



PERSONNEL POLICY

Adopted by the City Council of the City of Missouri City on July 17, 2017

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CHAPTER 1: INTRODUCTORY STATEMENTS

1.1 Objective

The objective of this Personnel Policy is to help foster an environment that:

- a. promotes and increases efficiency, responsiveness to the public, and economy in City service;
- b. provides equal opportunities for qualified persons to enter and progress in City service in a manner based on merit and fitness as ascertained through practical personnel management methods;
- c. maintains recruitment and advancement practices that enhance the attractiveness of a City career and encourage each employee to give his best effort to the City and the public; and
- d. maintains consistent, up-to-date position classification and compensation plans based on the essential functions of jobs in City service.

1.2 Applicability and Effect

Except as set forth in an employment agreement authorized by the City Council of the City of Missouri City, this Personnel Policy applies to all employees of the City of Missouri City, Texas (the “City”). The purpose of this Personnel Policy is to provide general information and guidelines for your employment. This Personnel Policy does not state the essential terms of an agreement between the City and its employees for the provision of goods or services. **THIS PERSONNEL POLICY DOES NOT CONFER ANY CONTRACTUAL RIGHTS TO EMPLOYEES. THE POLICIES AND PROCEDURES SET FORTH IN THIS DOCUMENT MAY BE DEVIATED OR DEPARTED FROM BY THE CITY, AND THE CITY RESERVES THE RIGHT TO AMEND, MAKE EXCEPTIONS TO, INTERPRET, AND APPLY ANY OF ITS POLICIES AND POLICY PROVISIONS IN ITS SOLE DISCRETION.**

Additionally, the policies and procedures set forth in this document are not intended to cover every aspect or situation that might occur. Please consult with your supervisor should you have any questions. All City employees shall be informed of the existence of this Personnel Policy. Each department shall keep a copy available for reference by its employees. Other employment policies may also be applicable to your employment. Such policies may be obtained from the city secretary’s office or the Human Resources and Organizational Development (“HR”) office.

1.3 Division of Responsibility

With the exception of matters reserved to City Council, the general and final authority for personnel management rests with the City Manager. Each supervisor is responsible for enforcing the provisions of this Personnel Policy and any related policies and procedures within his department or division.

1.4 At-Will Employment

This Personnel Policy is a general, but non-comprehensive guideline for procedures between the City and its employees. Neither this Personnel Policy nor any other document confers any contractual right, either express or implied, to remain in the City's employ. Nor does it guarantee any fixed terms or conditions of your employment. **EMPLOYEES OF THE CITY SHALL BE HIRED FOR AN INDEFINITE TERM. THE CITY AND THE EMPLOYEE BOTH RETAIN THE RIGHT TO TERMINATE THE EMPLOYMENT AND COMPENSATION AT WILL AT ANY TIME WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. THE CITY ALSO RETAINS THE RIGHT TO CHANGE ANY TERMS, CONDITIONS, BENEFITS, OR PRIVILEGES OF EMPLOYMENT AT ANY TIME WITHOUT NOTICE. NO CITY EMPLOYEE OR REPRESENTATIVE HAS THE AUTHORITY TO GUARANTEE YOUR EMPLOYMENT FOR ANY SPECIFIC PERIOD OF TIME.**

1.5 Termination for Violation

Employees of the City have no property right in their employment and may be dismissed with or without cause and with or without notice. **FURTHERMORE, THE VIOLATION OF ANY PROVISION OF THIS PERSONNEL POLICY MAY SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION, UP TO, AND INCLUDING, TERMINATION OF EMPLOYMENT.**

1.6 Interpretation

For purposes of this Policy, any reference to the masculine gender shall include the feminine gender. Pronouns such as "he" and "his" are used throughout the Policy solely for purposes of brevity.

For purposes of this Policy, "Department Director" is defined to include the members of the City's Leadership Team, as such members may be designated by the City Manager, except that the City Manager and Assistant City Managers shall not be included unless serving as directors of City offices or departments.

CHAPTER 2:EMPLOYMENT AND HIRING

2.1 Announcement of Vacancies

The Director of Human Resources and Organizational Development (the "HR Director") will announce by appropriate means all vacancies to be filled (other than vacancies due to administrative transfer or temporary promotion) and shall maintain a list of announced vacancies for public inspection.

Each announcement, insofar as practicable, will specify the title, salary, and nature of the job; the required qualifications; whether competition is open to the general public or restricted to

City employees; the type of selection procedure to be utilized; and the deadline for and method of application. Each announcement will contain a statement affirming the City's commitment to a policy of equal employment opportunities.

It is the City's policy to hire the most qualified candidates for open positions. The City reserves the right to advertise a vacant position internally prior to or simultaneously with advertising publicly.

2.2 Applications

Applications for initial employment, promotion, and transfer shall be submitted in writing, and a failure to submit such application will be construed as a lack of interest in the position. Only applications officially received in the prescribed manner shall be considered. All information submitted in connection with applying for City positions is subject to verification. Any omission or false representation found to be on an employment application may result in the rejection of the application or, if the applicant is hired, disciplinary action, up to, and including, termination of employment.

The appropriate Department Director, with concurrence of the City Manager or his designee, shall determine the most appropriate means of evaluating applicants against job requirements to identify the best qualified candidates. Reference checks, interviews, examinations, background checks, performance tests, written tests, and/or other screening procedures may be used as appropriate and as allowed under state and federal law.

Applicants shall be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed qualification requirements for the position involved.

2.3 Examinations

A person promoted, reinstated, or selected for initial appointment may be required to undergo an examination at City expense by a competent professional selected by the City. Promotion and employment shall be contingent upon successful completion of the examination in relation to the standards of fitness required for the position involved. The City Manager, acting on information provided by personnel, shall be the final authority in determining suitability for employment.

With the approval of the City Manager, a Department Director may require that a current employee successfully undergo an examination to determine fitness for continued employment or additional or different duties.

2.4 Nepotism

The employment of any person in any position will be prohibited if such person is a member of another employee's family and one employee would be in a supervisory capacity over

the other. For the purposes of this section, “family” shall include an employee’s spouse and the following relatives, whether related by blood, marriage or adoption: children, grandchildren, siblings, parents, grandparents, uncles, aunts, nephews, nieces and first cousins. For the purposes of this section, “supervise” shall include, but shall not be limited to, authority to assign, evaluate, or reward.

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.

The City shall not employ any person having kinship within the second degree by blood or marriage or within the third degree by blood to the Mayor, members of the City Council, or the City Manager. Additionally, no confirmation of appointment or employment may be given where such kinship exists. A relationship of the second degree includes the employee’s spouse, children, grandchildren, siblings, parents, and grandparents. A relation of the third degree includes the same relations of the second degree in addition to the employee’s great grandchildren, great grandparents, nephews, nieces, uncles and aunts. This paragraph shall not apply to any person employed in or appointed to a position for more than 2 years.

