a national origin group.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

103 Americans with Disabilities Act

To ensure compliance with the Americans with Disabilities Act (ADA) and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability or perceived disability.

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The City will provide reasonable accommodation to the known physical (including the effects of a pregnancy or childbirth) or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position. Reasonable accommodation(s) will be made to permit the employee or applicant to perform the essential job functions as well as providing reasonable accommodation permitting access to the workplace. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City. The City will follow State law regarding accommodating pregnant Police Officers.

When an individual seeks accommodation, the city may request written documentation from any relevant professional who has knowledge of the employee's condition describing the impairment; the nature, severity, and duration of the impairment; the activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform certain activities. If the city requests documentation, and the individual seeking accommodation does not provide the documentation or it is incomplete, the city may require that the individual go to a health professional of the city's choice, at the city's expense. The City may require a medical examination of an employee whose behavior in the workplace is troubling to the City such that the employee is unable to perform the essential functions of the job.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources. The essential functions of each position are contained in the Job Description, which may be updated periodically.

The City shall provide the employee requesting an accommodation a written response outlining the accommodation to be provided or the reason why the requested accommodation cannot be granted.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact their immediate Supervisor, Human Resources, the City Manager or designee.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

104 Personnel Files

Human Resources shall maintain the official personnel files for all City employees including such information as the employee's job application, resume, performance evaluation forms, personnel action forms, and other employment records.

104.01 Restrictions and Confidentiality

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

and management personnel of the City who have a legitimate reason may review information in a file. Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

104.02 Employee Access to File

An employee may request to review their personnel file by submitting a written request to Human Resources. A meeting will then be scheduled for that employee to review their employee file in the presence of the Human Resources staff. The employee may review the files and take notes or request copies of select pages but shall not add or remove anything from their personnel file at that time.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

104.03 Information Update

Division Directors are responsible for providing the Human Resources department with all necessary employee records associated with good personnel management for their department. Such records shall include, but not be limited to, certifications, performance reports, counseling records, and all types of disciplinary action.

It is the responsibility of each employee to notify Human Resources within thirty (30) days any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact, and family status (births, deaths, marriage, divorce, legal separation, and change in dependents). This information will be added to the employee's personnel file. Forms are available in Human Resources to change address for payroll, medical insurance, and the Texas Municipal Retirement System (TMRS).

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

105 Confidentiality of Medical Information

Federal law 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. Human Resources maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

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- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Human Resources. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected 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.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

SECTION 2 EMPLOYMENT

201 Recruitment & Selection

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. Other qualifications being equal, applicants who live inside the corporate city limits of the City of Andrews will be given preference to those living outside the city limits when appointments to City positions are being made.

201.01 Authority for Employment Hire

The hiring authority for all City positions shall rest with the City Manager except as otherwise provided by City policy, state law, or City Ordinance. The City Manager may delegate such authority to the Division Director for those positions under his/her supervision.

“Neither the Council nor any of its members shall direct the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates. Except for the purposes of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.” [City Charter, Article II. Section 20]

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

201.02 Recruitment Requirements

Only those vacancies allocated in the annual budget or new positions authorized by the City Council shall be filled. The Division Director shall notify the City Manager immediately when a vacancy occurs in their respective department. Upon approval from the City Manager, the Human Resource department shall publicly announce by appropriate means all job vacancies. Vacancies may be filled through public announcement, promotions, transfers, demotions, or reinstatement.

Evaluation of Job Description. When a vacancy occurs, the hiring Department Director shall carefully evaluate the job description of the open position to determine if there have been any significant changes to the essential job functions, experience, and/or educational requirements.

Advertising of Vacancies. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted simultaneously with an internal posting. Human Resources will work with the hiring Department Director or designee to determine the most effective media to utilize for advertising. All advertising must be approved by either Human Resources or the City Manager. Advertising will be paid for out of the hiring manager's department budget.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.

201.03 Applications

Anyone seeking employment or reemployment with the City must complete and submit an official City application for the position desired. Current City employees must notify Human Resources in writing their desire to be considered for an open position. All information set forth on an application is subject to verification. **Employment applications of candidates shall be maintained by Human Resources for the retention period specified by the City's retention schedule.** Applications for employment will be considered by the hiring Division Director.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. **The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.**

201.04 Hiring Process

Applicants for employment shall be required to submit to an oral interview and may be required to submit pre-employment testing, criminal background investigation, and a credit check.

Upon selection of the final candidate, Human Resources will initiate the conditional offer and any required drug testing and/or physical examination. Upon successful completion of all required elements, Human Resources will contact the hiring manager to determine a desired start date and will complete all necessary paperwork and documentation to onboard the new employee.

No oral or implied hiring or compensation agreements that differ from written policy or authorized salary plans will be honored unless expressly authorized, in writing, by the Human Resources Department and approved by the City Manager.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. **The amended language in green print was approved by City Manager Steve Eggleston on November 18, 2021 and is effective January 1, 2022. It supersedes all previous policies.**

201.05 Disqualification

Applicants will be disqualified from consideration for one or more of the following:

- a. Failure to meet the minimum qualifications necessary to perform the duties for the position;
- b. If they previously worked for the City and were involuntarily terminated, or resigned in lieu of termination;
- c. If employment will result in a violation of the City's Nepotism Policy;
- d. Failure to meet minimum age requirement;
- e. False statements or material omissions on the application form or during the application process;
- f. Failing any of the City's background and employment requirements including, but not limited to, drug/**alcohol** testing;
- g. The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- h. The applicant is not legally permitted to work in the United States;
- i. The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or

- j. Any other reason deemed to be in the best interests of the City.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

202 Orientation Period

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an initial performance orientation period of 6 (six) months. The 6-month probationary period is extended for the full-time positions of Police Officer, Emergency Medical Technician, Paramedic, Fire Marshal, Building Inspector, and Code Compliance Officer until 6 months after completion of all, of any, academy and department training periods and the employee has been released to work without a trainer.

Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance orientation period of 6 (six) months. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees. The orientation period may be extended for additional training as determined by the Department Director.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the 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 the orientation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

202.01 Seasonal/Temporary Employees

Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated at any time.

202.02 Change In Assignment of Employee serving in the Initial Orientation Period

Employees serving in the orientation period may not request or make an application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from the City Manager, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a 6 (six) month performance orientation period in the new position beginning with the date of the position change.

202.03 Absences During Performance Orientation Period

During the performance orientation period, an employee is eligible to use sick leave for qualifying absences and may use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the performance orientation period may be used as approved per established City/departmental policy or practice. Transferred or promoted

employees serving in the orientation period retain eligibility for all types of leave established by City policy.

202.04 Orientation Performance Evaluations

All employees serving in the orientation period shall be constantly evaluated by the Department Director or designee. During the orientation period, the Department Director or designee should advise the employee of satisfactory or unsatisfactory progress and recommend areas for improvement if needed. Prior to completion of the probationary period, a written performance review will be completed to indicate whether the employee is meeting expectations, whether the employee has successfully completed the probationary period, and a recommendation to retain or terminate the employee. The Department Director will provide the employee and the Director of Finance and Administration with a copy of the written performance review.

202.05 Extensions to Orientation Period.

The performance orientation period may be extended under the following circumstances:

- At the end of the 6 (six) month initial period, the performance orientation period may be extended for up to an additional 3 (three) months when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed. Such an extension will be at the sole discretion of the Department Director and the City Manager.
- An orientation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the orientation period will normally extend the 6 (six) month orientation period by an additional day.

202.06 Successful Completion of Orientation Period/"Regular" Status Granted

Employees have no guarantee of employment either during or after their orientation period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the orientation period will be retained as regular employees. An employee is granted "regular" status in the new position if the employee satisfactorily completes the performance orientation period.

202.07 Failure of Orientation Period

An employee is considered to have failed the orientation period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the

City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by the City Manager before an employee serving in the orientation period can be terminated.

202.08 Termination of Employees Serving in the Orientation Period

All employees of the City including those serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who is terminated is not eligible to utilize the appeals process outlined in Section 603. Employees serving in the initial orientation period are subject to all policies and procedures of the City with the exception of appeal rights.

Approval and Effective Date. This policy was approved by City Manager Steve Eggleston and City Attorney Matt Wade on January 2, 2024, and is effective January 2, 2024. It supersedes all previous policies.

203 Changes in Employee Status

203.01 Promotions

Employees are encouraged to make application for any vacancies occurring within the City for which they are interested and qualified. Open positions shall be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City. Promotions shall be made upon the recommendation of the Division Directors with the approval of the City Manager. Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

203.02 Demotions

[Future policy]

203.03 Transfers

[Future policy]

203.04 Re-employment

[Future policy]

203.05 Reclassification of Positions

[Future policy]

203.06 Reallocation of Classes to Pay Ranges

[Future policy]

203.07 Revised Job Descriptions

[Future policy]

204 Separations

204.01 Resignation

A written resignation to the Division Director giving at least a two week's notice is expected from an employee in order to leave in good standing. Any equipment, records, or uniforms in the custody of the employee must be returned in good condition prior to the employee receiving a final pay check. Upon the recommendation of the Division Director, accrued vacation and comp time will be paid to any employee terminating in good standing. Accrued sick leave and unused holiday time will not be paid to a terminating employee. An employee may not take vacation or comp time the last two weeks of his employment and leave in good standing without prior approval by the Division Director and the City Manager. Final checks will be issued on the 15th and 30th of the month after all necessary personnel paperwork has been handled (TMRS, insurance, etc.).

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

204.02 Retirement

The City makes a payment equal to one-half (1/2) of unused accumulated sick leave to a maximum payment for 360 hours to a retiring employee who retires under TMRS provisions. In addition, a payment is also made for 1/2 of permanent sick leave/extended illness to a maximum payment for 400 hours. Vacation time is paid in accordance with the policy for termination listed above. (All City equipment, records and uniforms must be returned prior to a final check being issued.)

Each employee retiring with a minimum of ten years of service under the provisions of TMRS shall have his name, department, and years of service engraved on a name plate and attached to the plaque of retired employees displayed in the lobby of City Hall.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

204.03 Dismissal / Termination

If an employee is terminated and not eligible for rehire, accrued vacation and comp time will be paid only upon the written recommendation of the Division Director and the City Manager. A final paycheck will be issued within two working days if the employee has completed final paperwork necessary for the Human Resource department. All City equipment, records and uniforms must be returned prior to a final check being issued.

EMPLOYMENT

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

204.04 Job Abandonment

[Future policy]

204.05 Long-Term Absence

[Future policy]

204.06 Incapacity

An employee may be separated for incapacity when the employee no longer meets the standards of fitness for the position, as determined by the City Health Officer. Separation for incapacity shall not deny the employee the use of accumulated sick leave or vacation.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

204.07 Reduction in Force / Reorganization

It may sometimes be necessary for the City to reduce its workforce in one or more areas due to a change in departmental needs or a lack of work or funds. Selections for termination due to a reduction in force will be made by job category and will include consideration of the job skills, past performance, and length of service of the employees involved. No regular full-time employee will be laid off in a department having temporary or part-time employees performing the same duties. An employee scheduled for layoff has the option of taking a lower-paying position for which they possess the necessary skills if the position is vacant.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

204.08 Death

If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

205 Employee Development

Every six months, at a minimum, every supervisor will meet with every full-time direct report to discuss, develop and assess progress in the areas of core values, professional development, and teamwork.

Employee Development Discussions

All full-time employees will have a formal Employee Development Discussion (EDD) with their supervisors at least every six months (March and September). All EDD's should be documented and submitted to the City Manager within one week of completion. All The discussion must include the following elements:

A. Employee's Demonstration of the City's Core Values

- i. The purpose of this discussion is hold all employees accountable to the City's Core Values.
- ii. Using the Core Values as a guide, the Supervisor should discuss with the employee any areas the employee needs to improve or work on. The Supervisor should clearly state his/her expectations.
- iii. Working with the employee, the Supervisor should identify ways the employee can improve to better fulfill the City's Core Values.
- iv. The Supervisor should share how the employee has improved upon the issues raised during the previous Employee Development Discussion.
- v. If the issue being discussed is more serous in nature, the Supervisor should either (1) conduct a follow-up Employee Development Discussion meeting before the next scheduled bi-annual discussion, or (2) begin the formal disciplinary action with a written warning.

B. Critical Development in the Employee's Present Position

- i. The purpose of this discussion is to identify areas the employee needs training or retraining in their current position and the plan for providing them that training.
- ii. The Employee should be encouraged to list areas in their current job they have never received training or need retraining.
- iii. The Supervisor should identify any additional areas the employee needs training or retraining.
- iv. Working with the employee, the Supervisor should identify the steps to be taken over the next 6 months to get the employee the training he/she lacks.

C. Development to Help the Employee Achieve Career Goals

- i. The purpose of this discussion is to understand the career goals of the Employee and discuss the steps necessary to achieve that goal.
- ii. The Employee should identify what their career goals are with the City – whether to stay in their current position and become exceptional or pursue more responsibility and/or a new role.
- iii. Working with the employee, the Supervisor should identify either (1) the skills the employee needs to develop or improve to be exceptional in their current position, or (2) the specific steps to be taken for the employee to take on more responsibility and/or assume a new role within the City.

Approval and Effective Date. This policy was approved by City Manager Steve Eggleston on March 1, 2020 and is effective March 1, 2020. It supersedes all previous policies.

SECTION 3 COMPANSATION & BENEFITS

301 Employee Classification and Pay

The City classifies employees for the purpose of employment status and benefit eligibility as follows:

Regular Full-time. Those employees on a scheduled workweek of a minimum of forty (40) hours, employed in a regular position. Employee is covered by Social Security, TMRS, group hospitalization, and eligible for deferred compensation and cafeteria plans.

Regular Part-time. Those employees on a year-around work schedule that is at least 1000 hours annually, employed in a scheduled part-time position. Employee is covered by Social Security, TMRS, and group health insurance.

Temporary/Seasonal Part-time. Part-time employees are used during extra heavy work schedules and are considered temporary. In a municipal operation, certain jobs exist which can best be filled on a part-time basis. See Chapter 6 – Employee Benefits for any benefits that may be offered to part-time employees. These positions may have any of the following variances from regular full-time employment:

- a. Recurring seasonal jobs. Example: School crossing guards or summer recreation employees.
- b. Year around jobs that require less than a 1000 hours per year.
- c. Student help.

Requirement for Summer Employees, Other than Swimming Pool:

- a. Be a college student or a high school student over age 16. Employees must be 18 or older to drive a city vehicle or operate equipment.
- b. Compliance with hiring, including drug screen, but not a complete physical examination.

Requirements for Summer Employees, Swimming Pool:

- a. Age 16 – Lifeguards
- b. Age 18 - Pool Manager and Assistant Manager
- c. Valid Red Cross Certificate of Water Safety or Advanced Life Saving Certificate.
- d. Compliance with hiring, including drug screen, but not a complete physical examination.

For purposes of overtime pay, employment positions are classified as “Exempt” or “Non-Exempt”, defined as follows:

Exempt employees. Executive, administrative and professional employees that are exempt from Fair Labor Standards Act overtime pay are the City Manager and the Division Directors. This classification is paid on a salary basis and is not eligible for overtime pay.

Non-exempt employees. All employees subject to Fair Labor Standards Act overtime pay not designated above as an exempt employee.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

302 Compensation

302.01 FLSA

[Future policy]

302.02 Compensation Plan

A classified salary schedule is approved by the City Council each year along with the budget. This schedule sets forth pay for position and experience level, as well as additional amounts for licenses and certifications earned. The salaries of exempt personnel are also established each year with the budget.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

302.03 Pay Periods

Pay periods end at midnight on the 12th and 28th of each month. Overtime pay is computed as of the 7th and 23rd of each month. Pay day is scheduled on the 15th and 30th of each month. If the pay day is scheduled on weekends or a stated holiday when City Hall is closed, then pay day will be the regular business day that is closest to the 15th and the 30th. (If regular pay day is on Saturday, pay day will be Friday and if regular pay day is on Sunday, pay day will be Monday). Advances are not given. If an employee wants to designate someone to pick up a paycheck, prior written arrangements must be made with the Human Resources office.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

302.04 Overtime

Overtime is authorized only when it is necessary to continue city services with jobs that cannot be held until the next regular business day. An overtime authorization form must be completed for any overtime. This authorization, available from Human Resources, should indicate the reason overtime was authorized and be signed by the supervisor in charge, as well as the Division Director. These overtime authorizations will be turned in to Human Resources attached to the time sheets each pay period. Each supervisor, in determining whether to ask an employee to put in overtime, must be able to answer “yes” to the question “is it really necessary?”

Non-Exempt Employees on forty-hour work week

Generally, overtime pay for non-exempt employees is at the rate of 1½ times the employee’s regular rate of pay for hours actually worked in excess of 40 in the City’s workweek. An employee’s regular hourly rate includes all pay incentives, such as longevity, certificate pay, etc. Holidays falling on an employee’s regularly scheduled work day will be counted as time worked in regards to overtime. Time off on account of vacation, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

302.05 Compensatory Time (Comp Time)

In lieu of overtime payment, compensatory time off may be accrued at the rate of 1.5 hours for each hour worked up to a maximum at any time of 80 hours. The City Manager and Division Directors are expected to put in whatever hours are necessary to complete their job assignments. Comp time will not accrue on an hourly basis to Division Directors, but may be granted by the City Manager to Division Directors as partial compensation for additional hours worked.

All comp time off must be scheduled with the Division Director, and when used in conjunction with vacation time, shall not exceed a combined total of eighty hours without prior written approval.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

302.06 Longevity Time

Regular full-time employees, except the City Manager, will receive \$4.00 per month for each year of service not to exceed twenty-five (25) years. This pay is in addition to all other wages and salaries received. With the approval of the City Manager and the Division Director, previous employment with other municipalities may be allowed, but not to exceed five (5) years.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

302.07 Certification Time

In addition to regular pay, certification pay may be available to employees receiving professional certification applicable to their job assignment. See Appendix I for the current list of qualified certifications and associated pay.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

302.08 On-Call and Call Back Time

Emergency Medical Service

The City provides for after-hour Emergency Medical Service (EMS) needs by allowing the public safety department to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to after-hour service needs as required by procedures established by their department.

Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

COMPENSATION & BENEFITS

Compensation. Designated Public Service employees receive \$25 per 8-hour shift for being on-call for Emergency Medical Services during scheduled days off, whether called out or not.

Police officers. On-call status is not considered time worked unless the employee actually responds to a call out. On-call employees called out will be paid at their regular rate of pay for actual hours worked.

Paramedics / Emergency Medical Technicians. Paramedics or Emergency Medical Technicians (P-EMTs) working 16 hour shift schedules are paid an additional 3 hours at their regular rate of pay for on-call duty. P-EMTs are guaranteed an additional 5 hours overtime pay if called out between 3 and 8 hours after their regularly scheduled working hours.

Example: Assuming an P-EMT's regular working hours are 7 a.m. to 11 p.m. (16 hours)

- Not called out: pay an additional 3 hrs at regular pay (19 hrs total)
- Called out between 11 p.m. and 2 a.m.: pay an additional 3 hrs at regular pay (19 hrs total)
- Called out between 2 a.m. and 7 a.m.: paid an additional 5 hrs overtime (19 hrs at regular pay + 5 hrs at overtime pay)

Part-time Paramedics or Emergency Medical Technicians. In addition to the \$25 per day for being on call and pay for time worked, part-time P-EMTs are paid a set amount for first responder runs depending upon the type and location of the run. First Responder rates can be provided by Human Resources.

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

Travel time to and from a call out is compensable in accordance with departmental policy.

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

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

Non-Emergency Medical Service

The vital nature of certain city services requires that some employees be available during non-scheduled time either to (1) ensure the continuity of water/sewer services or (2) protect public health and safety.

Department directors are responsible for ensuring any employee meeting all of the following criteria is designated as being in an "on call" status:

- The employee's presence and job skills may be required during the employee's non-scheduled time to ensure the continuity of vital services of the City.
- The employee is required to be at the job site and ready to work within 30 minutes of being called. All employees with City-issued phones or pagers are required to answer devices immediately.
- The employee is prohibited from participating in certain activities while on call. Examples of these activities may include prohibiting the use of alcohol or participating in activities that would prevent the employee from hearing/responding to their phone or pager.

COMPENSATION & BENEFITS

An employee is generally considered to be “on call” for an entire work week and will be paid as follows:

- Utility workers scheduled to monitor plant operations during evenings and weekends (“Call out 1” and “Call out 2”) will be paid an additional 10 hours each week at one and one-half times their regular rate. An additional 3 hours are paid for holidays. The 10 hours allows sufficient time for the employee to make required weekly rounds.
- All other employees in “on call” status will receive \$75 for each week on call.
- If the employee is called to duty while in “on call” status, the employee will be paid at one and one-half times the regular rate of pay for hours worked.

Employees exempt from overtime are not eligible for “on-call” compensation.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on February 26, 2019 and is effective February 26, 2019. It supersedes all previous policies.

303 Employee Benefits

303.01 Retirement

The City is a member of the Texas Municipal Retirement System, a cooperative organization of the Texas cities and towns formed and operating under the provisions of H.B. 166, Act of the 51st Texas Legislature (1949). The purpose of this system is to provide an adequate and dependable plan for the retirement of Texas municipal employees. Membership in the retirement system is mandatory for all regular full or part-time employees who are scheduled to work a minimum of 1,000 hours per year. The employee’s contribution to the system is 7% of gross salary. The City matches the employee’s contribution 2 for 1.

SEE TMRS HANDBOOK FOR DETAILED RETIREMENT INFORMATION.

When an employee quits and makes an early withdrawal from his TMRS retirement plan, the Internal Revenue Code imposes a 10% penalty which is reported and paid when the employee files an income tax return for the year. In addition, all the withdrawal is subject to federal income tax for the year of withdrawal.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.02 Social Security / FICA

All employees of the City are covered under the Federal Insurance Contribution Act (FICA). This type of government insurance provides for benefits for retirement, disability or upon death. This insurance is financed by social security taxes, which are paid through payroll deductions by the employee. The City contributes a matching amount on behalf of the employee.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.03 Unemployment Insurance

All employees of the City are covered under the Texas Unemployment Compensation Insurance program and the Federal Unemployment Tax Act (FUTA). This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee to finance this benefit.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.04 Employee Health Insurance

The City may offer, if economically feasible, medical coverage for all regular full-time employees. Medical insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by Council on an annual basis. Medical coverage will begin the first of the month, thirty days after the initial date of hire. Dependent coverage is also available, but the employee must pay the premium.

Group insurance for employees of the City of Andrews and their dependents is currently with Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP). The policy will be furnished to you by TMLIEBP upon acceptance of your enrollment.

Employees retiring from TMRS before age 65 may continue group coverage for themselves and their family at a rate that is 1.85 times the active employee rates. (Approved by City Council January 11, 1996) Employees retired from TMRS age 65 and over may obtain Medicare supplemental insurance with prescription card through the TMLIEBP. (Approved by City Council January 11, 1996)

Information on all plans is available through the Human Resource department.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.05 Group Health Continuation Coverage (COBRA)

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information

on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resource department.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.06 Basic Life and Accidental Death and Dismemberment Insurance

The City provides all full-time employees \$10,000 basic life insurance to help provide financial protection by promising to pay a benefit in the event of an eligible employee's covered death. Basic accidental death and dismemberment (AD&D) insurance provides an additional amount in the event of a covered death or dismemberment as a result of an accident. For accidental loss of life, the amount of insurance benefit is equal to the employee basic life coverage amount. For other covered losses, the amount of this benefit is a percentage of the basic life coverage amount.

For more complete details of coverage, contact the Human Resource department.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.07 Cafeteria Plan (Flex Plan)

Employees may also elect to participate in the Section 125 Flexible Benefits Plan that helps employees save money for medical and/or dependent care expenses. This benefit allows employees to deduct money from their paychecks on a pre-tax basis for medical and/or dental premiums for dependents, qualified out-of-pocket healthcare expenses not covered by insurance, and dependent care costs paid to daycare and elder care providers.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.08 Workers Compensation Insurance

In the event of an occupational injury or illness (as defined by Workers' Compensation Laws) all employees are covered in accordance with State Law.

Employees may elect to supplement Workers' Compensation injury payment up to the level of their normal weekly salary through the use of sick leave.

An employee must be absent for eight days to be eligible for workers compensation. A check is issued after the 14th day.

- a. If earnings are less than \$8.50 per hour, 75% of average weekly wage is paid.
- b. If earnings are more than \$8.50 per hour, 70% of average weekly wage is paid.
- c. After 26 weeks off, 70% of average weekly wage is paid.

Example: Worker is earning \$1,743 per month, \$402.23 per week or \$10.06 per hour. He is entitled to 70% of his average weekly wage or \$281.56 while on workers' compensation. He may request the City pay him for 12 hours sick leave (if he has accrued that much time) or \$120.72 each week. This will allow

him to make the same gross weekly wage he was earning prior to his injury. The employee's 7% contribution on \$120.72 to TMRS will be withheld from the employee's check each payday and remitted to TMRS along with the City's matching contribution. Since the employee's pension benefit may not be reduced while on workers' compensation, both the employer and employee shall pay into the pension fund on the amount of money by which his wage was offset pursuant to state law.

Since sick leave is often used in conjunction with workers' compensation, and an employee may be reimbursed either by workers' comp or an insurance company for the sick leave, the employee must determine whether he wishes to repay the City for the sick leave utilized and have it reinstated or keep the payment. If the employee wishes to have the sick leave reinstated, he must repay the City for the amount of the sick leave wages and benefits thereon. If the employee elects to not reinstate the sick leave, he is ineligible to receive hours from the Employees' Sick Bank for the total amount of sick pay hours and benefits (computed by use of pay rate per hour) he is not reinstating should he need additional sick pay hours for the same accident or injury.

If you are injured on the job or feel that you have an illness caused by your work, STOP WORKING, and report the condition to your supervisor immediately. Failure to do so promptly may disqualify you from benefits. An employee who has suffered an industrial injury or occupational illness will be permitted to return to work only when he has furnished to the City a doctor's statement that he is able to do so.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.09 Modified Duty Assignment

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the availability of other work assignments, the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond sixty (60) calendar days without an evaluation by the employee's treating physician and a recommendation from the Division Director to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the approval of modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation

indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

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

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means employees who work a non-traditional schedule will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Human Resource department will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Human Resource department.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.10 Education Assistance

A regular full-time employee who wishes to continue his education off-the-job in order to improve job qualifications, skills or knowledge directly related to his position with the City, may be eligible to have his tuition and mandatory fees paid by the City. Written approval, prior to taking the course, must be granted by the Division Director and the City Manager. Reimbursement will be made after successful completion (a grade of at least a C or comparable). A certificate of successful completion and receipt of payment must be submitted.

Since a prerequisite for City employment is a high school education, the City generally does not consider courses that are "remedial" or attempting to bring an individual to college level should be considered for educational assistance. Any exceptions will be considered on a case-by-case basis.

The City anticipates college level math, English, Spanish, chemistry, law enforcement, accounting, computer and business administration courses directly associated with the employee's current job will be considered for educational assistance. Educational assistance will be considered for a maximum of six hours per semester, and a maximum total of twelve hours for the calendar year.

A Request for Educational Assistance Form (Appendix III) must be completed and approved prior to enrollment in order to be reimbursed for any college courses.

In the event that a Division Director requests an employee attend a college level course, the Request for Educational Assistance Form must be completed. Since attendance is at the Division Director's request, upon proper completion, book cost will be paid in addition to tuition and mandatory fees.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.11 Certification Tests

The City will pay costs for original tests for any certification required for your job such as paramedic, water and sewer license, municipal court clerk, etc. If an applicant “qualifies” a test so that he/she only retests on a part of it, the City will pay for one “retest”. All costs for any testing beyond the original test and possible qualifying retest must be borne by the applicant (including travel).

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.12 Christmas Club

If the employee desires to save money for Christmas, the city will withhold a designated amount from each paycheck (up to \$100 monthly) and return the total to the employee just before Thanksgiving and the Christmas shopping season. Interest earnings are not paid and go toward the cost of administering the Christmas Club. Once an election has been made, it cannot be changed until the next year.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

303.13 Employee Assistance Program

[Future policy]

303.15 Payroll Deductions

[Future policy]

SECTION 4 ATTENDANCE, LEAVES & ABSENCES

401 Attendance and Work Hours

401.01 Work Week

The regular work week is forty hours and begins at 5:00 p.m. on Sunday and ends at 5:00 p.m. the following Sunday for all employees. Law enforcement employees as defined by Section 7(k) and 13(b)(20) of the Fair Labor Standards Act may have a work period of 28 consecutive days and a 171 hour maximum hour standard if approved by Administration and Council.

The Division Director is responsible for maintaining a complete and accurate record of employee attendance and reporting to the Finance department. Work schedules are maintained by the Division Directors to provide an adequate work force at all times, yet allow flexibility to the employee in scheduling time off. All overtime must be scheduled and approved by the Division Director.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

401.02 Absenteeism and Tardiness

No employee shall be absent from his regularly scheduled duties without authorization from the Division Director or other immediate supervisor. Employees absent for reasons beyond their control will be responsible for reporting their absence together with the reason thereof to the Division Director or supervisor as soon as possible after the beginning of their assigned shift or regular schedule of duties. All absences for periods in excess of five days must be approved by the City Manager. 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 and shall not be paid for the time involved. Being absent without leave constitutes abandonment of duties, which may result in dismissal.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

402 Breaks

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue and comply with applicable laws. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Supervisors are responsible for scheduling the time for employee breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

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Work breaks shall be taken at convenient times without leaving an employee's duties or telephone unattended. Breaks are not to be considered an employee's right, but a privilege. At no time will work breaks accumulate for later use or take precedence over the work situation on any given day.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

403 Paid Leave

403.01 Holidays

At a minimum, the following days will be observed as official holidays for City employees:

	HOLIDAY	DAY OBSERVED
1.	New Year's Day	January 1
2.	Good Friday	varies
3.	Memorial Day	Last Monday in May
4.	Independence Day	July 4
5.	Labor Day	1st Monday in September
6.	Thanksgiving	4th Thursday in November
7.	Day after Thanksgiving	4th Friday in November
8.	Christmas	December 25

If the holiday falls on Saturday, the preceding Friday shall be observed, and if the holiday falls on a Sunday, the following Monday shall be observed.

Hours Paid. Eight hours holiday pay will be paid to regular full-time employees. Regular part-time employees will be paid holiday pay for their normal shift hours on holidays.