Department Directors may impose additional nepotism rules with the approval of the City Manager. Violation of departmental nepotism rules may subject employees to disciplinary action.

2.5 Appointments

Except as otherwise provided by Charter or ordinance, the appointing authority for all City positions shall be the City Manager. Appointments shall be made based on the qualifications of applicants as ascertained through practical selection methods. **THIS SECTION DOES NOT CONFER ANY CONTRACTUAL RIGHTS TO EMPLOYEES. THE POLICIES AND PROCEDURES SET FORTH IN THIS SECTION MAY BE DEVIATED OR DEPARTED FROM BY THE CITY, AND THE CITY RESERVES THE RIGHT TO AMEND, MAKE EXCEPTIONS TO, INTERPRET, AND APPLY ANY OF ITS POLICIES AND POLICY PROVISIONS IN ITS SOLE DISCRETION.**

2.5.1 *Type*

Appointments shall be designated either regular or temporary and either full-time or part-time. A limited term regular appointment may be made in unusual circumstances.

Full-time positions typically require an average of 40 hours of work per week; however, full-time positions providing sleeping time during a duty shift require an average of 53 hours of work per week. Part-time positions are positions that require less than 30 hours of work per week.

2.5.2 *Temporary Appointments*

Whenever there is a need for the services of personnel who are not otherwise available, the City Manager may authorize immediate and temporary appointment of such personnel without regard to normal recruitment and selection requirements until a permanent appointment can be made.

2.6 Personnel Files

Under the direction of the City Manager, the HR Director shall maintain official personnel files for all City employees. Employees should be aware that pursuant to the Texas Public Information Act, much personal information is deemed open and accessible to the public, except as otherwise provided by law.

Employees must notify HR of any changes that would impact benefits or payroll status, including a change in home address or telephone number, a change in marital status or in the number of dependents, a change of insurance beneficiary, a change in the number of exemptions claimed for income tax purposes, and/or a legal change of name.

An employee's medical records shall be maintained in a file separate from his personnel file. Information about a medical condition, medical history, requests for reasonable accommodation due to a disability, and requests for Family and Medical Leave shall be confidential and shall not be divulged or used except where consistent with or required by existing state and federal law.

2.7 Status Changes

Department Directors shall report changes in personnel status of their employees to the HR Director in accordance with procedures approved by the City Manager. **THIS SECTION DOES NOT CONFER ANY CONTRACTUAL RIGHTS TO EMPLOYEES. THE POLICIES AND PROCEDURES SET FORTH IN THIS SECTION MAY BE DEVIATED OR DEPARTED FROM BY THE CITY, AND THE CITY RESERVES THE RIGHT TO AMEND, MAKE EXCEPTIONS TO, INTERPRET, AND APPLY ANY OF ITS POLICIES AND POLICY PROVISIONS IN ITS SOLE DISCRETION.**

2.7.1 *Temporary Promotions*

The City Manager may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or if its regular incumbent is absent. Employees so promoted may be additionally compensated for the duration of their temporary assignments. Authorized additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with these rules and in accordance with existing law, but the employee shall not acquire any other status or rights in the classes to which temporarily promoted. Nothing herein shall be construed to prevent the assignment of higher-level duties to an employee without

additional compensation. Temporary promotions shall not be used to circumvent normal selection procedures.

2.7.2 *Transfers*

A transfer is the assignment of an employee from a position within one job title to a position within another job title. A transfer not involving promotion or demotion may be effected upon approval by the appropriate Department Director, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between departments shall become effective following approval by the City Manager.

2.7.3 *Non-disciplinary Demotions*

A demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. With the approval of the Department Director, and if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his own request or when the City so desires. Such demotions shall not be considered disciplinary actions, nor shall they disqualify the employee involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

CHAPTER 3:EMPLOYEE CONDUCT

3.1 Work Standards

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, professionalism, and economy in his work for the City. Department Directors shall organize and direct the work of their departments to achieve these objectives. If the work habits, attitude, production, or personal conduct of an employee fall below appropriate standards, counseling and warning the employee may precede formal disciplinary action, but nothing herein shall prevent immediate formal action.

3.2 Work Emails

All employees are required to use their City-issued email accounts to conduct City business. Employees are specifically prohibited from using their personal email accounts to conduct City business. If any City-business email gets sent to an employee's personal email account, the employee must immediately forward the email to the employee's City-issued email account and conduct any further City-business using the City-issued email account. Employees should be aware that any email containing City business is subject to the Texas Public Information Act, even if it was sent or received on the employee's personal email account.

3.3 Political Activity

3.3.1 *Campaigning and Contributions*

Except as may be otherwise provided by law, the following restrictions on political activity shall apply to City employees:

- a. City employees shall not use working hours or City property to solicit or receive any subscription, contributions, or political service, or to circulate any petition or campaign literature on behalf of any candidate for public office.
- b. No appointive officer or employee of the City shall make a contribution to the campaign fund of any person seeking election to a City office, nor shall he be solicited for this purpose, but his right to express an opinion or to cast a vote as a citizen shall not be limited.

3.3.2 *Candidacy*

Prior to becoming a candidate in an election for public office, an employee of the City shall notify the City Manager of such pending candidacy and shall execute a code of conduct commitment.

3.3.3 *Forfeiture of Employment*

If an employee shall be elected to the office of Mayor or for any place on City Council, such election shall constitute a forfeiture of employment with the City to be effective as of the date of the election.

3.4 Solicitation

Solicitation of funds or anything of value for any lawful purpose may be permitted of or by City employees on the job if approved by the City Manager. No employee may be required to make any contribution nor may an employee be penalized in any way in connection with his employment as a result of his response to a solicitation.

3.5 Outside Employment

An employee shall not engage in outside employment, including self-employment, and shall not perform volunteer work where such employment or volunteer work would constitute a conflict of interest or would adversely affect the employee's performance in City service. Outside employment must be reported to, and approved in writing by, the appropriate Department Director or the City Manager or his designee, as appropriate. Additionally, the Department Director shall file the document approving the outside employment in the employee's personnel file with HR. Department Directors may impose additional department rules requiring that volunteer work be reported to and approved by the Department Director.

3.6 Physical Fitness

It shall be the responsibility of each employee to maintain the standard of physical fitness required for performing the essential functions of his job. The City from time to time may sponsor an Employee Wellness Program or similar program designed to encourage employees to be more health conscious and to live happier and healthier lifestyles. The City encourages all eligible employees to participate in such programs; however, participation is strictly voluntary and participation (or lack thereof) will not impact any performance evaluation.

3.7 Personal Appearance

All employees, regardless of work location and degree of public contact, are expected to dress appropriately and in good taste and are expected to maintain a good general appearance at all times. Supervisors are responsible for ensuring compliance with this section.

3.8 Personal Obligations

All employees are expected to keep their personal affairs in good order. An employee's personal affairs that impede job performance may constitute a basis for disciplinary action.

3.9 Acceptance of Gifts

An employee is prohibited from soliciting, accepting or agreeing to accept any gift for himself or his family or friends, which is attributable in whole or in part to his association with the City. This includes gifts of money, property, service or other things of value from any source except by or through the City's compensation plan and benefits accruing to an employee under this Personnel Policy.

The prohibition of the acceptance of gifts does not apply to anything intended to benefit the City at large, such as requests for free easements, park sites, or foundation grants. Secondly, the prohibition of acceptance of gifts does not include small perishable items, reasonable business lunches, and small office supply advertisement tokens. Where possible, such gifts shall be made available for the enjoyment of all the employees of that particular department or division.

Nothing required herein shall be construed to permit what is otherwise prohibited behavior under current law or to authorize acceptance of any gift that may give an appearance of impropriety.

3.10 Use of City Equipment

From time to time, employees may be required or authorized to use equipment during the performance of their jobs with the City. Although the nature and proper use of the equipment may vary depending on the piece of equipment and the City's needs, any employee entrusted or authorized to use or operate equipment is responsible for ensuring its safe and proper use.

This includes ensuring the safety of the employee and the general public, the safekeeping of the equipment, and the use of the equipment in accordance with City directives and other applicable laws, rules and regulations. The City may impose additional restrictions to ensure the safe and proper operation of specific kinds of equipment that is in keeping with this Section, taking into consideration the nature of the particular equipment and the needs of the City. For purposes of this Section, equipment is to be interpreted broadly and includes motor vehicles, computers, fire apparatus, and office equipment.

From time to time an employee may be authorized or required to use wireless communication devices. Employees using wireless communication devices shall operate, including looking and touching, such equipment only under conditions when it is safe and proper to do so and in accordance with other applicable laws, rules and regulations. Specific examples of operation that may be unsafe include operation of wireless communication devices while operating a moving motor vehicle or when otherwise involved in an activity that requires the employee's full attention.

3.11 Driver's Licenses

Employees who drive on City business at any time must maintain a valid Texas driver's license and valid evidence of financial responsibility (i.e. liability insurance) at all times. Such employees must notify their immediate supervisors of any changes in the status or validity of their driver's licenses and financial responsibility coverage.

3.12 Registered Sex Offenders

All City positions may involve interaction with members of the public, including certain vulnerable populations. If, at any time during the employment, the City becomes aware that an employee is or should be listed on the Texas Public Sex Offender Registry, or any other sex offender registry, the City may reassign or terminate that employee.

CHAPTER 4: DISCRIMINATION AND HARASSMENT

4.1 General Policy

The City provides equal employment opportunities for all employees and prospective employees. The City will not discriminate in its personnel practices on the basis of race, sex, color, national origin, age, disability, genetic information, or religion.

The City prohibits unlawful harassment in the workplace. This means that harassment by means of verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone on the basis of race, color, religion, age, gender, national origin, disability, genetic information, or any other legally protected characteristic, is strictly prohibited. Harassment can include offensive jokes, slurs, epithets or name calling, physical assaults, or threats. While on duty or on the City premises, employees shall not discriminate against or harass any other person, including coworkers, vendors, patrons, and members of the public.

4.2 Sexual Harassment

Sexual harassment is one type of harassment and is defined by the Equal Employment Opportunity Commission as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct enters into employment decisions and/or the conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.”

Examples of behavior that may be considered sexual harassment include, but are not limited to, the following:

- a. Sexual advances, defined as any invitation, no matter how blatant or subtle, that is intended to result in coerced sexual intercourse;
- b. Requests for sexual favors;
- c. Sexually explicit comments, or vulgar or demeaning comments based on gender, such as describing a person’s body;
- d. Sexually explicit jokes or innuendoes;
- e. Displaying offensive calendars, magazines or posters;
- f. Suggestive or insulting sounds;
- g. Leering;
- h. Making obscene gestures;
- i. Causing unwelcome physical contact;
- j. Spreading rumors about a person’s sex life;
- k. Blocking a person’s path or otherwise invading a person’s body space;
 - l. Revealing parts of the body in violation of common decency;
- m. Referring to someone in demeaning terms;
- n. Purposefully brushing up against a person; and
- o. Any other similar activity.

All forms of behavior of these types are prohibited, even if such behavior does not rise to the legal definition of sexual harassment.

4.3 Procedure

4.3.1 *Responsibility of Employees*

Any employee who is subject to, a witness to, or becomes aware of any conduct that might be considered a violation of the protections in this policy (including discrimination, harassment, or retaliation) must report the incident in a timely manner. The employee should make the report to (1) the employee’s immediate supervisor, (2) the employee’s Department Director, (3) the HR Director, (4) the City Manager, or (5) the Mayor. Employees have the right to bypass the chain of command in selecting which person to whom to make a complaint. Informing the person alleged to be violating the policy that the conduct is unwelcome does not constitute a report under this Section. If the person alleged to be violating the policy is one of the persons listed above, the employee must notify a different person in the list so that the matter is appropriately addressed. An employee should not assume that others who witnessed the conduct will know that the conduct

is unwelcome and report it in accordance with this Section. Employees must therefore report the conduct regardless of whether or not any other employees were witnesses. Employees should be prepared to provide the following information in connection with the complaint:

- a. The employee's name and position title;
- b. The name(s) of the person or persons committing the violation, including their titles (if known);
- c. The specific nature of the violation, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the behavior, or any other threats made against the employee as a result of the behavior;
- d. Names of witnesses to the violation; and
- e. Whether the employee has previously reported such violation and, if so, when and to whom.

Employees are not only encouraged to report instances of violations of this policy, they are obligated to do so. Employees are obligated to cooperate in every aspect of an investigation under this policy, including, but not limited to, coming forward with any relevant evidence, answering questions of an investigator, and fully and truthfully making a written report when required to do so by an investigator.

4.3.2 *Investigation*

After an incident described by this policy has been reported, HR will coordinate with the City Manager. The City Manager may delegate the investigation to another City employee or to an independent contractor at his discretion. In the event the complaint is against the City Manager, the Mayor shall delegate the investigation to a City employee or to an independent contractor. An investigation shall be conducted, and when appropriate, local law enforcement officials will be involved to ensure the safety of employees. An employee who is found to have engaged in conduct in violation of this policy is subject to appropriate disciplinary action, including termination of employment. A written record of all disciplinary action taken, including, but not limited to a verbal reprimand, shall be kept in the employee's personnel file.

4.4 Confidentiality

Staff will strive to maintain the confidentiality of a complaint as much as possible. However, absolute confidentiality cannot be promised.

4.5 Retaliation Prohibited

Retaliation is an adverse employment action, such as a decision related to the promotion, transfer, compensation, terms, conditions or privileges of employment, against an individual for certain conduct. Retaliation in any form against an employee for making a good faith charge or report of prohibited conduct under this policy, or for assisting in an investigation, is strictly

prohibited. Employees must immediately report acts of retaliation using the procedure set forth in subsection 4.3.1 of this Section.