Floating Holidays. In addition to the listed holidays, the City will award each regular full-time employee three (3) eight-hour personal floating holidays that may be taken any time during the calendar year after six (6) months of employment with the approval from their supervisor. The personal floating holidays do not carry forward to the next calendar year. Part-time employees do not qualify for floating holidays.

Working on Holidays. Since certain functions of city government must continue without regard to the holiday schedule, Division Directors will of necessity require some employees to work on a holiday. If a regular full-time employee is required to work on an official City holiday, he will receive holiday pay for the eight hours at regular pay and be paid the overtime rate of time and one-half for the hours worked on the holiday. If the employee desires to receive comp time in lieu of being paid for overtime hours at time and one-half, he may do so up to a maximum total accrual of comp time as set forth in Section 302.05. Regular part-time employees will be paid holiday pay for their normal shift hours on holidays and be paid the overtime rate of time and one-half for the hours worked on the holiday.

TCEQ requires the landfill to be open 5 days/week, even during weeks with holidays. Therefore, if a holiday falls on a Sanitation employee's scheduled day to work and the employee is asked to work on the

ATTENDANCE, LEAVES & ABSENCES

employee's regularly scheduled day off instead of the holiday, the employee will be compensated for the day worked at time-and-a-half and the scheduled holiday at 8 hours straight-time pay.

Ineligibility for Holiday Pay. Employees absent without authorized paid leave on the day preceding and following the holiday will not be paid for the holiday. Likewise, employees scheduled to work on a holiday and fail to work as scheduled, without an excused absence, will not be eligible for holiday pay.

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

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

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will receive holiday pay at their reduced worker's compensation hourly rate.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies. **The amended language in green print was approved by City Manager Steve Eggleston on July 13, 2015 and is effective July 13, 2015. It supersedes all previous policies.**

403.02 Vacation

The City of Andrews provides the vacation benefit in the belief that it is beneficial to the employee and the employer for an employee to take a vacation from his regular duties. Vacation time is accrued (earned) in one calendar year and taken after January 1 of the next calendar year. Vacation time is earned according to the following schedule by regular, full-time employees.

Employee with less than 10 years continuous service	80 hours
Employee with more than 10 years continuous service but less than 20	120 hours
Employee with more than 20 years continuous service	160 hours

Part-time employees (working year round) are entitled to one paid work shift absence per month worked to a maximum of 5 work shifts absence per calendar year. (In other words, one work week total per calendar year.)

Computation of Vacation Time. A new regular full-time employee is entitled to accrue 6.66 hours vacation for each full month remaining and worked in the current calendar year after he begins employment. These hours may be taken any time after January 1 following the calendar year in which employment began. On the January 1st after his employment, the employee will be entitled to begin accrual of a total of eighty (80) hours vacation if he works the entire 12 months of that calendar year. These hours may be taken any time after January 1st following the year the hours were earned.

At the completion of 10 years of service, an employee is entitled to begin accrual of ten hours vacation time for each full month worked after his anniversary date in that calendar year. At the completion of 20 years, an employee is entitled to begin accrual of 13.33 hours of vacation time for each full month worked after his anniversary date in that calendar year. On the January 1 following his anniversary date, the employee will be entitled to begin accrual of the full 120 hours or 160 hours of vacation.

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Normal work shift is determined by job designation. If the scheduled work shift is ten hours, then ten hours of vacation are used when off. The Division Director shall make the designation of any personnel who will have a normal work shift of more than eight hours. The Police Chief will designate law enforcement /EMS personnel who will maintain a 28-day work period. These designations will become part of the personnel record, and will remain in effect until superseded. (In other words, it will not change from week-to-week).

Scheduling Vacation Time. All vacation must be scheduled in advance with the Division Director. Vacation leaves should not involve or necessitate the use of extra or “relief” employees. Division Directors will arrange vacation schedules and re-allocate duties on such basis as to cause a minimum of interference with the normal functions and operations of this organization. Each employee is expected to cooperate fully so that all employees are allowed time off and the organization continues to function efficiently.

In order to provide adequate personnel on duty during the summer vacation months and to allow each employee opportunity to schedule vacation during the summer, no more than eighty (80) hours of vacation or a combination of vacation and comp time may be taken during the summer period of May 1 through October 1 unless prior written approval is obtained from the Division Director and the City Manager.

Unused Vacation Time. A maximum of 40 hours of unused vacation credit may be carried to the next calendar year. Any unused vacation time in excess of forty (40) hours will be carried as permanent sick leave. See Section 204 – Employment Separation for policies governing payment for unused vacation time at termination.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies. **The amended language in green print was approved by City Manager Steve Eggleston on January 30, 2023 and clarifies current and past practice.**

403.03 Sick Leave

Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured.

Eligibility. All regular, full-time and part-time (working year round) employees begin accruing paid sick leave the first day they work as a full-time or part-time (working year round) employee.

Accrual Rate. All regular, full-time employees shall accrue eight (8) hours sick leave per month of service. All part-time employees (working year round) may earn sick leave on the basis of one work shifts’ absence per month of employment. A regular or part-time employee shall accumulate sick leave for the month during which he is off sick providing any time is worked during that month. A work shift may vary in time from eight hours to twelve hours. Regardless of the length of the shift, an employee accrues eight hours sick leave per month and takes the amount of time he is absent from his scheduled shift as sick leave when he is absent from work because of illness.

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Maximum Accrual. The maximum sick leave time which may be carried over from year to year by any regular full-time employee shall be 720 hours. The maximum sick leave time which may be accumulated by any part-time employees (working year round) shall be twelve (12) work shifts.

Authorized Use of Sick Leave.

For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below). An employee shall not be entitled to sick leave when absent from work for sickness or disability purposefully inflicted or caused by willful misconduct or acquired as a result of another job.

For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. Use of sick leave for a member of the employee's household must be authorized by a Division Director or the City Manager. The illness should be serious enough to necessitate the employee's personal care or attention. The individual being cared for must normally live in the employee's residence (household). The individual being cared for must be the legal spouse, the natural or adopted child or grandchild of the employee or a dependent for IRS purposes that resides in the residence. A legally placed foster child may qualify. The employee may be required to furnish documentation establishing medical condition or legal status of individual in employee's household.

Sick leave may also be used by employees for their own and/or their immediate family's scheduled doctor and dentist appointments.

Minimum Increments. Sick leave must be reported in quarter (1/4) hour increments.

Failure to Report Absence/ Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Frequent claiming of benefits under this rule will constitute grounds for the assumption by the Division Director that the physical condition of the employee is below the standard necessary for the proper performance of his duties. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Division Director to work a second job. Exceptions to this policy must be obtained in writing from the Division Director and the Director over Human Resources. See Section 5.06 – Outside Employment.

Use of Other Leave. If approved by the Division Director (and in the case of Division Directors, by the City Manager), vacation may be taken if sick leave is not determined to be applicable. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Sick leave or emergency leave is not allowed on any holiday or regularly scheduled day off. If during an illness an employee has exhausted all available sick leave, vacation leave, comp time and permanent sick leave, the employee may request a leave of absence.

Documentation. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave for 3 or more consecutive workdays is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

Benefit Accruals. No benefits other than benefits that are statutorily required will accrue in any calendar month that the employee is on sick leave for the entire month. This will include but is not limited to vacation, sick leave, and holiday accrual.

Family and Medical Leave Act Leave (FMLA). Any absence that qualifies for both FMLA leave and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.

Sick Leave Bank. An optional Sick Leave Bank has been established for employees who may otherwise have to take leave without pay. The Employee's Sick Leave Bank policy is set forth in Appendix II.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

403.04 Bereavement Leave

Full-time regular employees are eligible to receive pay for funeral preparation and service. Division Directors may grant up to three working shifts to an employee who suffers the loss of an immediate family member. **For the purpose of authorizing bereavement leave, the term "immediate family member" is defined as current spouse, child, grandchild, parent, grandparent, brother, or sister, by blood or marriage.**

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

Upon the written request of the Division Director, the City Manager may authorize the use of additional emergency leave in case of unusual hardship. Employees who wish to attend funerals for other than immediate family **may do so if pre-approved by the Division Director and may use accrued vacation, compensatory time, or unpaid leave. If accrued vacation or compensatory leave is not available, the additional time may be approved without pay by the Division Director.**

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on June 1, 2023, and is effective June 1, 2023. It supersedes all previous policies.

403.05 Permanent Sick Leave / Extended Illness

Vacation hours earned but not used in excess of the forty hours that may be carried to the next year are carried as permanent sick leave/extended illness. These days may be used in case of the extended illness of the employee past use of other accumulated sick leave, vacation, holidays, and comp time. At retirement, a payment equal to 1/2 of unused accumulated permanent sick leave, up to a maximum payment of 400 hours, will be made to employees retiring under the provisions of TMRS. Permanent sick leave/extended illness may be taken for other extenuating circumstances, upon approval of a written request to the Division Director and City Manager.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

403.06 Military Leave

A leave of absence for reserve or active duty in the Armed Forces or National/State Guard, or for attendance at regular military encampment or cruise, and the terms of re-employment shall be governed by applicable state and federal laws.

DEFINITIONS

- A. **MILITARY LEAVE** - is defined as leave to be used solely for the purpose of fulfilling a military obligation that does not exceed fifteen (15) days.
- B. **EXTENDED MILITARY LEAVE** - is defined as the leave period beyond the standard fifteen (15) days in which an employee is fulfilling a military obligation.
- C. **INVOLUNTARY RESERVE ACTIVATION** (Order to active tour of duty) – is defined as being called to active duty and does not include voluntary activation.

PROCEDURE

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must submit a written request along with the official documents setting forth the purpose of the leave and, if known, its duration. The written request and official documents must be turned into Human Resources as far in advance of the leave as possible.

Military Leave – 15 Days or Less

Employees will receive pay at their normal base rate for up to fifteen (15) work days in a fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences. The paid leave days may be consecutive or scattered throughout the year.

Extended Military Leave – 16 Days or More

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All leave days beyond the fifteen (15) may be paid, at the employee's discretion, using accrued Holiday, Compensatory, or Vacation time. (Accrued sick leave may not be substituted.) The employee may also choose to take the remaining duty days as unpaid.

A supervisor who has an employee using military leave has no obligation to change the work schedule so that the employee receives a full forty (40) hours work. (i.e., if an employee's normal schedule is 8 to 5 Monday through Friday and the employee must miss Friday due to military duty, the supervisor does not have to let the employee work another day to make up the hours.)

The City has no obligation to pay an employee on military leave for training days that occur on a regular day off or outside of work time.

All employees using military leave should make arrangements for the disbursement of any pay received from the City during their absence. (i.e. Check Release Form for a relative or spouse.) This is the responsibility of the employee and no funds will be released without proper authorization.

LEAVE ACCRUALS

While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance (if applicable) while the employee is on paid military leave.

While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

MISUSE/MISREPRESENTATION

Misuse or misrepresentation of the use of military leave is a serious offense. This includes not returning to work on the next regularly scheduled workday/shift after completion of any military leave.

Filing of false military documents or orders for the purpose of receiving military leave is also a serious military offense and is covered under the Uniform Code of Military Justice (UCMJ). If any such documents are discovered the offense will be reported to the appropriate unit or command authority.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on March 1, 2020 and is effective March 1, 2020. It supersedes all previous policies.

403.07 Jury Duty, Testimony as Witness

All employees (full or part-time) will be excused from work with pay for whatever time is necessary up to a maximum of forty hours when they are called to jury service or subpoenaed by the court as witnesses in a court of law. Longer jury duty may be approved for vacation or leave of absence.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

403.08 Employee Volunteer Leave Policy

The City of Andrews encourages employees to actively engage in acts of community service. The Volunteer Leave Policy provides employees with paid leave to pursue volunteer opportunities in a variety of areas to give back to the community and build relationships with fellow city employees and residents.

Eligibility

Employees in full-time positions are eligible to receive up to twenty-four (24) hours per calendar year of paid volunteer leave. Employees are not eligible while on leave or a corrective action plan.

Guidelines

1. Paid leave is applicable to a variety of volunteer / community activities within Andrews County, including those not fully described within this policy.
2. Approval for participation in volunteer / community activities is solely at the discretion of the employee's direct supervisor. It is expected that an employee's involvement will not unduly impact the work unit. Paid volunteer time must be requested in advance and when possible, should be on a set schedule to help with the coordination of other work-related responsibilities.
3. In accordance with the Fair Labor Standards Act (FLSA), internal City of Andrews volunteer opportunities that directly relate to an employee's paid position are prohibited.
4. Employee volunteer leave will not count as hours worked for overtime purposes.
5. Paid volunteer leave may not be used for political or church related activities.
6. Use of employee volunteer leave under false pretenses and / or falsification of records shall be grounds for disciplinary action, up to and including termination.
7. All paid leave hours must be used within the City's fiscal year in which they are granted. Paid volunteer leave cannot be carried over into succeeding fiscal years. Unused volunteer leave has no cash value.
8. Paid leave cannot be used to extend an employee's termination date and must be used prior to an employee's last day worked.
9. This policy may be amended or cancelled by the City Manager. No part of this policy shall be interpreted to create a prevailing right for any employee. No part of this policy is subject to grievances under City policy.

Procedure

1. Interested employees must submit a Leave Request form (available in the Finance office) prior to volunteering to their immediate supervisor.

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2. Employee volunteer hours must be recorded on the employee's timesheet under "Other" and labeled "VL" for volunteer leave.
3. If an employee volunteers for a City-wide event that is outside of their normal work schedule or on the weekend, they still need to seek advance approval from their supervisor by submitting a Leave Request form.

Examples of Volunteer / Community Activities

1. City-wide Clean-up Days
2. City "Love Where You Live" Projects
3. City Adopt-a-Pet Events
4. Meals on Wheels
5. Keep Andrews Beautiful Events
6. School volunteer (field trip chaperone, room parent, etc.)
7. Chamber of Commerce events (concession stand at Christmas light show, Wild West Fest, etc.)
8. Volunteer work at a non-profit or charitable organization
9. Attending meetings as a board member of a non-profit or charitable organization

Approval and Effective Date. This policy was approved by the City Council on October 13, 2022 and is effective October 14, 2022. It supersedes all previous policies.

403.08 Paid Quarantine Leave

Pursuant to Texas Local Government Code Section 180.008, the City of Andrews hereby adopts this paid quarantine leave policy for emergency medical technicians, fire fighters and peace officers who are employed by, appointed by, or elected to the city and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

Definitions

- 1) "Emergency medical technician" means an individual who is:
 - i) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
 - ii) employed by the City of Andrews.
- 2) "Fire fighter" means a paid employee of the city's fire department who:
 - i) holds a position that requires substantial knowledge of firefighting;
 - ii) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
 - iii) performs at least one of the following functions:
 - (A) fire suppression;
 - (B) fire prevention;
 - (C) fire training;
 - (D) fire safety education;
 - (E) fire maintenance;
 - (F) fire communications;
 - (G) fire medical emergency technology;
 - (H) fire photography;
 - (I) fire administration; or
 - (J) fire arson investigation.
- 3) "Health authority" means the physician appointed under Chapter 121 of the Texas Health and

Safety Code to administer state and local laws relating to public health with jurisdiction over the City of Andrews.