CHAPTER 5: COMPENSATION AND BENEFITS

For purposes of this chapter, “full-time” and “part-time” positions mean those terms as described in subsection 2.5.1 of this Personnel Policy. **THIS CHAPTER DOES NOT CONFER ANY CONTRACTUAL RIGHTS TO EMPLOYEES. THE POLICIES AND PROCEDURES SET FORTH IN THIS CHAPTER MAY BE DEVIATED OR DEPARTED FROM BY THE CITY, AND THE CITY RESERVES THE RIGHT TO AMEND, MAKE EXCEPTIONS TO, INTERPRET, AND APPLY ANY OF ITS POLICIES AND POLICY PROVISIONS IN ITS SOLE DISCRETION.**

5.1 Compensation and Classification

The City Manager shall direct the preparation and administration of a compensation and classification plan for City service based on an analysis of the duties and responsibilities of positions. Positions shall be allocated to appropriate classes based on compensable factors. No City employee or representative has the authority to orally promise an employee a bonus, raise, or other change in the employee’s compensation package. The City will not honor any compensation promises made under such circumstances.

5.2 Errors on Paychecks

Employees should examine each paycheck and direct deposit notice. If an employee believes there is an error in his pay, including, but not limited to, a deduction that has been incorrectly assessed, the employee should promptly report the matter to his supervisor, who shall coordinate with HR and the Finance Department. The City will not retaliate against an employee for making such a report in good faith, and encourages employees to do so.

5.3 General Guidelines for Compensation

5.3.1 *Demotions*

If an employee is demoted or transferred from a higher paying position to a lower paying position as reflected in the pay plan, the employee’s new salary will be recommended by the Department Director and approved by the City Manager, or determined by the City Manager in cases where the employee reports directly to the City Manager, within the range set forth in the pay plan for such new position. In the case of a demotion, the new salary within the lower pay range must be lower than the employee’s current salary.

5.3.2 *Rehire*

A former employee who is rehired pursuant to provisions of these rules shall be compensated within the approved range for the new position.

5.3.3 *Payroll*

Employees are paid on a bi-weekly basis.

5.4 Overtime, Call Outs, and Emergency Work

5.4.1 *Overtime*

From time to time, the City may order an employee to work overtime as allowed by law. A non-exempt employee shall receive overtime compensation for time worked in excess of 40 hours in one workweek as required by the Fair Labor Standards Act and other applicable laws, rules and regulations; except that a non-exempt employee whose position provides for sleeping time during a shift shall receive overtime compensation for time worked in excess of 181.33 hours during a 24-day cycle. An employee must secure approval from his supervisor, Department Director, or designated representative prior to working in excess of scheduled hours. Failure to work overtime when ordered or failure to secure approval prior to working overtime may subject an employee to disciplinary action. In receiving overtime compensation, a nonexempt employee may elect to receive either overtime pay or compensatory time at a rate of one and a half times the employee's regular hourly rate. Furthermore, non-exempt employees must keep accurate time records and must not work "off the clock" under any circumstances. Employees should immediately report any effort by a supervisor or any other person to participate in, encourage, or permit any employee to work "off the clock."

An employee may make or change an election for overtime compensation on January 1 or July 1 of each year or upon a change in employment status by the City. The maximum accrual of compensatory time a nonexempt employee may maintain is 80 hours. If an employee has elected to accrue compensatory time in lieu of overtime pay and has reached 80 hours of accrued compensatory time, the employee will receive overtime pay for work in excess of 40 hours in a workweek; until the employee's compensatory time account falls below 80 hours.

All employees who are compensated on a salary, rather than hourly basis, are paid their salary for all hours worked during the work week, regardless of the actual number of hours worked. Department Directors set the workweek for employees in accordance with the needs of the department and in accordance with administrative procedures, if any, established by the City Manager or his designee. Employees that are considered exempt employees pursuant to the Fair Labor Standards Act do not receive any extra pay for hours worked beyond the normal workweek.

A regular, full-time nonexempt employee who is directed to work and does work on an official holiday may elect to either be paid for the time worked at the regular rate in addition to regular pay, or to accrue holiday time. A regular, full-time nonexempt employee whose regularly scheduled day off falls on an official City holiday may elect either to be paid at the regular rate, or to accrue holiday time to be used at a later date.

AS PER SUBSECTION 5.2 HEREIN, IF AN EMPLOYEE BELIEVES THAT HE HAS BEEN PAID OR COMPENSATED FOR OVERTIME INCORRECTLY, THE

EMPLOYEE SHOULD IMMEDIATELY REPORT THE ALLEGED ERROR TO HIS SUPERVISOR WHO SHALL COORDINATE WITH HR AND THE FINANCE DEPARTMENT.

5.4.2 Callouts

From time to time, a supervisor, Department Director, or the City Manager or his designee may call an employee in to work before or after the employee's scheduled shift. For callouts involving work before or after a non-exempt employee's shift in circumstances other than declared disasters or emergencies, employees will be credited with a minimum of 2 hours of work.

5.4.3 Emergencies

In the event of a declared disaster or emergency, employees shall report to work as directed by the City Manager or his designee. Employees should be aware that this means that they may be called to work outside of regular working hours. The City Manager or his designee will be responsible for tracking nonexempt employee overtime costs generated as a result of or related to a declared disaster or emergency. Such costs shall be subject to reimbursement in accordance with law by the appropriate local, state or federal agency. Employees will continue to be compensated by the City as required by the Fair Labor Standards Act and other applicable laws, rules and regulations during the emergency or disaster.

5.5 Salary Adjustments Related to Performance Evaluation

After a performance evaluation, the City Manager may, but is not required to, increase the salary for the evaluated employee, provided that any increase shall be within the limits established by City Council and imposed by the City's Budget. Notwithstanding any other provision in this Personnel Policy, no employee shall receive a salary increase that causes the employee's salary to exceed the maximum salary range in the City's approved pay structures. In the event that market adjustments and performance evaluation increases would result in an annual salary for an employee that exceeds the maximum salary of the given range for such employee's position, the City Manager may award such employee a one-time, lump sum amount that may be up to the total of the difference between the maximum salary of the existing range and salary adjustment which the employee would have received based on the market adjustment and performance evaluation rating. The City will not add the difference to the annual salary as no salaries will exceed the maximum of any range.

Based on present or projected budget limitations, funding availability or fiscal restrictions, the City Manager may, with the approval of the City Council, (1) award a one-time, lump sum payment to eligible employees, in lieu of a salary increase, for market or performance adjustments, or (2) impose a freeze on salary adjustments altogether. Upon conclusion of any such freeze, all of an employee's evaluations during the freeze period will be considered when establishing the subsequent merit pay increase, if any, as determined by the City Manager.

5.6 Benefits for Full-Time Employees

This Section is designed to summarize the benefits offered to City employees, but it is not comprehensive. Furthermore, all benefits are subject to change from time to time and benefits described in this policy may be modified or discontinued at the City's discretion. For questions related to benefits, please contact HR.