- 4) "Communicable disease" includes, but are not limited to infectious respiratory diseases, such as Severe Acute Respiratory Syndrome (SARS), including the SARS-CoV-2 (coronavirus), pneumonia, measles, influenza, chickenpox and tuberculosis.
- 5) "Paid quarantine leave" means:
 - i) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the city; and
 - ii) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.
- 6) "Peace officer" means police officers licensed by the Texas Commission on Law Enforcement and employed by the City.

Quarantine Leave

- 1) A City of Andrews emergency medical technician, fire fighter or peace officer who is ordered to quarantine or isolate by the employee's supervisor, City Manager or the city's health authority due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave.
- 2) The employee will be required to quarantine at their residence unless the supervisor, City Manager or health authority requires lodging at another location. If the employee is required to obtain lodging outside of their residence the lodging may not be more than 15 miles outside the Andrews City limits unless (a) there is a declared emergency or extreme circumstances that prevent the employee lodging in such proximity and (b) the location is approved by the City Manager.

No Reduction in Compensation and Benefits

The City of Andrews will not reduce a emergency medical technician's, fire fighter's or peace officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

Approval and Effective Date. This policy was approved by the City Council on October 13, 2022 and is effective October 14, 2022. It supersedes all previous policies.

403.09 Mental Health Leave for Peace Officers

Pursuant to Texas Local Government Code Section 614.015, the City of Andrews hereby adopts this mental health leave policy for peace officers who experience a traumatic event while in the scope of employment.

Definitions

- 1) "Peace officer" means police officers licensed by the Texas Commission on Law Enforcement and employed by the City of Andrews in such a capacity.
- 2) "Traumatic event" means an event, or series of events, incidents, or circumstances, that is experienced by a peace officer during their scope of employment when they are involved in the response to, or investigation of, an event that causes the peace officer to experience unusually strong emotional reactions or feelings which have the potential to cause lasting adverse effects on their functioning and mental, physical, social, or emotional well-being outside of the typical setting for their position.

Traumatic events may include, but are not limited to, the following:

- i. Major disasters or incidents involving multiple casualties which may include weather-related events, explosions, search and recovery missions, shootings, or traffic accidents with multiple casualties;
 - ii. Line of duty death or suicide of a department member;
 - iii. Death of a child resulting from violence or neglect; and
 - iv. Officer(s) involved in the shooting of a person.
- 3) “Mental health professional” means a licensed social or mental health counselor, psychotherapist, psychologist, or psychiatrist.

Amount and Duration of Mental Health Leave

Peace Officers may receive paid leave for up to three (3) work shifts per occurrence subject to the following: the leave is ordered by the Chief of Police or a mental health professional. Paid leave may be extended up to five (5) work shifts with the approval of the Chief of Police, provided such need for leave is substantiated in writing by the employee’s treating mental health professional.

The employee’s leave will be compensated at 100 percent of the employee’s regular, straight-time rate. Mental Health Leave is not considered “hours worked” for purposes of overtime. Upon termination of an employee’s employment, the employee will not be paid for any unused Mental Health Leave for which the employee was or could have been eligible to receive.

Prior to returning to work, the City may request the employee to submit a medical release and/or submit to a Fitness for Duty examination as a requirement to return to work. If the employee is released to return to work by their healthcare provider and that release states that the employee is to continue with a form of mental health treatment, in order to ensure compliance with that treatment plan and ensure the employee’s continued ability to perform their duties in a safe and satisfactory manner, the City may require the employee to provide written confirmation of compliance from their healthcare provider.

Coordination with Other Policies

This Mental Health Leave Policy is administered concurrently with all other relevant City policies. Applicable employees on paid Mental Health Leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits, and eligibility for health benefit plan benefits for the duration of the leave. Paid Mental Health Leave will run concurrently with Family and Medical Leave (FMLA).

Approval and Effective Date. This policy was approved by City Manager Steve Eggleston on November 16, 2023, and is effective November 16, 2023. It supersedes all previous policies.

403.09 Voting Leave

[Future policy]

403.10 Administrative Leave

[Future policy]

404 Unpaid Leave

A leave of absence without pay (that is not covered by FMLA) for a reason acceptable to the City may be granted to regular full-time and regular part-time employees under justifiable circumstances, subject to the written approval of the City Manager. However, no leave will be granted under this rule for the purpose of enabling employees to accept temporary outside employment.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

405 Family and Medical Leave

An employee employed for 12 or more months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken, may request up to 12 workweeks of unpaid leave during any rolling 12-month period under the Family Medical Leave Act (FMLA) of 1993 for one or more of the following reasons:

- a. birth of a child;
- b. placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement);
- c. when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- d. when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

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

Also, a caregiver needing leave to provide care for an injured service member is eligible for extended Family and Medical leave. This benefit provides 26 workweeks of unpaid FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or next of kin caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active military duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

Procedure

- a. **Employee Notification.** An employee should give at least thirty (30) days notice for the need to take foreseeable family and medical leave. If the need is unforeseeable, as much notice as is practicable should be given. A form requesting family and medical leave is available in the Human Resource department. If it is determined the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date the employee provides notice to the City.

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- b. **Medical Certification.** The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will not use genetic information for any employment decision or action.
- c. **Department Notification.** Each department supervisor is responsible for notifying the Human Resource department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work related injury. An employee using sick leave should be reported to the Human Resource department if it is anticipated that the duration of the illness will be three (3) or more days or once the employee exceeds three (3) days of sick leave use.
- d. **Human Resource Responsibility.** The Human Resource department is responsible for central administration of all requests for family and medical leave. The Human Resource department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.
- e. **Approval.** An employee shall submit a request for family and medical leave through proper channels to the Division Director who will then forward it to the Human Resource department for approval. Confidential medical information that accompanies the application should be submitted directly to the Human Resource department.
- f. **Return to Work.** Upon returning to work after leave for his or her own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

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

Substitution of Paid Leave. The City requires the employee to use any accrued paid leave, such as vacation or sick pay as part of the 12 workweeks granted under FMLA. If an employee is off work due to a work related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave.

Effect on Married Couples. If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as

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long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

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

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

Holidays. Holidays will be paid in accordance with Section 403.01 - Holidays. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

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

Exempt Employees. Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Employees who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

Definitions for FMLA

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

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

Parent: A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under

the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

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

Twelve Month Period: The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

406 Inclement Weather / Emergency Closing

DEFINITIONS

"Essential" Employee is a City of Andrews employee who performs a service or activity that is or will be, at any time, necessary to ensure the safety and security of the public or the continued operation of City services.

Inclement Weather is severe or harsh environmental conditions that can include: snowstorms, ice storms, tornados, flooding or any unforeseen act of nature.

Standard Business Hours within City work locations are 8:00 a.m. to 5:00 p.m. Monday through Friday.

GENERAL GUIDELINES TO FOLLOW DURING INCLEMENT WEATHER

- All employees shall make every reasonable effort, consistent with personal safety, to report to work unless instructed otherwise.
- All employees will make a good faith effort to report to work on time. This includes, but is not limited to, allowing sufficient travel time and using alternate routes or alternate methods of transportation.
- In the event that an employee is unable to arrive at their workplace at their normal starting time as a result of inclement weather conditions, the employee must make every reasonable effort to call their supervisor within a half hour of their start time to advise that he/she is unable to report to work or will likely be late due to weather conditions.
- In the event that there is inclement weather, employees are advised to monitor local news, the City of Andrews' Facebook page, and communications from the City's Hyper-reach system for updated information.

ATTENDANCE, LEAVES & ABSENCES

- In the event that an employee is unable to report to their workplace as a result of inclement weather, but where City workplaces remain open, leave time may be flexed or charged to vacation or comp time. Non-exempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.
- Where a decision is made to close the City before the start of standard business hours due to inclement weather, employees are not required to attend work that day unless they have been pre-determined by their department as an “essential employee.”

CITY WORKPLACE CLOSURE DUE TO INCLEMENT WEATHER

A. Determining closures of City workplaces due to inclement weather

- i. The decision to close City-wide workplaces due to inclement weather will be made by the City Manager or his/her designee.
- ii. In the event of inclement weather, the City Manager may make a decision to close all non-essential City workplaces or to operate at a reduced level.
- iii. The City Manager’s decision will be based on a variety of information sources, including, but not limited to:
 1. Weather reports from the National Weather Service;
 2. Accessibility of local roadways and municipal parking lots;
 3. Reports of road and highway conditions in Andrews and Andrews County; and/or
 4. Closing of local schools, County offices or other businesses and services.

B. Communicating closures of City workplaces due to inclement weather

Every effort will be taken to make a decision regarding closures due to inclement weather and to communicate that decision before the start of the City’s standard business hours. The City Manager or his/her designee is responsible for communicating the closures as soon as practical. Below is a general guideline for communications that should be considered:

- i. Notify all Directors and the City Council via phone call or text message.
- ii. Send message via City’s communication tool to all residents and employees.
- iii. Request local television and radio stations broadcast closure information.
- iv. Post closure information on City’s Facebook page.

C. “Essential Employees”

- i. Each department is responsible for specifying which positions are essential in the event of a closure due to inclement weather.
- ii. Employees must be made aware of their status as essential in advance of an inclement weather event.
- iii. Where an employee who has been deemed essential fails to show up for work as expected during an inclement weather event, the employee will not be paid for the day and may be subject to disciplinary action.

D. Compensation

- i. All full-time non-exempt employees will be compensated for hours City workplaces were designated closed during standard business hours.
- ii. “Essential Employees” required to work during the hours the City workplaces were closed during standard business hours have the option to “comp” their hours instead of being paid according to D.i.
- iii. An exception to D.i. would be employees who had a leave pre-approved, and as such were not scheduled to report to their workplace on a day where a closure occurred. These employees will not have their leave day reinstated or be compensated as a result of the closure. This includes, but is not limited to, leaves such as vacation, comp time used, unpaid leaves of absence, or personal time.
- iv. Where an employee has requested the use of a leave day as specified in D.iii. due to inclement weather, and a decision is made to close or suspend the services of the City on the same day that the request was made due to the same inclement weather event, the employee’s initial request will be cancelled.

Employees who come to work during a closure will not be compensated beyond their normal rate.

Approval and Effective Date. This policy was approved by City Manager Steve Eggleston on March 1, 2020 and is effective March 1, 2020. It supersedes all previous policies.

SECTION 5 WORKPLACE RULES & POLICIES

501 Fair Employment

501.01 Sexual and Other Unlawful Harassment

The City is committed to a professional, respectful atmosphere and will not tolerate harassment on the basis of age, ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, sex, or sexual orientation.

Sexual Harassment. The guidelines of the Equal Employment Opportunity Commission define sexual harassment as unwelcome sexual advances, request for sexual favors and or other verbal or physical conduct of a sexual nature 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 working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

Other Prohibited Harassment. In addition to the City’s prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. 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.

Mandatory Reporting. Any employee who feels he or she is experiencing harassment on the job should report his or her concerns to his or her supervisor or to the City Manager.

Responsive Action. Upon being notified of possible harassment, the City will launch a prompt and thorough investigation to determine whether harassment has occurred or is taking place, and to stop such behavior where it does exist. Any person found to have engaged in harassing behavior will be subject to immediate disciplinary action, up to and including discharge.

Retaliation Prohibited. No employee will be disciplined or otherwise retaliated against for complaining about harassment. Any person found to have engaged in retaliation against an employee who has registered a complaint under this procedure or retaliation against any employee for assisting in the investigation of any registered complaint will be subject to immediate disciplinary action, up to and including discharge.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

501.02 Nepotism Policy

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that:

“No person related within the second degree of affinity or within the third degree of consanguinity to members of the city council or city manager shall be appointed to any office, position, or service in the City, but this provision shall not affect officers or employees who are already employed by the City at the time any officer who may be related within the named degree takes office.” [City Charter Art. X, §2]

In addition, relatives and members of the immediate family shall not be appointed to serve in positions in the same department. In general, the hiring of any person related to any employee of the City of Andrews within the second degree by affinity or within the third degree by consanguinity is discouraged and may be done only with the written approval of the City Manager.

During the course of employment should any two employees become related, both will be permitted to continue working for the City provided one does not routinely work in a supervisory relationship over the other. Should two employees become related and there exists a supervisory relationship between the two, the City may, but is not obligated to, find a suitable position within the City to which one of the employees may transfer. If unable to alleviate a situation involving a supervisory relationship, the City will require the employee with the least time of service to terminate his/her employment.

Consanguinity And Affinity Relationship Chart

OFFICER OR EMPLOYEE					
CONSANGUINITY <i>(Includes individuals related by blood to the Officer or Employee)</i>			AFFINITY <i>(Includes the Officer's or Employee's Spouse and individuals related to the Spouse)</i>		
First Degree	Second Degree	Third Degree	First Degree	Second Degree	Third Degree
Father or Mother	Grandparents	Great Grandparents	Spouse	Grandparents	Great Grandparents
Son or Daughter (& Spouse)	Grandchildren (& Spouse)	Great Grandchildren (& Spouse)	Father or Mother	Grandchildren	Great Grandchildren
	Uncle or Aunt (& Spouse)	Great Uncle or Aunt (& Spouse)	Son or Daughter	Uncle or Aunt	Great Uncle or Aunt
	First Cousin (& Spouse)	Children of Great Uncle or Aunt (& Spouse)		First Cousin	Children of Great Uncle or Aunt
	Nephew or Niece (& Spouse)	Second Cousin (& Spouse)		Nephew or Niece	Second Cousin
	Brother or Sister (& Spouse)	Children of First Cousin (& Spouse)		Brother or Sister	Children of First Cousin
		Grand Nephew or Niece (& Spouse)			Grand Nephew or Niece

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502 Professional and Ethical Conduct

502.01 Employee Core Values

[Future policy]

502.02 Ethics Policy

[Future policy]

502.03 Professional Decorum

The attitude and demeanor of a City employee, whether in public or private, should at all times be such as to promote the good will and favorable attitude of the public toward the City administration and its

programs and policies. Employees should be mindful that perception can supersede reality and they should avoid anything that gives the appearance of improper conduct.

The actions of one employee impact the credibility of all other employees either in a positive or negative manner. Employees should always strive to conduct themselves in a positive manner. If an employee is uncomfortable with any decision or contemplated action, he/she should seek guidance regarding the propriety of the action. Similarly, if employees become aware of known or suspected wrongdoing on the part of another employee they should report that action or activity to their supervisor, their Division Director, the Human Resources Department or the City Manager immediately.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.04 Rules of Conduct

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- a. Theft, abuse, or deliberate destruction or defacing of property not belonging to the employee.
- b. Attempting to coerce an employee to join or resign from an employee association or organization by means of threats, intimidation, or abusive conduct.
- c. Falsification of City records, such as employment applications, time sheets, expense reports, etc., or the reason for any employee's absence from work.
- d. Discourteous or abusive conduct toward members of the public.
- e. Revealing, without authorization, confidential information obtained in the course of employment, including confidential City records.
- f. Fighting or gambling in any form on work premises.
- g. Knowingly completing another employee's time card or time sheet (except with appropriate supervisory authorization).
- h. Tampering with or using fire equipment for purposes other than fire prevention.
- i. Commission of any crime while on duty or on City premises or vehicles.
- j. Possession of unauthorized weapons or explosive materials on City premises or vehicles. A license to carry a concealed handgun does not authorize the carrying of a weapon during the conduct of your employment.
- k. Acceptance of any commission, kickback, discount, or other thing of value from persons or companies doing business with the City.
- l. Insubordination (refusal or deliberate failure to follow a reasonable, specific instruction of, or abusive conduct toward a supervisor).
- m. Racial, religious, sexist or ethnic slurs or remarks.
- n. Leaving work during working hours without the permission of the immediate supervisor.
- o. Carelessness or negligence which results in the destruction or damage of property not belonging to the employee or endangers life or property.
- p. Participation in horseplay or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, including the use of abusive, profane, or threatening language.

- q. Careless or inefficient performance of duties, including failure to maintain proper standards of work performance.
- r. Malicious gossip or false accusation which tends to destroy friendly relations between the City and its employees or between employees.
- s. Failure or refusal to cooperate with fellow workers.
- t. Operation of City vehicles without possession of valid and/or proper operator's license or failure to maintain satisfactory driving record.
- u. Misappropriating City funds, property or assets.
- v. Being under the influence of drugs or intoxicating beverages while on duty or on call.
- w. Allowing your badge, identification card or insignia to be used or worn by any other person not authorized to use or wear the same.
- x. Dishonesty by lying, giving false information, or making false reports.
- y. Failure to report occupational injuries or accidents promptly to the employee's supervisor, including motor vehicle accidents in a City vehicle.

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

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.05 Arrests, Confinements, and Indictments

[Future policy]

502.06 Conflicts of Interest

As a public servant, City employees are held to the highest standard of ethical conduct. Consistent with this public trust, City employees may not:

- a. use their official positions to secure special privileges or exemptions for themselves or others;
- b. grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group;
- c. disclose, without proper authorization, confidential information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information for their own personal gain or benefit, or for the private interests of others;
- d. engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to them in the course of their employment with the City, or reflect discredit upon the City, or in which their employment with the City will give them an advantage over others engaged in competition with the employee's personal business or vocational pursuits;
- e. represent, directly or indirectly, or appear on behalf of private interests before any agency of the City or any City board or commission, nor shall they represent any private interest in any action or proceeding involving the City nor shall they accept a retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies;
- f. use City supplies, equipment, vehicles, or facilities for any purpose other than conducting official City business – unauthorized use for personal reasons may result in dismissal;

- g. have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee; or
- h. carry on your person or in a city vehicle a concealed weapon authorized by the Texas Concealed Handgun Law (VTCS Art. 4413 (29ee)) during the conduct of your employment. Only the police chief, with the concurrence of the City Manager, may authorize the carrying of any weapon.

The foregoing list of prohibited activities is not all-inclusive. Any activity violating the public trust is prohibited.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.07 Solicitation

Consistent with maintaining public trust,

- a. the City or any department of the City may not endorse or participate in any solicitation set up through a promoter unless it is expressly authorized by the City Manager or by action of the City Council;
- b. no city employee or employee group may participate or be associated with any fund raising event or activity that implies endorsement or sanction by the City of Andrews;
- c. employees may not solicit other employees or citizens while working (“working” is all times when an employee is engaged in work tasks, but does not include an employee’s own time such as lunch breaks, scheduled breaks, and before or after work); and
- d. solicitation for goods or services at counters or any location where customers are present is prohibited.
- e. City bulletin boards are provided for promoting items of public interest to the citizens of Andrews. City management reserves the right to remove any literature deemed to be inappropriate at any time.

In some instances, the City may consider the collection of money for particular causes or collecting money for gifts for special events as appropriate. Such approval must be granted by the Division Director or the City Manager. No employee shall be required to make any contribution or shall be penalized or rewarded in any way in connection with their employment according to their response to the solicitation.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.08 Acceptance of Gifts / Gratuities

It is considered a potential conflict of interest for any employee to accept or solicit any gift of more than nominal value (generally \$50 or less unless occurring on a continuing and frequent basis) that might reasonably tend to influence that individual in the performance of official duties or that the official or employee knows or should know has been offered with the intent to influence or reward official conduct. The prohibition does not apply to products or items to be used in an officially recognized activity of the City or department sponsored services, products or items offered to all employees (such as a basket of fruit, nuts or candy sent to the department for distribution to all employees), promotional items prepared for distribution to the general public, or public donations in conformance with City Council approved policies.

Employees should direct questions regarding any possible conflict of interest to their Division Director or the City Manager.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.09 Outside Employment

Employees of the City of Andrews must consider their job with the City as their primary job, and may not carry on any private business or undertaking which affects the time or quality of their work. Moonlighting or working a job outside employment with the City is not prohibited, but each employee must be available for service at any time. Employees may not conduct outside employment in the uniform of the City of Andrews. (Vacation/comp time may be utilized for a temporary job provided that the time away from the City is properly scheduled and approved in advance of the time off.)

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Division Director and the City Manager.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.10 Dress, Appearance and Uniforms

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business.

The following general guidelines will help define day-to-day acceptable appearance and attire:

- a. Clothing, whether City-owned or authorized uniforms or personal clothing furnished by the employee, should be clean, pressed (if applicable), in good repair and fit appropriately. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest, back, shoulders, or buttocks areas. Revealing attire and/or attire that would expose undergarments should never be worn. Clothing should be free of sexually related references, foul language, or any offensive material of any kind, and should not suggest or promote the use of alcohol or illegal drugs.
- b. No visible tattoos. Employees who have tattoos must attempt to keep them covered with a shirt, pants, skirt, socks, hosiery, or other clothing.
- c. Female employees may wear a matching set of earrings (one in each ear). All other body piercing must be covered and not visible.

- d. Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times.

Each Division Director may set additional personal appearance standards appropriate for his/her division.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.11 Media Requests

Employees should refer any requests for information or interview regarding the City of Andrews by the news media (i.e. newspaper, radio, TV) to Division Directors or the City Manager unless previously requested to furnish the information to the media by the Division Director or the City Manager. Division Directors will always be available to handle media requests.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

502.12 Political Activity

The City recognizes the right of every City employee to participate, or to not participate, in political activities and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. However, in order to maintain the public's trust and confidence in their public institutions and ensure that the City's functions and operations are not impaired and continue to run smoothly, employees shall not use their City employment or official position for or against any candidate for public office and shall not use their employment or official capacity to interfere with the election process or engage in any political activity while on duty or while officially representing the City. Specifically, no employee shall, either during his/her working hours, while in uniform, on City owned property or with City property:

- make a public political speech supporting or opposing a candidate;
- distribute any political literature relating to the campaign of a candidate;
- wear a campaign button or other similar device for or against any candidate;
- solicit campaign contributions or votes for a candidate;
- display any political place card, bumper sticker, or other sign, other than official City of Andrews markings, on any City-owned vehicle or equipment, or on any City-owned property; or
- solicit any other employee to engage in any prohibited act.

Additionally, regardless of whether the employee is on duty or outside of working hours, no employee shall:

- use the employee's position or office to coerce political support from employees or citizens;
- use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office;
- do any act or thing, or make or issue any statement that could be reasonably interpreted as being an endorsement by, or statement of the position or policy of the City in favor of or in opposition to any candidate or measure; or
- take any part in the management, affairs, or political campaign of any candidate for the City Council.

No employee shall be required to assist or oppose the candidacy of any person for any elective office including elective office of the City of Andrews, or the advancement or opposition of any measure. Furthermore, the City will not tolerate any form of harassment or retaliation by any employee against another employee based on how an employee chooses to participate or not to participate in the political process or the candidate(s) that an employee chooses to support or not support.

No employee of the City shall hold any elected office of the City of Andrews.

No employee of the City shall hold any office of any governmental entity, whether appointed or elected, regardless of whether such office is with or without remuneration, and where such office would constitute a conflict of interest with their employment with the City, would unreasonably interfere with the employee's performance of his/her duties with the City, or would contravene the laws of the State of Texas or the United States.

No employee may serve as a member of a City board or committee in a capacity other than ex-officio or as staff liaison, unless appointed to an ad hoc committee by the city council or city manager.

Nothing contained herein shall be construed as preventing or discouraging an employee from running for public office or from seeking appointment to a public office. However, depending on the circumstances which include, without limitation, the office being sought by the employee and applicable federal or state law, an employee might be required to:

- have their responsibilities and duties reassigned during the election; and/or
- upon election or appointment or upon taking the oath of office, the employee may be required to resign or otherwise have their employment with the City terminated.

Approval and Effective Date. This policy was approved by the City Council on January 6, 2022 and is effective January 7, 2022. It supersedes all previous policies.

503 Health & Safety

503.01 Employee Safety

[Future policy]

503.02 Fitness Requirements

It shall be the responsibility of each employee to maintain the standards of fitness required for performing their job. The Division Director may require an employee to submit to an examination by a City-approved physician when it appears that the physical or mental condition of an employee may prohibit them from adequately performing the duties of their job or constitutes hazard to persons or property. The employee will be required as a condition of continued employment to authorize the physician to disclose the results of the examination to appropriate City officials. The employee shall be granted administrative leave for the time required for such an examination, which shall be conducted without expense to the employee and shall be for the sole purpose of determining their condition relative to the requirements of the job. The examining physician shall make a recommendation as to whether the employee should be continued in the job, be granted sick leave, vacation, or leave without pay in which to improve their condition, or be

transferred or terminated. This recommendation must be approved by the Division Director and the City Manager.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

503.03 Weapons Control and Violence Prevention

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 do occur.

Zero Tolerance. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

Weapons Control. Unless specifically authorized by the police chief, with the concurrence of the City Manager, no employee, other than a City licensed peace officer, shall carry (either openly or in a concealed manner) any firearms or other weapons while on the company's premises, while at client work locations on company business, while in company vehicles, or while acting as a company representative at any work-related activities, meetings, or functions. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

The Police Chief, with the concurrence of the City Manager and the approval of the City Council through this policy, may allow the carrying of concealed handguns by any employee meeting all the following requirements:

1. Maintains a current license to carry a concealed handgun, in accordance with Texas law;
2. Initially completes a minimum of 8 hours additional handgun training pre-arranged and pre-approved by the Chief of Police and the City Manager.
3. Completes annual refresher training approved by the Chief of Police and the City Manager.

In the interest of safety, a City department head may prohibit an employee from carrying a concealed weapon while holding a certain job position or performing a specific work assignment.

An employee shall not carry any weapon in the workplace or on City business while drinking alcohol, while under the influence of alcohol or drugs, or while taking any medication that may impair an employee's motor skills or judgment.

"Concealed handgun" means a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person. Any employee who carries a concealed weapon in the workplace must keep the weapon within his or her possession at all times. Employees are not allowed to leave such weapons unattended, for example in a desk drawer, and are not allowed to give the weapon to any other individual. Weapons stored in vehicles must be kept out of sight in a locked and secure location. Only

frangible ammunition, or hollow-point ammunition, designed to reduce ricochet hazard, if commercially available, shall be permitted in firearms authorized to be on City property.

Mandatory Reporting. Each City employee must immediately notify his/her supervisor, Division Director, the Human Resources department and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Division Director and the Human Resources department.

Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resources department 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 is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Division Director and the Human Resources department of any protective or restraining order issued against them.

Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

City Property. For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources department and/or the Police department.

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

Approval and Effective Date. This policy was approved by the City Council on January 28, 2016 and is effective January 29, 2016. It supersedes all previous policies.

503.04 Smoking and Tobacco Products

The City of Andrews is a smoke-free organization. No smoking is allowed while on the job (except while on break in an authorized outside smoking area), in city facilities, vehicles or while using city equipment. Use of smokeless tobacco will be done in a sanitary manner. An employee may not make any public contact while smoking or using smokeless tobacco.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

504 Drug Free Workplace

504.01 Drug Free Workplace Policy

It is the policy of the City of Andrews that employees shall not report to work or be on call under the influence of alcohol or drugs, possess (while on duty or on call), sell, or provide drugs or alcohol to any other employee or to any person while such employee is on duty. It is also the policy of the City of Andrews that employees shall not have their ability to work impaired as a result of the use of alcohol or drugs.

Employees reasonably suspected to be under the influence of alcohol or drugs shall be prevented from engaging in further work of any sort and will give the City cause to subject them to immediate testing (see Section 504.02 – Substance Abuse Program & Policy).

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

504.02 Substance Abuse Program & Policy

INTRODUCTION

The City recognizes that drug and alcohol abuse ranks as one of the major health problems in the world and adversely affects an employee's performance and safety on the job. Therefore, it is necessary and required by law for the City to provide a drug-free working environment for its employees.

It is the City's intention to comply fully with the DOT's (Department of Transportation) regulations governing drug and alcohol use and testing, and these requirements have been incorporated into this Policy. In the event federal and state regulations are amended, this Policy and the applicable terms, conditions and/or requirements of this Policy shall be deemed to have been amended automatically at that time in order to reflect and be consistent with said regulations.

DEFINITIONS AND TERMS

DOT driver. Any current or prospective employee who may be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce, driver of a motor vehicle used to transport hazardous materials in quantity which requires the vehicle to be placarded regardless of the vehicle's size.

Safety-sensitive job. *A job where an employee's use of drugs or alcohol could create a threat to safety whereby the employee's ability to perform assigned duties is impaired and the performance of those duties in such mental or physical condition creates or could create a safety hazard that has caused or could cause injury or harm to the employee or other employees or citizens or damage to property.*

WORKPLACE RULES & POLICIES

Examples of safety-sensitive functions may include, but are not limited to:

- a. positions involving the use of a vehicle and/or motorized equipment, such as cars, trucks of any size, tractors, mowers, trimmers, trash compactors, saws, and drills*
- b. positions receiving car allowances or receiving mileage reimbursement from the City*
- c. positions using a deadly weapon*
- d. positions with access to controlled substances and/or hazardous materials/chemicals as defined by the Texas Department of Health*
- e. positions falling under the Department of Transportation rules and regulations*

City business. Includes, but is not limited to, work performed on or in City property including a City vehicle, and work performed on or in a non-City vehicle being used for conducting City business.

Refusing to be tested means:

- a. failing to provide an adequate urine specimen for a drug test without a valid medical explanation;
- b. failing to provide adequate breath for an alcohol test without a valid medical explanation;
- c. failing to submit to a test as directed or engaging in any conduct which clearly obstructs the testing process.

Examples of **obstructing the testing process** would include leaving the scene of an accident without a valid medical or safety reason; not showing up for a test at the time directed without a valid excuse; tampering with a urine specimen; tampering with an alcohol testing device; failing to provide required identification; failing to cooperate with federal, state or local law enforcement officers at the scene.

Positive alcohol breath test. The alcohol concentration level registers 0.02 or greater.

PROHIBITED DRUG AND ALCOHOL USE AND ACTIVITIES

The City prohibits employees from:

- a. using, being under the influence of or possessing illegal drugs;
- b. using or being under the influence of legal drugs that are being used illegally;
- c. using or being under the influence of legal drugs whose use can adversely affect the ability of the driver to perform his or her job safely; or
- d. selling, buying, soliciting to buy or sell, transporting, or possessing illegal drugs while on City time or property (Except for approved law enforcement activities).

Employees are prohibited from:

- a. Using alcohol intoxicants within 4 hours of reporting for work;
- b. Being under the influence of alcohol at any time while at work;
- c. Possessing any amount of alcohol intoxicants on City property or in City vehicles (except for possession required in the official capacity of law enforcement);
- d. Testing positive for alcohol;
- e. Refusing to be tested for drugs and alcohol as otherwise provided in this Policy;
- f. Violating any applicable federal and/or state requirement governing the use of drugs or alcohol).