Benefits are provided (or not provided) to each type of employee in accordance with applicable law. Eligible employees may receive insurance and retirement benefits as prescribed in the applicable programs and as approved by City Council. Booklets and such other additional information regarding these programs, such as eligibility, coverage, and cost are available through HR. Eligibility for participation in any benefit plan is governed by the terms of the plan document in question.

Benefits that may be available to eligible employees include health, dental, vision, disability and life insurance coverage. Some of these benefits may also be available to the spouses and dependents of eligible employees under terms and conditions that may or may not be different from those available to other eligible employees or former eligible employees.

Certain health insurance coverage may be available to certain existing retirees and certain eligible departing employees in accordance with applicable laws and as set out in this paragraph. During Calendar Year 2009 and Calendar Year 2010, the City shall contribute for a qualifying employee employed by the City prior to September 21, 2009, who retires at 65 years of age or more, who has accrued at least 10 years of service with the City, and who is not employed by another employer that offers insurance, 100 percent of the portion of the premium the City pays for employees, spouses and dependents. The City shall make the same percentage of premium contribution for existing retirees who receive health insurance benefits and who retired at 65 years of age or more and with at least 10 years of service with the City. For Calendar Year 2011 and thereafter, for the two above-referenced categories of retirees, the City shall contribute 100 percent of the portion of the premium the City pays for employees only and shall make no contributions toward spouse and dependent coverage. The City shall provide health insurance benefits in accordance with applicable law for any employee employed by the City on or before September 21, 2009, who subsequently retires from City service, provided such employee is not employed by another employer that offers insurance.

5.7 Benefits for Temporary and Part-Time Employees

Temporary and part-time employees are not eligible for health, dental, vision, disability, or life insurance coverage. Temporary and part-time employees are not entitled to any other City benefits, including, but not limited to, longevity pay and the salary reserve payment, except that any part-time employee whose position normally requires services from the person for not less than 1,000 hours a year shall participate in the City's retirement program, as required by law.

Workers hired through temporary agencies are employees of those agencies and are not employees of the City, and thus, are not entitled to benefits.

5.8 Retirement Benefits

The City of Missouri City is a member of the Texas Municipal Retirement System (“TMRS”), which provides certain retirement benefits for eligible City employees. TMRS requires a mandatory contribution of the salary of certain employees, which will be deducted from the compensation paid for each pay period. Retirement benefits are calculated on the combined contributions of the employee and the City. Additional information regarding benefits to eligible retiring employees is available by contacting HR.

5.9 Longevity

Regular full-time employees shall be paid four dollars (\$4.00) per month for each year of service to the City, not to exceed 25 years. Regular part-time and temporary employees shall not accrue nor be paid longevity pay.

5.10 Salary Reserve

City Council will determine from year to year, when the budget is passed, whether or not to make a salary reserve payment to employees. If City Council approves the salary reserve payment, all regular, full-time employees are eligible to receive a percentage of the employee’s current monthly base salary as of the date the salary reserve payment is received. Employees must be employed with the City on such payment date to be eligible to receive this salary reserve payment. Employees working one year or more as of the date the salary reserve payment is received will receive the full amount of the reserve payment described above. Employees working less than one year will be paid pro-rata for the number of months employed by the City prior to the date the reserve payment is made.

5.11 Employee Development and Educational Reimbursement

In order to provide more effective and efficient service delivery, the City encourages, and may sometimes require, employees to attend workshops, seminars, training sessions, or classroom instruction aimed at increasing their professional knowledge and ability. Should the City require an employee to attend a workshop, seminar or training session, the City will pay 100% of the costs of registration fees related to the course before or at the start of the course. All courses, seminars and professional training sessions will be attended with the prior approval of the employee’s supervisor and Department Director, in consultation with the City Manager.

Should a full-time employee request to attend a job-related course (or course required to complete a job-related degree) or seminar that will provide sufficient short-term or long-term benefits, as determined by the City, the City may supplement costs associated with such course as provided in a procedural document prepared by the City Manager and administered by HR. If an employee receives financial assistance from a source outside of the City for such course or training, such assistance must first be applied to the employee’s expenses. Any employee who receives or attempts to receive a reimbursement for expenses that have been paid for from outside sources may be subject to disciplinary action.

5.12 Business Reimbursements and Allowances

The City may reimburse officials and employees for reasonable and allowable business expenses personally incurred, such as travel and meals, and may provide allowances for expenses such as car, cellular phone and data devices. Certain employees may be provided gear, uniforms and/or equipment at City cost to assist employees in carrying out their duties. The specific reimbursements, allowance amounts, and provisions, and the rules and procedures for securing such reimbursements, allowances, and provisions shall be set forth in administrative procedures administered by the City Manager or his designee.

5.13 Training Incentives

Unless waived by the City Manager, police officers and firefighters are required to have their basic certificate prior to hire. To encourage continuing education in one or both fields, sworn fire and police personnel may be paid incentives above their normal salary in accordance with existing law and may be paid additional incentives as may, from time to time, be determined.

CHAPTER 6: PERFORMANCE MANAGEMENT

6.1 Performance Management Purpose

The City will establish a performance management system. Performance management will help supervisors and employees measure how well work is being performed and will provide tools for employee development and management decisions, including, but not limited to, decisions regarding compensation, training, assignment, promotion and retention.

6.2 Performance Evaluations

It is the policy of the City that all full-time employees will receive an annual written performance evaluation. Department Directors, managers, and supervisors are responsible for initiating, managing, and completing performance evaluations, including required quarterly “touchpoints.” The annual written performance evaluation will:

- a. align annual individual goals with unit, division and departmental goals;
- b. elicit process improvement ideas;
- c. coach, mentor and promote individual and professional development;
- d. connect individuals with organizational and business priorities;
- e. provide opportunities for coaching and mentoring; and
- f. provide a review of the City’s Code of Ideals.

6.2.1 *Counseling*

Supervisors or Department Directors shall provide full-time employees with copies of their own performance evaluation reports. Supervisors shall individually discuss the reports with the employees and shall counsel them regarding their careers and any improvements in performance that appear desirable or necessary. Employees may be required to attend counseling sessions through the City's Employee Assistance Program or with other counselors provided by the City.

Where an employee's performance has been found to be below expectations, the employee may be subject to disciplinary action, up to, and including, termination of employment. The supervisor or Department Director may, but is not required to, counsel the employee regarding performance, provide the employee with written notification of the reasons his performance has been judged substandard, and outline specific ways and means of correcting performance problems by way of a performance improvement plan.

6.2.2 *Reconsideration*

Employees dissatisfied with their performance evaluations may seek reconsideration by using established grievance procedures.