REQUIRED TESTS

Pre-employment Testing. Once a job offer has been made, the applicant will be required to submit to a drug and alcohol test as part of his post-job offer physical. This is to be completed before the applicant is allowed to report for work.

Prior to taking a pre-employment drug and alcohol test, the applicant will be asked to execute a general consent and release form to be tested for drugs and alcohol.

All employment offers made by the City to hire an applicant, are conditioned upon the applicant:

- a. completing all of the “consent to be tested” forms, and
- b. taking and passing the drug and alcohol test as described by this policy.

Additionally, all employment offers made by the City to hire an applicant falling under DOT regulations are conditioned upon the applicant signing the authorization form for the City to obtain all of the applicant’s past drug and alcohol test results, including any refusals to test, for the previous two years as required by DOT regulations.

Any applicant who refuses or fails to comply with this policy will not be considered qualified for the position for which they have applied and will also be subject to adverse action, up to and including termination.

Post-accident Drug and Alcohol Testing. Any employee who is involved in an accident while operating a City vehicle or a personal vehicle for City business must submit to a post-accident drug and alcohol test when:

- a. it involves the death of a human being;
- b. the employee receives a citation for a moving violation (or the employee’s actions are cited in the official Peace Officer’s Report as a contributing factor) and either a person requires immediate medical attention away from the scene or one or more of the vehicles must be towed away from the scene because of disabling damage. The drug and alcohol test is to be conducted within 2 hours post-accident, or 8 hours in unusual circumstances.

An employee who is required to take a post-accident drug and alcohol test will be assigned to a non safety-sensitive function while awaiting the results of the tests.

An employee who refuses or fails to submit to a post-accident drug and alcohol test, tests positive for drugs and/or alcohol, unnecessarily delays reporting to the test site following an accident, or fails to comply with the City’s post-accident testing procedures, will be subject to adverse action, up to and including termination.

Reasonable Suspicion Testing. An employee will be required to submit to a drug and alcohol test whenever the City has reasonable suspicion to believe that an employee has used drugs and/or alcohol in violation of these policies.

Reasonable suspicion shall be based on specific, objective facts and reasonable inferences drawn from those facts in light of experience that the employee has violated the provisions of this policy as otherwise provided.

Reasonable suspicion will exist when an employee's behavior, appearance, speech or body odors indicate drug and/or alcohol use. Such observations must be personally observed and documented by City supervisory personnel who have received training covering the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

Whenever an employee is notified that there is reasonable suspicion to be tested, the employee shall also be informed that he or she may;

- a. comply with the requirement;
- b. appeal the requirement to another supervisor (starting at the Division Director) authorized to act as an Appeals Officer; or
- c. refuse the requirement and be subject to adverse action, up to and including termination.

If the affected employee requests an appeal, a hearing will be conducted immediately (within 2 hours, if possible) with the supervisor requesting the reasonable suspicion test, the Appeals Officer, and the employee present.

The Appeals Officer shall determine whether there is reasonable suspicion to believe that the charges against the employee are true and whether the charges support the employee's proposed testing. The Appeal's Officer shall have the authority to order the employee to submit to the testing for the presence of alcohol and/or illegal drugs or order that the allegations against the employee be dismissed.

Employees who are required to submit to a reasonable suspicion test will be escorted by supervisory personnel to the testing site.

An employee who is required to take a reasonable suspicion test will be assigned to a non safety-sensitive function while awaiting the results of the test.

An employee who tests positive to a reasonable suspicion drug and alcohol test, who refuses or fails to submit to a reasonable suspicion test, will be subject to adverse action up to and including termination.

Return to Duty Testing. City employees who fail a drug test or otherwise are in violation of this policy are not eligible for reinstatement or rehire.

Random Drug and Alcohol Testing. *Covered employees (as defined below) are subject to random drug and alcohol testing throughout the year at unannounced times.*

Covered Employees:

- a. *DOT Drivers (as defined in 8.02 of this policy)*
In response to the DOT 49 CFR regulations, employees who are in positions that require the use of a commercial driver's license (CDL) are subject to random drug and alcohol testing according to federal regulations and guidelines.
- b. *Safety-sensitive Workers (as defined in 8.02 of this policy)*

Random selection:

- a. *The Department of Transportation (DOT) regulates the percentage of covered employees who are to be randomly tested for drugs and alcohol per calendar year.*
- b. *Safety-sensitive Workers are tested at a minimum of the rate as employees falling under DOT.*
- c. *Random testing must ensure each covered employee has an equal chance of being tested each time employees are selected for testing.*
- d. *An employee can be randomly selected for testing more than once each year.*

Process:

- a. *Covered employees who are randomly selected for testing will be notified by a supervisor to report to the testing site immediately.*
- b. *All random testing, including the selection of covered employees for testing, will be conducted pursuant to federal regulations and the procedures found within this Policy.*
- c. *In the event an employee who is selected for a random test is on vacation or an extended medical absence, the City can either select another employee for testing or keep the original selection confidential until the employee returns.*
- d. *All test results and selected employee names are confidential, and records are maintained separate from employee personnel files.*
- e. *Employees who are tested under random testing may return to work and assigned duties pending confirmed results of the test. If the results are confirmed negative, no further action is taken. If the results are —non-negative, the employee needs to be escorted home by appropriate supervisory personnel or another City employee with departmental authority and will not be able to return to work until the results are confirmed negative. In the rare instances when a supervisor or another City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.*
- f. *If results of the random test come back as a confirmed positive, the employee will be subject to dismissal as outlined in section 8.07 of this policy.*

Testing Methodology and Integrity. *To insure the integrity of each test, all specimen collection, analysis, and laboratory procedures shall be conducted in accordance with DOT procedural protocols and safeguards. This includes, among other things*

- a. *procedures to ensure the correct identity of each employee at the time of testing;*
- b. *strict chain of custody procedure to ensure that the specimen is not tampered with by the collection agency;*
- c. *the use of a trained breath alcohol technician (BAT) and DOT approved testing devices for conducting alcohol tests;*
- d. *the use of a laboratory which has been certified by the Substance Abuse and Mental Health Services Administration, a division of the U.S. Department of Health and Human Services (DHHS/SAMSHA);*
- e. *the confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS);*
- f. *the confirmation of an initial positive alcohol screen by a second analysis; or*
- g. *the City's appointment of a qualified Medical Review Officer (MRO) to review positive drug test results before they are reported to the City's designated representative.*

The City will provide employees with written and/or oral instructions regarding the conduct of the specific test before each testing event.

DRUG TESTING PROCEDURES

Drug testing will require that the employee must provide a specimen of his or her urine.

At a minimum, urine specimens will be analyzed for the presence of the following drugs: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP).

All drug tests will be administered using the split sample methodology required by DOT. Under this methodology, the employee must provide at least 45 ml (milliliters) in a specimen container. The specimen will then be divided, into two specimens. The bottle containing 30 ml will be analyzed as the employee's primary specimen. The second bottle will be held by the laboratory, to be sent to another lab at the employees' request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the employee will be notified by the City's MRO or by the City's designated representative of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the employee must advise the City's MRO or designated representative within 72 hours of being informed of the primary positive result. The employee will be responsible for the cost of having the second sample analyzed.

Except for the use of methadone and medications containing alcohol, nothing in this Policy prohibits the employee's use of a medication legally prescribed by a licensed physician who is familiar with the employee's medical history and specific job duties and who has advised the employee that the prescribed medications will not adversely affect the employee's ability to perform his job safely. Medications prescribed for someone other than the employee, however, will not be considered lawfully used when taken by the employee under any circumstances.

Before being tested for drugs, an employee will be given an opportunity to list, on his or her copy the chain of custody form, any prescriptions and nonprescription medications he or she is taking at the time of the test. A "positive" drug test may be declared "negative" by the MRO, if the employee can prove with clear and convincing evidence that the drug which was used was prescribed by a licensed physician who is familiar with the employee's medical history and specific job duties. The determination of this will be made by the MRO.

In the event that the test result of an employee's primary specimen is positive, the employee will be notified by the MRO. If the MRO is unable to reach the employee after making reasonable efforts, then the employee may be notified by the City's designated representative. The MRO or the City's designated representative shall advise the employee that he or she has 72 hours to request that the MRO send the secondary specimen to a second NIDA approved laboratory for analysis. The employee will be responsible for the cost of the second test.

Before an employee's test result will be confirmed positive for drugs, the employee will be given the opportunity to speak with the City's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does

exist, the test result will be reported to the City as a “negative”. If the MRO determines that a legitimate medical reason does not exist, the test result will be reported to the City as a “confirmed positive”.

ALCOHOL TEST PROCEDURES

Alcohol testing under this Policy requires that an employee must provide a breath specimen for any test conducted by, or for the City.

In addition to this Policy, an employee could be subject to alcohol testing conducted by a federal, state or local law enforcement officer following an accident. The employee must provide either a breath or blood specimen, as directed by the law enforcement officer.

Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved breath testing device (EBT).

Before being tested by the City, each employee will be positively identified through presentation of a photo-identification or by other means approved by the City and will be required to execute a “Breath Alcohol Test” form provided by the B.A.T. An employee who refuses to provide proper identification, provides false identification, refuses to execute the forms, or who otherwise refuses or fails to cooperate will be treated as though he or she had tested positive and will be subject to adverse action, up to and including termination.

Prior to each alcohol breath test, the BAT will instruct the employee on how the test will be performed.

To protect each employee, the BAT will open and attach to the testing device an individually sealed mouthpiece in the employee’s view. The employee will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.

In the event that the employee is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the employee will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition does exist. If the physician determines that a valid medical condition does exist, the test result will be considered as “negative”. If the physician determines that a valid medical condition does not exist, the test result will be considered a “confirmed positive”.

In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than .02, the test result will be reported as “negative” and no additional testing will be required at that time.

In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration of .02 or greater, a second confirmatory will be performed. If the confirmatory breath test registers less than .02, the test results will be reported as a “negative”. The confirmation breath test will be administered no sooner than 15 minutes from the initial breath test and no longer than 20 minutes from the initial breath test. During the wait period for the confirmation test, the employee is not allowed to put anything into his mouth and should be discouraged from belching or burping.

TEST RESULTS – ADVERSE ACTION

An employee who violates these prohibitions will be subject to restrictions mandated by the DOT and subject to adverse action as otherwise provided in this Manual, up to and including termination.

Any employee whose test result is confirmed positive for drugs will be considered unqualified to perform or continue to perform his or her functions safely and subject to adverse action up to and including termination. The employee could also be subject to civil and criminal penalties imposed by DOT.

CONFIDENTIALITY

The results of all individual drug and alcohol tests will be kept in a secure location with controlled access.

All individual test results will be considered confidential. The release of an individual employee's results will only be given with an individual employee's written authorization or as it otherwise required by DOT regulations, or by other applicable federal or state law.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

505 Use of City Property and Equipment

505.01 Use of City Vehicles

If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- a. Always observe all posted laws and speed limits.
- b. Always wear seat belts when the vehicle is in operation.
- c. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Division Director.
- d. No personal use of City provided vehicles is allowed without the prior, specific approval of the Division Director.
- e. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- f. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- g. All drivers must be eligible for coverage under the City's insurance policy.
- h. Drivers covered by Department of Transportation (DOT) regulations must comply with them at all times.
- i. The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City owned vehicles and/or equipment.
- j. At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a City vehicle or a personal vehicle while conducting City business.

WORKPLACE RULES & POLICIES

The aforementioned is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

Individuals assigned vehicles may use their vehicles for transportation to and from work and for miscellaneous usage on the way to and from work. Some examples of acceptable miscellaneous usage are: (not meant to be all inclusive).

- a. Lunch at local restaurant
- b. Stop at grocery store or cleaners on way home from work.
- c. On call, make stop to fix meter leak, stop at grocery store on way home on Saturday.
- d. Individual is officially on call, has mobile phone with him, and takes vehicle to school event or church so that he can respond to call for service.

Some examples of unacceptable miscellaneous usage are: (not meant to be all inclusive).

- a. Shopping trip to grocery store and lumber yard on non-work days.
- b. Take family to school events or church.
- c. Use of pickups for personal hauling chores such as yard work or moving.
- d. Carrying of firearms or pets.

The individual assigned a vehicle will be responsible for washing and obtaining proper preventative maintenance according to the vehicle maintenance schedule.

The de minimis usage of cars/pickups that are not clearly marked public safety vehicles or trucks designed and/or modified in such a way to be exempt under the Internal Revenue Service Code will be taxable under the Internal Revenue Code for commuting use. Such usage will be added to the W-2 of the individual to whom the vehicle is assigned. Since the City of Andrews is a small organization, most personnel are required to be on call in case of emergency. A vehicle is allowed to be taken home to allow a timely reaction in case of emergency call out. Division Directors are considered working directors and are expected to respond to any emergency within his/her department. Unauthorized use of a take-home vehicle is not allowed and failure to follow the vehicle use policy could result in disciplinary action, up to and including dismissal.

Reporting Vehicle Accidents. Any accident involving a city vehicle or motorized equipment must be reported. A vehicle is defined as any motor driven equipment either capable of moving from place to place off road or equipment which by license or permit can travel on public streets or highways. In accidents involving other vehicles, citizens or employees, or property, the police department should be notified immediately. (In cases involving police vehicles, the TX Department of Public Safety will investigate). If you notice damage has been done to a city vehicle or motorized equipment, but you were not aware of the incident that caused the damage, you must report the damage to your supervisor as soon as you become aware of the situation.

An Accident Review Committee consisting of the Division Directors will investigate any accident or damage involving city vehicles or motor driven equipment. **The Committee will delegate the Chairperson (usually the Director of Finance) the authority to make an initial review of each accident to classify as either**

“preventable” or “not-preventable.” Those accidents which are deemed “preventable” will be referred for review by the Committee.

“Preventable” – an accident in which the City driver is found to be guilty of contributory negligence.

“Not-preventable” – an accident in which the City driver did not contribute to the accident.

In accidents involving one of the committee members, the remaining committee members shall serve as the Accident Review Committee. The committee is charged with determining the cause of the accident/damage. In determining the cause of any accident, the committee shall have access to any police or TX Department of Public Safety investigative reports, as well as the authority to interview any employees who may have information regarding the accident. After its review of the accident, the committee shall issue a report describing its findings and recommendations within two working days of the completion of its review.

As a part of the committee’s report of the accident findings, the committee shall recommend any disciplinary action that should be taken against the employee. Disciplinary action may range from a letter of caution to suspension without pay to termination. Suspension without pay or termination would only be considered in cases of gross negligence, willful misconduct by an employee, or an employee who is a repeat offender (violation of policy) and is shown to be reckless or negligent in his operation of city vehicles.

Any appeal from the Accident Review Committee’s findings shall be made in writing to the City Manager within five working days of the date of the committee’s report. The City Manager’s decision shall be final.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. The amended language in green print was approved by City Manager Steve Eggleston on February 25, 2019 and is effective February 25, 2019. It supersedes all previous policies.

505.02 Use of City Equipment

Each employee is expected to properly maintain equipment owned by the City of Andrews and used in the performance of his job.

City equipment, including files and documents, may not be removed from the premises without proper authorization from your Division Director or the City Manager. Additionally, all equipment and property must be secured prior to closing the office. It is the employee’s responsibility to take care of such property and report any instance of damage or loss to their supervisor. Any City issued equipment must be returned in good condition at a supervisor’s request or upon termination of employment.