CHAPTER 7: ABSENCES FROM WORK

Employees shall be at their places of work in accordance with City and departmental policies and regulations. Department Directors shall establish work schedules in accordance with administrative procedures, if any, established by the City Manager or his designee and shall maintain daily attendance records. An employee's workweek need not be the same as the calendar week. The workweek may begin on any day of the week and at any hour of the day. The workweek shall be established by the Department Director and changes may be made only upon the Department Director's approval. An employee who fails to report, is habitually tardy, leaves the workplace without proper authorization, or misuses leave may be subject to disciplinary action.

7.1 Holidays

New Year's Day, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Eve, Christmas Day, and one additional floating holiday shall be observed as official holidays for City employees in accordance with the following rules:

- a. Only regular, full-time employees shall receive paid holidays.
- b. As many employees as possible shall be given each holiday off consistent with the maintenance of essential City functions.
- c. Full-time regular employees, part-time and temporary employees may be granted unpaid holidays upon approval of their Department Director.
- d. The time of day that an official holiday begins for an employee is the normal time the employee is to report to work on such official holiday. For employees

participating in a non-traditional work schedule (i.e. 4/10), holiday hours will accrue at the same hourly rate as the rate for employees on a traditional work schedule.

- e. An employee on leave of absence without pay status on the holiday or on the scheduled workday immediately preceding or following the holiday shall not accrue holiday time nor receive pay for the holiday.
- f. With approval of the Department Director, an employee may take up to three days off for the purpose of observing religious holidays. The employee may take time off without pay or use accrued vacation, holiday, or compensatory leave.
- g. If a holiday falls on Saturday, the preceding Friday shall be observed, and if a holiday falls on Sunday, the following Monday shall be observed.
- h. The maximum accrual of holiday time an employee may maintain is 132 hours.

7.2 Vacation

7.2.1 *Employees Other Than Certain Police and Fire Department employees*

Except as provided below (for members of the Police or Fire Departments), regular full-time employees shall earn vacation leave as follows:

Service With City	Vacation Days*	Hours Earned Per Month	
		Hours Worked Per Workweek	Hours Earned
0-5 years	10	40	6.66
		53	10.00
6 years	11	40	7.33
		53	11.00
7 years	12	40	8.00
		53	12.00
8 years	13	40	8.66
		53	13.00
9 years	14	40	9.33
		53	14.00
10-14 years	15	40	10.00
		53	15.00
15 years and over	16	40	10.66
		53	16.00

7.2.2 *Police and Fire Department Employees*

Regular full-time employees who are members of the Police or Fire Departments, as defined under Section 142.010 of the Texas Local Government Code, as such code may be amended, who have been in said departments for at least one full year shall earn vacation leave as follows:

Service With City	Vacation Days*	Hours Earned Per Month	
		Hours Worked Per Workweek	Hours Earned
Less than 1 year	10	40	6.66
		53	10.00
1-14 years	15	40	10.00
		53	15.00
15 years and over	16	40	10.66
		53	16.00

*For those persons working a 24-hour shift, which includes sleeping time, each 24-hour shift shall be considered to be made up of two, 12-hour days.

7.2.3 Administration of Vacation Leave

Vacation leave shall be administered according to the following rules:

- a. Only regular, full-time employees shall accrue vacation leave.
- b. An employee's hire date shall be recorded as the anniversary date for the purpose of vacation accrual.
- c. The maximum accrual an employee may maintain is equal to, but not greater than, two (2) times his annual rate. Employees shall be encouraged to use a substantial portion of their vacation leave each year.
- d. An employee who accrues the maximum vacation leave allowed shall not accrue additional vacation until that employee uses a portion of the accrued vacation time.
- e. No vacation leave shall be allowed unless previously approved by the Department Director. Department Directors shall schedule or approve vacations giving due consideration to the needs of the City and the interests of the employee.
- f. Employees who are separated from City service for any reason shall be paid for any accrued, unused vacation leave up to, but not greater than, the maximum vacation accrual leave.
- g. Vacation leave may be taken in one-hour increments if so authorized by the Department Director or his designee.
- h. Vacation leave shall be charged only for time during which the employee would ordinarily have worked. For example, City holidays will not be charged against vacation time.
- i. Employees being laterally transferred, promoted or demoted shall retain accrued vacation leave.
- j. Vacation leave shall not be advanced to employees except with the approval of the City Manager.
- k. Vacation leave credits are not transferable between employees.
- l. An employee under suspension, or on leave without pay, shall not accrue vacation leave.

7.3 Sick Leave

7.3.1 *Applicability*

Sick leave is paid time away from work due to a bona fide illness or injury that prevents an employee from working, for medical visits, or to care for certain family members who are ill or injured. An employee to whom this section applies may use sick leave to care for his child, spouse or parent. A child of an employee is a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing “in loco parentis.” A spouse is a person legally married to the employee under federal law. A parent of an employee is a biological parent or an individual who stands “in loco parentis” to the employee.

Regular, full-time employees shall earn sick leave as follows:

Hours Earned Per Month	
Hours Worked Per Workweek	Hours Earned
40	8.00
53	12.00

7.3.2 *Administration of Sick Leave*

Sick leave shall be administered according to the following rules:

- a. Only regular, full-time employees shall accrue sick leave.
- b. On January 1 of each year, the first six months’ worth of sick leave will be set aside from the major illness sick leave account for annual short-term sick leave. For new employees or employees who do not have at least six months’ worth of sick leave accumulated, the first six months of sick leave accumulated will be used as short-term sick leave. On December 31 of each year, if an employee has used one short-term sick leave day or more, up to a maximum of six, the short-term sick leave account shall be replenished from the major illness leave account so that up to six days of sick leave are available at the beginning of each calendar year.
- c. If more than six days of short-term sick leave are taken during the year, additional days off must come from accumulated vacation days, compensatory time, or holiday time. Authorized use of major illness leave begins with the fourth consecutive working day of absence due to sickness. However, the short-term sick leave account will not be replenished once time is deducted from the major illness account.
- d. An employee who has 300 or more hours of major illness leave accumulated and has used his or her six short-term sick leave days for the year, has the option of using hours accumulated from his or her major illness sick leave account instead of using vacation, compensatory time, or holiday time for an illness. Should the employee’s major illness sick leave fall below 300 hours, he or she no longer has