An employee who causes or permits loss or damage to City property or equipment through a negligent act or omission, or otherwise misuses or abuses City property or equipment, may be subject to disciplinary action, up to and including termination. In addition, the employee may be held responsible for the cost of repair to or replacement of damaged, destroyed or lost City property for which they have been determined to be responsible.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

505.03 Searches

[Future policy]

505.04 Valid Driver's License

All positions are expected to require the operation of a motor vehicle. Therefore as a condition of employment an employee is expected to maintain a valid Texas Driver's License of a category that allows legal operation of any motor vehicle required to fulfill job responsibilities. Failure by an employee to maintain such a license shall be deemed a violation of this policy and may subject the employee to dismissal.

In addition, the Human Resources department requests a copy of each employee's driving record periodically from the Texas Department of Public Safety. If upon review of this driving record, an employee is found to have received more than two moving violations within the past year, his record will be reviewed by the Accident Review Committee for recommendation regarding fitness to continue driving city vehicles and possible remedial action.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506 Technology

The City may provide employees with technology resources consisting of, but not limited to, computer networks, Internet access, instant messaging, e-mail, telephones, cell phones, computers, radios, pagers, and fax communication systems in an effort to help employees do their jobs more efficiently.

Employees are encouraged to use technology resources provided by the City to:

- a. Communicate with fellow employees and other cities, counties, federal, or public entities as necessary within the employee's assigned duties.
- b. Acquire information related to, or designed to facilitate the performance of regular assigned duties; and
- c. Facilitate performance of any task or project in a manner approved by an employee's supervisor.

The purpose of this policy is to outline the acceptable use of technology at the City. These guidelines are in place to protect employees and the City. Inappropriate use exposes the City and its users to risks including virus attacks, compromise of network systems and services, breach of privacy/confidentiality, potential interruption of services (including emergency and protective services) and liability.

This policy applies to all City employees, contractors, volunteers, and other affiliates using equipment or systems that are owned or leased by the City, whether during or outside of work hours.

506.01 General Policies

It is the City's policy to maintain and monitor all City-owned, operated, or leased computer systems, computer hardware, software, and Internet/Intranet access.

Responsibility. The person in whose name a City-provided electronic communications system account or device is issued is responsible at all times for its proper use and safekeeping. All users are responsible for complying with all Local, State, and Federal laws. The City is not responsible for personal communications sent on its electronic communications systems.

Intended Use. The use of all computer hardware, software, and electronic communication systems by City employees on City owned or leased equipment is to be for City business only. The City does allow incidental, non-disruptive, casual personal use at the sole discretion of the supervisors or Division Directors. Such use is tolerated providing it does not interfere with the performance of duties and/or the business use of these systems, and is in compliance with all other terms of this and all other City policies. If there is any uncertainty regarding permissible personal use, it is the responsibility of the employee to consult with his or her supervisor for clarification before proceeding.

Records Retention. All employees are required to follow the City's Records Retention and Management policies when considering removing any files that no longer have a practical use.

Public Information Act. Employees are advised that records related to calls, e-mails and text messages made and received on City owned devices or business calls, e-mails and text messages made or received on personal devices are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506.02 Electronic Communications & Systems Access Use

The City may provide employees with electronic communication resources such as e-mail, voice mail, text messaging, and instant messaging to improve service to customers and citizens, enhance internal communications, reduce service provision costs and reduce general paperwork.

Appropriate Use. Employees using City electronic communication resources should adhere to the following guidelines:

- a. Only authorized personnel are permitted to access another person's e-mail or voice mail without the user's consent. Such access will only be granted by the Division Director or the City Manager.
- b. All electronic communications must conform to City anti-harassment, workplace violence and discrimination policies.
- c. Employees must abide by copyright laws, ethical rules, and other applicable City policies or laws.

Inappropriate Use. Inappropriate use of City electronic communication resources include, but are not limited to, the following:

- a. Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
- b. Accessing, displaying, downloading, or distributing sexually explicit material.

- c. Creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, sex, national origin, age, disability, physical attributes, or veteran status.
- d. Transmitting or sharing information regarding a coworker's health status without permission
- e. Expressing opinions or personal views that could be misconstrued as being those of the City.
- f. Expressing opinions or personal views regarding City management or other political views.
- g. Sending or receiving confidential information in the care, custody, and control of the City in violation of local, state, or federal law or outside the employee's assigned duties.
- h. Usurping business opportunities or soliciting money for personal gain.
- i. Sending or forwarding chain letters or unsolicited e-mail messages, including sending of "junk mail" or other advertising material to individuals who did not specifically request such material.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506.03 Cell Phone Use in the Workplace

Inappropriate Use.

- a. The use of cell phones at work must not interfere with job duties or performance.
- b. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs.
- c. Employees who use cell phones to violate City policy, including the City's Harassment Prevention Policy, will be subject to disciplinary action.
- d. Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting, if the phone is equipped with a texting feature.

City Issued Cell Phones. A cellular phone issued by the City to an employee shall be for noncompensatory business purposes. Incidental personal use is acceptable and excludable from an employee's income as a *de minimis* fringe benefit. Personal usage resulting in charges beyond the base amount may be subject to reimbursement by the employee. The employee is responsible for the cellular phone issued. If the employee loses or damages the cellular phone while on duty or off-duty due to his/her negligence, the employee may be required to reimburse the City for the cost of replacing the cellular phone.

Monitoring of Cell Phone Calls. Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506.04 Internet Use

Internet access is provided to support the employee's assigned duties and responsibilities.

Inappropriate Use. Inappropriate use of City-provided internet services include, but are not limited to, the following:

- a. Connecting to the City's internal network via an Alternate Internet Service Provider or Virtual Private Network (VPN) unless authorized by the Director of Finance.
- b. Dissemination, copying, downloading, or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- c. Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, sex, national origin, age, disability, physical attributes, or veteran status.
- d. Using the systems in such a manner as to create a security breach of the City network.
- e. Looking or applying for work or business opportunities other than for internal City postings.
- f. Operating a business, usurping business opportunities or soliciting money for personal gain.
- g. Development of a web or home page for personal or departmental purposes.
- h. Gambling or engaging in any other activity in violation of local, state or federal law.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506.05 Social Networking

While the City encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of employees may become a problem if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the City's operations; or harming the goodwill and reputation of the City among its customers, with other agencies, or in the community at large. In the area of social media (print, broadcast, digital, and online), employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above.

- a. Social networking, blogging or similar activities are not to be conducted from City computers or on the City's system. Although the City does not presume to control off-duty computer-related activities, the City expects good judgment and discretion in such pursuits. For example, postings, blogs, etc. that:
 - have the potential or effect of involving the employee, their co-workers, or the City in any kind of dispute or conflict with other employees or third parties;
 - interfere with the work of any employee;
 - create a harassing, demeaning, or hostile working environment for any employee;
 - disrupt the smooth and orderly flow of work within the City, or the delivery of services to the City's customers;
 - harm the goodwill and reputation of the City among its customers, with other agencies or in the community at large;
 - is insubordinate towards superiors; or
 - reveals any proprietary information of the City do not meet the City's expectations of employee conduct. In addition, workplace issues should be reported to the City's management, not learned by the City for the first time from an employee's postings, blogs, or emails to third parties.

- b. Should an employee decide to create a personal blog, the blog should contain a clear disclaimer that the views expressed in the blog are the author's alone and do not represent the views of the City.
- c. All information published on any employee blog(s) should comply with the City confidentiality, disclosure and open records policies. This also applies to comments posted on other social networking sites, blogs and forums.
- d. Your online presence reflects on the City. Be aware that your comments, posts, or actions captured via digital or film images can affect the image of the City.
- e. Some disclosures could put public safety at risk. Information regarding planned or ongoing law enforcement operations or investigations, law enforcement work schedules, and home addresses and telephone numbers of law enforcement officers shall not be circulated. If an internal investigation is being undertaken by the City, information that would compromise or interfere with that investigation shall not be circulated.
- f. Do not use any City logos or trademarks without written consent.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506.06 Software

Software is furnished by the City of Andrews. Programs will not be installed without specific approval of the Division Director. Unlicensed software will not be installed on City computers; licensed City software will not be installed on your personal computer at home without permission of the Division Director. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Employees may not download entertainment software, games or any other software unrelated to their work.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506.07 Security

Passwords. Passwords are necessary to protect the security of information and computer systems. Individuals should protect the confidentiality of passwords and user accounts. Individual users will be held accountable for use of their account by others.

Filtering. City computers are filter-protected by a third-party service. Tampering with the filtering program is strictly prohibited. These filters are designed to prevent the viewing, sending, or any of the following types of content:

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

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

Monitoring. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee e-mail, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Data Storage and Backups. All important, confidential or proprietary information should be stored on the network or "J:" drive for Public Safety and the "S:" drive for all other departments. The network is equipped with electronic and physical security. Activity on the network is monitored for tampering and other security breaches. The Public Safety Department and Finance Department are responsible for backing up data and programs that are on the network. Employees should refrain from storing documents and files on their desktop or "C:" drive. These locations are not backed up and as a result, all data is lost if the hard drive fails.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

506.0x Telephone Contact

[New]

507 Travel Policy

The job duties and responsibilities of City representatives occasionally require attendance at various conferences, seminars, classes, meetings, workshops, or other events and may require travel to other areas of the Permian Basin, state, or country. The purpose of this policy is to establish and maintain prudent stewardship of public funds and ensure that City representatives attend conferences, etc., that are necessary, relevant, and important to the future of the City.

The following travel guidelines are set forth to serve as a policy statement for business travel by all representatives of the City of Andrews. The term "City representatives" includes the Mayor, City Council Members, appointed Board and Commission Committee Members, Volunteers, and City employees.

507.01 Assessing Value of Attendance

The Mayor, City Council, or City staff should review the details of the seminar, conference, event, etc. to ensure that attendance would be beneficial in performance of their duties as representatives of the City and that funds have been budgeted therefore.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

507.02 Authorization Process

Mayor and City Council Members – Upon request of City Council members, the City Secretary’s office will coordinate registration, reservations, travel accommodations, etc., for all City Council members.

City Employees – City employees must prepare a Travel Authorization Form for department head approval. For Department Heads and/or if the travel is out of state, approval must be granted by the City Manager or designee. Any travel which includes an overnight stay must also be pre-approved by the City Manager and the City Council.

Board and Commission Committee Members and Volunteers – Appointed board and commission committee members and volunteers must follow the same guidelines for City Employees. The appropriate City staff must approve the Travel Authorization Form.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

507.03 Travel Advances

Employees may receive a travel advance, but the use of City-issued credit cards is encouraged to minimize cash advances. The City will issue a travel advance upon completion of the Travel Authorization Form, accompanying a Payment Authorization Request, and submitted to the Finance Department for a cash advance check.

Under IRS regulations, advances cannot be made more than 30 days prior to a trip. Advances must be settled within 30 days of completion of the trip. Advances not cleared within 60 days after they are paid or the expense is reimbursed will be processed through payroll and subject to withholding taxes. Further advances will not be processed until the employees have settled any outstanding expense report or overdue advance.

If the trip related to the advance is cancelled, the employee is responsible for reimbursing the City within 3 working days of the cancellation.

All approved Travel Authorization Forms shall be sent to the Finance Department for processing no later than 10 days before funds are needed. The completed Travel Authorization Form must be approved by the employee’s Department Head and submitted with a copy of the documentation (program registration) for the event. For Department Heads, the travel advance must be approved by the City Manager or his designee and submitted with a copy of the documentation (program registration) for the event.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

507.04 Transportation

The most efficient and economical mode of travel must be used.

a. Ground Transportation

WORKPLACE RULES & POLICIES

City-owned vehicles should be utilized whenever vehicles are available. Carpooling is encouraged for all group travel.

In the event a City-owned vehicle is not available, and an employee must utilize their own vehicle, the following policies apply:

- Employees shall be reimbursed at the current Internal Revenue Service mileage rate for the use of a personal vehicle based on City of Andrews Guidelines.
- The total cost for the trip by using a personal vehicle shall not exceed the total cost that would have been incurred had another mode of transportation been used unless there is a commensurate advantage to the City in the use of the employee's vehicle. For purposes of this comparison, total cost shall include lodging, meals, and other expenses incidental to each mode of travel. Commensurate advantage would include such things as transporting equipment or other City employees, or an appreciable savings in the employee's time.
- Actual expenditures will be reimbursed for bridge, ferry, tunnel and highway tolls, and parking and overnight storage charges. Towing charges or traffic fines will not be reimbursed.
- Costs, which will not be reimbursed, also include charges for repairs, depreciation, replacements, grease, oil, antifreeze, towing and similar expenses, gasoline, insurance and state and federal taxes.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

SECTION 6 CORRECTIVE ACTION, APPEALS & GREIVANCES

601 Corrective Action Process

Division Directors will be charged with the responsibility of enforcing and maintaining proper standards of discipline and personal conduct among their employees and are vested with discretionary authority to practice any of the following suggested forms and progressive remedial measures incident to the enforcement and observance of any of the rules or any of the operating standards of their departments. The form of discipline will of necessity vary with the nature of the offense.

- a. Discussing with an employee the unsatisfactory conduct or performance of duties. A written memo should be made.
- b. Written reprimand which will be submitted for filing in the personnel file. The employee will be required to acknowledge receipt of the reprimand immediately by signing it. The employee's signature on a reprimand does not mean that the employee admits to any wrongdoing--it only indicates notification.
- c. Suspension of the employee without pay for an appropriate period of up to thirty (30) days, subject to review and approval by the City Manager. Any offense of a similar nature occurring within three (3) years will constitute grounds for dismissal.
- d. Demotion of an employee to a position in a lower classification.
- e. Termination of an employee, including dismissal for cause or at the will of the City of Andrews.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

602 Complaints and Grievances

Insofar as may be possible, it is the intent of the City to anticipate and avoid occurrences of grievances and complaints; however, when they do occur it is our intention to resolve them as quickly as possible at the supervisory level closest to the origin of the complaint. The grievance and complaint procedure assures every employee with a grievance or complaint that they will be given an opportunity to discuss the problem and that corrective action will be taken if warranted. No grievances or complaints can be resolved or corrected unless the employee's supervisor and management are made aware of the problem. Grievances or complaints should first be submitted to the immediate supervisor for resolution. If the immediate supervisor cannot resolve the problem, or the grievance concerns the immediate supervisor, it shall next be submitted to the Division Director for resolution.

Both the immediate supervisor and the Division Director will completely discuss the grievance with the employee and will endeavor to settle the problem if it can be settled within the extent of their authority. If the grievance cannot be settled by the immediate supervisor or the Division Director, then it shall be submitted to the City Manager. In order for a grievance to be submitted to the City Manager, the employee with the grievance as well as the immediate supervisor and Division Director shall submit written, signed statements with supporting data attached of the problem as well as a report of any possible actions to remedy the situation. The City Manager will investigate the grievance or complaint and submit within ten working days either an answer to the employee with

CORRECTIVE ACTION , APPEALS & GREIVANCES

the grievance or a schedule of anticipated resolution. In accordance with Article II, Section 20 of the Charter of the City of Andrews, all decisions of the City Manager shall be final.

Approval and Effective Date. This policy was approved by the City Council on December 13, 2012 and is effective January 1, 2013. It supersedes all previous policies.