- this option except upon City Manager approval—he or she must use his or her vacation, compensatory time, merit reward time, or holiday time for an illness.
- e. Should an employee be out for an illness and return to work and the same illness then continues (within a reasonable period of time), the Department Director may authorize continued use of major-illness sick leave with no break in usage. The time worked between the original illness and the reoccurrence will not be deducted from sick leave but counted as actual time worked.
 - f. Sick leave time shall not be used for attending funerals or for any other activity not expressly permitted in this Personnel Policy.
 - g. Employees will not be permitted to engage in any employment or business outside of their regular City duties from the time they give notice of sick leave until such time as they have returned to work in their respective City departments, divisions, or offices unless the employee has prior approval from the employee's Department Director.
 - h. An employee out on sick leave, either for himself or to care for an ill family member, must report to his supervisor on a regular basis as determined by the supervisor in order to be kept advised as to a return-to-work date.
 - i. Accumulation of major illness sick leave credits for use during employment shall be unlimited. However, there is a maximum of 120 calendar days that can be expended for any one illness or injury. After that period of time, an employee may be placed on administrative leave without pay and may apply for long term disability.
 - j. Sick leave credits will not be restored upon rehire. Employees shall not receive any pay or other compensation either for, or in lieu of, accrued sick leave time upon any type of employment termination except as otherwise authorized in this section.
 - k. The City Manager, Department Director, or Department Director's designee may request and obtain verification of the circumstances surrounding any use of sick leave. Failure to provide verification upon request may subject an employee to disciplinary action, up to, and including, termination of employment.
 - l. Notwithstanding any other provision of this Policy, after the exhaustion of sick leave within a year, additional leave must come from accumulated vacation days, compensatory time, or holiday time. Pay shall be discontinued when all accumulated leave is exhausted.
 - m. An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of the illness or injury be charged to sick leave.
 - n. Sick leave credits are not transferable between employees.
 - o. Part-time and temporary employees shall not accrue sick leave.
 - p. Falsely claiming sick leave or failing to provide requested medical verification may result in disciplinary action up to and including termination of employment.
 - q. Upon retirement from the City, employees will be paid for 25% of accumulated major illness sick leave exceeding sixty working days, up to a total of thirty days.

- r. Sick leave may be taken in increments equivalent to one hour of work because of illness, injury, legal quarantine, or routine health care appointments, which cannot reasonably be scheduled outside of working hours.
- s. The City reserves the right to have a physician, appointed by the City, to render a decision (second opinion) as to whether an employee is able to return to work—either in a full-duty or a light-duty status. If it is determined that an employee is not able to perform his normal job but the employee is able to perform a lighter duty job, it will be at the City’s discretion as to whether the employee is to be placed on sick leave or to return to work on a light-duty status.
- t. If an employee is released to a light duty status, the employee may be placed in another position or department to perform a light duty job. If the employee works in a light duty status for more than 90 days, the employee’s salary may be reduced if the light duty position is in a lower pay range.

7.4 Military Leave

The City provides leave and associated benefits in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other applicable federal and state laws. An employee should contact HR as soon as practicable prior to taking military leave to determine applicable responsibilities and procedures.

7.5 Funeral/Bereavement Leave

A Department Director may grant a regular full-time employee under his supervision up to three (3) days of leave with pay in the event of a death within the employee’s immediate family, provided that the employee’s request complies with this subsection and is adequately supported by appropriate documentation. In this subsection, the phrase, “immediate family” means an employee’s father, father-in-law, mother, mother-in-law, sister, brother, spouse, child, step-child, grandparent, or grandchild. If requested by the employee, the City Manager may grant additional leave, which may be taken as leave without pay or, if available, holiday leave or vacation leave, in cases involving extenuating circumstances or extreme traveling distances.

Part-time and temporary employees may be granted not more than three (3) days of leave without pay in the event of a death within the employee’s immediate family. If requested by the employee, the City Manager may grant additional leave without pay in cases involving extenuating circumstances or extreme traveling distances.

Department Directors and the City Manager must document any type of leave granted for a funeral or bereavement and must submit such documentation to HR within 7 days of the date such leave is granted for placement and retention in the employee’s personnel file.

7.6 Administrative Leave with Pay

A regular, full-time employee ordered not to report to work or who cannot report to work because of inclement weather or disaster may be granted administrative leave with pay by the City

Manager. All employees shall be granted sufficient administrative leave with pay, when necessary, in order to vote in an official election. All employees called for jury service shall be granted administrative leave with pay during such service and shall retain any fees paid by the courts. Employees excused or released from jury service shall report to their workstations in accordance with departmental instructions. With the approval of the City Manager, a Department Director may grant an employee administrative leave with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, civic function or meeting, or for the purpose of coordinating with governmental and private agencies and entities in the interest of the City. Administrative leave with pay shall only be provided in the amount of time the employee was scheduled to work.

7.7 Administrative Leave Without Pay

For circumstances not falling within other provisions of this Personnel Policy, the City Manager may authorize an employee to take administrative leave without pay under such terms and conditions as may be determined by the City Manager. Administrative leave without pay may be authorized for up to 6 months. No benefits will be provided to an employee while on administrative leave without pay except any insurance coverage, in effect and under the terms and conditions offered during such administrative leave without pay. Such insurance coverage will be provided to the employee by the City for up to 6 months. Sick leave, vacation time, holiday time, and longevity will not accrue while the employee is out on administrative leave without pay. Should an employee return to work, accruals for sick leave, vacation time, holiday time, longevity, and other benefits shall resume accruing at the same rate as when the employee began the administrative leave without pay.

Except as provided in Chapter 7, the City may or may not hold the employee's position open during his administrative leave without pay. If the City does hold a position during an employee's administrative leave without pay, at the City's option, the employee may return to his former position, or he may be placed in a similar position.

If an employee is unable to return to work at the end of 6 months, or is terminated, the employee may elect to continue his health and dental insurance coverage under the provisions of the Consolidated Omnibus Reconciliation Act of 1985 ("COBRA"). The employee will be responsible for the premium and any other related fees for the coverage. COBRA payments are due the first of each month and are to be submitted to the insurance carrier.

7.8 Absences in Excess of 120 Calendar Days

After the expiration of 120 calendar days following any continuous absence due to any reason, an employee may be placed on administrative leave without pay under such terms and conditions as may be determined by the City Manager, and, if applicable, may apply for long-term disability.

7.9 Absence Without Leave (Lost Time)

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 in pay status for the time involved. Absence without leave constitutes abandonment of duties, which may result in dismissal. If an employee is absent for 3 days without notifying his supervisor, the City may assume that the employee has quit and the employment relationship may be terminated.

7.10 Occupational Injury Benefit Program

The purpose of this Section is to establish employee benefits for those individuals who receive occupational injuries and to define a process for administering the Worker's Compensation Program for the City of Missouri City.

7.10.1 *Responsibilities and Duties*

Accident Review Committee: The City may form an Accident Review Committee comprised of members from several City Departments who will review and investigate any work-related injury or occupational disease claimed or suspected.

Finance Department: The Finance Department shall be responsible for overall supervision, coordination and instruction in execution of the City's Workers' Compensation Program. All questions relative to the specific application of the Workers' Compensation Act should be directed to the Finance Director or to the HR Director.

Department Directors: Department Directors may implement safety guidelines and policies applicable to their departments. Each Department Director should see that all occupational injuries are immediately reported to the HR Director. A delay in reporting accidents may cause a delay in the payment of applicable benefits or may result in disallowance of benefits. To the fullest possible extent, Department Directors should arrange for personal contact with all employees who suffer major lost time injuries. Contact should be made, if possible, no later than 48 hours after the initial report of injury. Department Directors shall review all accident reports, may review recommendations of the Accident Committee, if any, and shall take appropriate corrective action to minimize the likelihood of reoccurrence of such accidents.