603 Appeal from Dismissal

Any employee who desires to appeal his/her termination by the City may utilize the following procedure:

The employee will submit a written appeal to the City Manager within 5 business days after the action complained of has been communicated to the employee. The City Manager will set a date within two weeks of receipt of the employee's written appeal to discuss the grievance with the employee. Within one week after the meeting, the City Manager will give written notice to the employee of his/her decision. This will be the final disposition of the matter. The City Manager may take up to one month to determine the matter due to the unusual complication of the matter, the need for further investigation, or other exigent circumstances in the schedule of the City Manager or designee.

Approval and Effective Date. This policy was approved by City Manager Steve Eggleston and City Attorney Matt Wade on January 2, 2024, and is effective January 2, 2024. It supersedes all previous policies.

APPENDIX I: CERTIFICATION PAY SCHEDULES

Public Safety. Monthly Certification Pay is available to all certified police officers and public safety employees as follows:

Certification

<i>Sr. Patrolman (min. 7 yrs peace officer; 2 yrs with City of Andrews)</i>	\$50
Texas Basic Police *	\$200
Texas Intermediate Police *	\$300
Texas Advanced Police *	\$400
Texas Master Police *	\$500
Senior Shift Commander (Lt)	\$100
Fire Marshall	\$300
Fire Inspector	\$300
Emergency Medical Technician **	\$200
Paramedic **	\$400

* An eligible employee should be paid only for the highest level of certification held.

+ Certification pay for EMS employees is included in their salary)

Water. Monthly Certification Pay is available to utility employees receiving certifications issued by the Texas Commission on Environmental Quality (TCEQ) as follows:

Certification

Class "C" Distribution	\$100
Class "C" Groundwater	\$300 <i>updated 12/1/2020</i>
Class "B" Distribution	\$200 <i>updated 12/1/2020</i>
Class "B" Groundwater	\$400
Class "A"	\$500
Backflow Prevention	\$250
Customer Service Inspector (CSI)	\$150

Sewer. Monthly Certification Pay is available to utility employees receiving certifications issued by the Texas Commission on Environmental Quality (TCEQ) as follows:

Certification

Class "I" Collection	\$100
Class "II" Collection	\$200
Class "III" Collection	\$250
Class "C" Wastewater Treatment	\$300
Class "B" Wastewater Treatment	\$400
Class "A" Wastewater Treatment	\$500

Solid Waste. Monthly Certification Pay is available to utility employees receiving a letter of competency issued by the Texas Commission on Environmental Quality (TCEQ) as follows:

Certification

Class C	\$200
Class B	\$400
Class A	\$500

Animal Control. Monthly Certification Pay is available to the animal control officer for certifications issued by the Texas Department of Health as follows:

Certification

Advanced Level	\$200
Administrative Level	\$400

Regular Classified Position. Monthly Certification Pay is available to employees for special education achievement if applicable to job assignment as follows:

Certification

Municipal Clerk (City Secretary)	\$250
Certified Municipal Court Clerk (Level I)	\$200
Certified Municipal Court Clerk (Level II)	\$350
Certified Municipal Court Clerk (Level III)	\$500
Code Enforcement	\$250
Master Plumber	\$500

Commercial Drivers License (CDL). Monthly Certification Pay is available to employees required to have a Commercial Drivers License issued by the Texas Department of Public Safety if applicable to job assignment:

Certification

Commercial Drivers License	\$250
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APPENDIX II: EMPLOYEE'S SICK LEAVE BANK

A sick leave bank is a pool of sick leave hours donated by eligible City of Andrews employees for the use of fellow employees who would otherwise have to take leave without pay. To apply for sick leave hours from the bank, an employee must be a member of the sick leave bank and must have used all of his or her own sick leave time, vacation, compensatory time, and extended illness time.

A. Purpose

The purpose of this policy is to establish guidelines for the organization and administration of a voluntary sick leave bank for sick bank members who qualify. Qualified employees include those unable to work in any capacity due to long-term illness or injuries of a catastrophic nature, such as cancer, major surgery, serious accident, heart attack, etc., that poses a threat to life or requires in-patient or hospice care, extensive outpatient treatment or care at home when the affected employee has insufficient sick leave for the entire period. A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family residing in his home (as outlined in the Personnel Policies and Procedures Manual) that requires the services of a licensed practitioner. This voluntary program can help the employee through the personal financial hardship of extended illness. However, this policy is not intended to prolong employment in lieu of disability retirement if that is a reasonable alternative.

B. Definitions

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

Sick Leave Bank Members: Any full-time regular employee of the City of Andrews who meets the eligibility provisions described hereafter in the membership requirement is eligible for membership in the Sick Leave Bank.

Sick Leave Bank Grant Applicants: A Sick Leave Bank Member may apply for a bank grant in accordance with all Board requirements and procedures.

Ineligible Employees: All full-time, regular employees who have not completed one year of employment, as well as part-time, seasonal, and/or temporary employees, are ineligible for membership in the Sick Leave Bank.

Sick Leave Bank (Bank): The collective donated hours available to award to employees in accordance with this policy.

Sick Leave Bank Board (Board): This Board will consist of five employee members (at least one member will be from each department) and will be appointed by and serving at the discretion of the City Manager. Appointments will be reviewed every two years. The City Manager will appoint one member of the Board to

serve as Chairman. The Personnel Clerk will serve as Secretary to the Board but will not vote. The Board makes all decisions concerning the granting of sick leave under this policy.

Licensed Practitioner: A licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

C. Sick Leave Bank Membership

The Sick Leave Bank (Bank) is a voluntary program, and no inducement or discipline nor promise or threat of inducement or discipline, shall be used to encourage or discourage participation. All interested, eligible employees may voluntarily enroll in the program as members by completing the “Sick Leave Bank Membership Application/Agreement Form” and sending it to the Payroll Department. By signing and submitting the membership form, the eligible employee stipulates that he/she understands and agrees with the following:

1. The program is voluntary.
2. Enrollment is open to any regular, full-time employee of the City of Andrew during the period of open enrollment, September 20 – September 30, 2002. After that time, enrollment will be open for a period of one week at five-year intervals. New employees are eligible on the first anniversary date of their employment and for ten days thereafter.
3. An employee must donate eight (8) hours of unused leave at the time of enrollment and eight (8) hours of sick leave on October 1st of each year thereafter (or until an appropriate maximum as determined by the Board is reached). Up to an additional eight (8) hours per year may be assessed to members if a shortage occurs.
4. Leave transferred to the Bank becomes the property of the Bank and will not be returned to the employee for any reason. Employees may not donate sick leave to the Bank to be used specifically for a particular employee.
5. Membership in the Bank does not guarantee that requested sick leave from the Bank will be approved.
6. The member, when requesting a withdrawal from the Bank, agrees to permit the Board to review the employee’s leave records and requested medical information when considering the request.
7. A member who resigns from the Bank must wait until the next open enrollment period to apply for readmission and must meet any and all membership requirements in effect at that time.
8. Membership requests and voluntary withdrawals of membership are automatically accepted and require no vote/discussion by the Board other than denials based on eligibility.
9. Elective cosmetic surgery is not covered under this policy; however, the Board may, at its sole discretion, make an exception to this prohibition when such an exception is deemed appropriate. Pregnancy will not be treated as a catastrophic illness except when severe illness and prolonged complications arise with respect to either the mother or the child.

D. Sick Leave Bank Grant Requests

1. Requests for a sick leave bank grant may be made by or for all eligible employees to prevent the necessity of taking leave without pay in times of personal injury/illness. An employee must need a minimum of forty (40) hours in order to apply for bank grants and must have exhausted all earned leave (i.e. sick leave, vacation, compensatory time, holiday time and extended illness). An employee who has taken a leave of absence without pay or has been suspended without pay for disciplinary measures must wait ninety days following the employee's return to work before making application for a sick leave bank grant.
2. Request will be processed by the Payroll Department and submitted to the Board for review/approval in accordance with the Sick Leave Bank Procedures. The Board shall consider the employee's length of service, prior utilization of sick leave, contributions to the Bank and medical information.
3. The total lifetime benefit under this program shall not exceed four hundred eighty (480) hours. The Board may grant up to one hundred sixty hours (160) per request, although the request may be repeated if additional time is needed. Sick leave grants may be used for a continuous absence or for intermittent or part-time absences if all other requirements are met.
4. If an employee terminates employment or does not otherwise use all sick leave time withdrawn from the bank within three months from the date of the grant, the unused time will revert to the Bank.
5. Any benefit usually paid by the employee through a payroll deduction (such as dependent health coverage) will remain the responsibility of the employee receiving a sick leave grant.
6. Sick leave grants are not intended to cover cases of abusive leave use.
7. Timing of Sick Leave Bank Application – Employees should, when possible, request sick leave from the Bank at least ten (10) working days prior to exhausting all paid leave. The "Sick Leave Bank Grant Application" form should be completed and submitted to the employee's Division Director, who will review it to verify completeness and add recommendations. The form will then be sent to the Personnel Department. The employee must provide a medical summary from his/her attending physician which identifies the medical problem. An applicant may be required to undergo a medical review by a second opinion physician of the Board's choice at any time, at the expense of the City.
8. Sick Leave Grants – Each request will be considered on a case-by-case basis.
9. Employees covered under the worker's compensation program may utilize the Sick Leave Grant for those conditions covered under worker's compensation as outlined in the Personnel Policies and Procedures Manual. Employees who have received reimbursement for sick leave from either worker's compensation or insurance companies are ineligible to receive sick bank hours to the extent sick leave and benefits were not reinstated to the City of Andrews.

E. Compensation and Benefits

An employee who has been granted a Sick Leave Bank Grant will be treated the same as an active employee for purposes of compensation and benefits. The receiving employee is considered on paid leave and will continue to accrue vacation, sick leave, holidays, and retirement benefits and retain eligibility in the City's insurance plan.

F. Recordkeeping

The procedures for the reporting and recording of leave granted through the Bank will be administered by the Payroll Department.

G. Appeals

The Board's decision shall be deemed final. However, within five (5) working days after receiving the decision, the employee may request that the City Manager review the Board's decision in order to ensure that the Board's decision was consistent with the Sick Leave Bank policy.

H. Reports and Policy Review

The Board will provide periodic reports to the City Manager. This policy will be reviewed at least annually by the Board and recommendations for revisions will be made when necessary. This policy may be revised or rescinded by the City Council at any time.

**CITY OF ANDREWS
SICK LEAVE BANK**

Membership Application / Agreement

INSTRUCTIONS: Complete and sign this form and return it to the Personnel Department. You must complete this form even if you do not want to join the Bank.

Name: _____ Position / Title: _____

Social Security No.: _____ Department: _____

Please check one of the following:

- Refusal – I do not want to apply for membership at this time.
- Not Eligible – I am not eligible to join.
- Request for Membership – I request membership in the Sick Leave Bank. I have read the Sick Leave Bank Policy and consent to comply with the program and with all policies administered by the Sick Leave Board.
- Membership Cancellation – I hereby cancel my membership in the Sick Leave Bank. I understand that I must wait until an open enrollment period to rejoin and must meet any and all membership requirements in effect at that time.

I freely and voluntarily authorize the immediate transfer of eight (8) hours of my _____ (sick leave, vacation leave or comp time) to the Bank. I understand that my leave balance will be Reduced by a corresponding amount.

I understand that all leave transfers are final and are irrevocable. I further agree that these donated ours will not be returned or repaid to me in any form whatsoever and that the Sick Leave Bank is a voluntary program.

Employee's Signature

Date

**CITY OF ANDREWS
SICK LEAVE BANK GRANT APPLICATION**

Name: _____ Social Security No.: _____

Position / Title: _____ Department: _____

Telephone: _____ Date of Hire: _____

Are you a regular full-time employee Yes No

Are you a member of the Sick Leave Bank Yes No

Briefly described the nature of the illness or injury: _____

1. What is your current sick leave balance _____ hours
 Vacation leave balance _____ hours
 Compensatory time balance _____ hours
 Extended illness time balance _____ hours

2. What is your current status (check whichever is appropriate)
 Working, but anticipating an extended absence due to surgery or hospitalization scheduled on or about _____.
 Currently hospitalized or convalescing at home.
 Other (describe) _____

3. What date do you anticipate returning to work _____

4. How much time are you requesting be granted from the Bank? _____ hours.

5. Have you provided the Board with a Medical Summary Form in order to review the medical diagnosis and prognosis of you or your family member? Yes No
MEDICAL INFORMATION WILL BE REQUIRED BEFORE THE BOARD CAN REVIEW YOUR APPLICATION.

6. If requesting time to care for an immediate family member, please supply:
 Name of family member _____ Relationship _____

7. Please identify any large amounts (two weeks or more) of consecutive sick leave taken within the past three (3) years of employment and describe the nature of the illness: _____

I hereby acknowledge that I have read or have had explained to me the Sick Leave Bank policy.

 Employee's Signature Date Supervisor's Signature Date

Reviewed by Division Director: _____ (Please initial)

APPENDIX III: REQUEST FOR EDUCATIONAL ASSISTANCE

Educational assistance will be considered for a maximum of six hours per semester and a maximum total of twelve hours for the calendar year.

Name _____ Department _____

Dates of Course _____

Course Name (s) _____
(Attach a copy of course description(s) from college catalog.)

College _____

Cost Estimate \$ _____ Budgeted ____ Yes ____ No ____ Acct. # _____

Reason course completion will benefit City of Andrews _____

I understand that if approved I will be reimbursed for mandatory fees and tuition upon completion and presentation of proof of cost and a grade of C or better.

Total Hours Requested: _____

Total Hours Previously Reimbursed this year: _____

Employee Signature

Date

Approved:

Approved:

Department Director

City Manager

Date

Date

APPENDIX IV: SCHOOL & CONFERENCE TRAINING REQUEST FORM

No checks will be issued for registration or travel advance without this form properly filled out and approved by the Department Director.

Name of Employee Attending: _____

Date of Training: _____ Location: _____

Subject: _____
(Attach copy of course information)

Sponsoring Agency: _____

Registration Fee due by: _____

Registration Fee: \$_____ Paid by City Employee (attach receipt)
Paid by Budgeted Funds State Agency To be refunded by State Agency

Travel Method: _____ Cost: \$_____

Lodging Plan: _____ Cost: \$_____

Food & Incidentals: \$_____ Travel Advance Requested: \$_____

Approved by: _____ Date: _____
Signature - Department Director

Approved by Council if required: Date: _____

Approved by City Manager: _____ Date: _____
Signature

(1) I understand that I will not be reimbursed for any expenses that are incurred prior to approval of this education expense.

(2) If I receive an advance and am unable for any reason to attend this training, I understand I am responsible for reimbursing the City of Andrews within three (3) working days of the cancellation.

(3) Upon completion of the course, a Travel Reimbursement form must be completed that includes receipts for all expenses.

Signature of Employee

APPENDIX V: REQUEST FOR ADVANCEMENT

DATE: _____

AMOUNT TO BE ADVANCED: \$ _____

MAKE CHECK TO: NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

REASON FOR ADVANCEMENT: _____

CHARGE ADVANCEMENT TO: _____

REQUESTED BY

DATE

APPROVED BY

DATE

VENDOR #	P. O. #
INVOICE #	
ACCT. #	
COMPUTATION VERIFIED:	
ENTERED BY:	DATE:
DATE PAID:	CK #