Individual Employees: An injured employee must immediately notify his supervisor when accidents occur, who, in turn, will notify his supervisor up through the chain of command to the Department Director.

7.10.2 *Salary-Continuation Benefits*

In addition to the benefits prescribed under the Workers' Compensation Act, an injured employee unable to work in any available position may receive a salary-continuation benefit in accordance with the terms and conditions set forth herein. An employee must have accrued sick leave or other accrued leave to be eligible to receive the salary-continuation benefit.

The salary-continuation benefit payments shall result in a deduction of accrued sick leave or other accrued leave. The increments by which an employee's accrued sick leave or other leave is deducted shall be as set forth herein. The monetary amount of the salary-continuation benefit per pay period shall be calculated as follows: net pay (salary) before the injury minus the workers' compensation benefit payment amount which corresponds to such pay period equals the amount of the salary-continuation benefit for that period. The salary-continuation benefit payments shall result in a deduction to the employee's accrued sick leave or other accrued leave as follows: the salary-continuation benefit payment paid divided by the employee's hourly rate equals the sick leave or other leave hours to be deducted for the benefit payment. In no circumstances shall the paragraph above be construed so as to make the salary-continuation benefit exceed the difference between the level of income benefit payments and the employee's net pre-injury wage. The salary-continuation benefit shall cease after the expiration of 120 calendar days from the date of first absence from work due to the work related injury.

Salary continuation and/or sick leave benefits may be withdrawn if:

- a. The accident is not reported within twenty-four hours, unless the employee is unable to comply due to his work-related injury or occupational disease.
- b. The employee does not promptly submit to an examination(s) by a physician(s) of the City's choice.
- c. The employee is awarded disability retirement.
- d. The employee is found to be working.
- e. The employee resigns, is terminated from City employment or is placed on administrative leave without pay.
- f. The employee will not agree to perform light, partial or part-time City work as authorized by a physician and as requested by the City.
- g. If the employee fails, refuses to comply with, or disregards the treating physician's instructions regarding treatment.
- h. The employee misrepresents his physical condition as other than in fact it is.
- i. The employee fails to return to regular or partial duty after he has been released for regular or partial-duty by a physician.
- j. The employee fails to notify the City of a previous medical problem, which is aggravated by duties while in the employment of the City.
- k. The employee refuses to supply medical reports or other information relating to the injury, when requested by the City or fails to report weekly to his supervisor and the HR Director.

In the event an employee develops a serious health condition, as defined herein, as a result of an occupation injury, the employee may be eligible for family medical leave if he is otherwise qualified under the provisions of the Family Medical Leave Act.

7.11 Nursing Mothers

In accordance with the Patient Protection and Affordable Care Act, Title IV, Section 4207 (29 U.S.C. § 207(r)(1)) and Section 619.003 of the Texas Government Code, the City Manager prepared and the Human Resources and Organizational Development Department administers a policy to accommodate the expression of breast milk during a work day by employees who are nursing mothers. Employees may contact HR for information regarding the City's policy.

CHAPTER 8: FAMILY MEDICAL LEAVE ACT

The Family and Medical Leave Act ("FMLA"), as codified in the United States Code, Title 29, Chapter 28, Sections 2601-2654, requires covered employers to provide eligible employees with up to 12 weeks per year of unpaid leave, with protection of the employee's job and continued medical benefits, for certain qualifying conditions. The purpose of this Section is to provide employees with a general description of FMLA rules. In the event that a term is undefined herein, the meaning of that term under federal law shall apply. In the event of any conflict between this Section and the applicable law, employees will be afforded all rights required by law. For more information or for questions related to FMLA, contact HR.

8.1 Definitions

For purposes of this Section, the following words have the following meanings:

- a. *Child* means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in the position of a parent who is (a) under 18 years of age or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.
- b. *Covered military member* means the employee's spouse, son, daughter, or parent on active duty or call to active duty status.
- c. *Covered service member* means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.
- d. *Health Care Provider* means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other health care provider as defined by the FMLA.
- e. *Parent* means biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child.
- f. *Reduced Leave-Schedule* means a leave schedule that lowers the usual number of hours per workweek, or hours per workday, of an employee.

- g. *Serious Health Condition* means that term as defined by the FMLA.
- h. *Spouse* means that term as defined by federal law.

8.2 Eligibility

Employees who have been employed for at least 12 months, worked at least 1,250 hours during the preceding 12-month period, and work at a location where at least 50 employees are employed at the location or within 75 miles of the location, are generally eligible for FMLA leave. FMLA is unpaid leave that runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker's compensation.

8.3 Amount of Leave

8.3.1 *12 Workweeks*

Eligible employees are entitled to 12 workweeks of unpaid leave in a rolling 12-month period for:

- a. the birth of a child and to care for the newborn child within one year of birth;
- b. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- c. to care for the employee's spouse, child, or parent who has a serious health condition;
- d. a serious health condition that makes the employee unable to perform the essential functions of his job; and
- e. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

8.3.2 *26 Workweeks*

Eligible employees are entitled to 26 workweeks of unpaid leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin.

8.3.3 *Spouses*

If husband and wife are both employed by the City and are eligible to take FMLA leave, they are limited to a combined total of 12 workweeks of leave during any 12-month period for leave taken under subsections 8.3.1(a)-(c) of this Section.

8.3.4 *Exhaustion of Paid Leave*

An employee who takes FMLA leave must substitute and exhaust accrued sick leave, vacation leave and holiday leave, as part of the 12-week or 26-week entitlement periods before beginning leave without pay status. An employee may elect to substitute accrued compensatory time as part of the 12-week or 26-week entitlement periods.

When an employee is on FMLA leave without pay, vacation leave, sick leave, holiday leave, and longevity will not accrue. Should an employee return to work, accruals for vacation, sick leave, longevity and other benefits, except for health benefits which are addressed elsewhere in this Section, will begin accruing at the same benefit rate as when the employee began his FMLA leave without pay.

8.4 Requests for Leave

Whenever leave is taken or anticipated to be taken that may be subject to the FMLA, the employee should fill out a FMLA leave request form. When the need for leave is foreseeable, the employee must provide the City with at least 30 days advanced written notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice as soon as practicable. Employees must give the City sufficient information for it to make a determination as to whether the employee's absence is FMLA-qualifying. Employees shall not be retaliated against for requesting or taking FMLA leave. Employees should report any alleged retaliation to HR immediately.

8.5 Leave Certification

The City may require FMLA leave to be supported by a certification issued by the health care provider of the employee or the child, spouse, parent, or next of kin of the employee. A certification must be furnished within 15 calendar days of the request for such certification or as soon as is practicable to HR. The Department Director shall be notified when such certification is received by the City and of the length, terms and conditions of the leave necessitated by the FMLA qualifying reason. The City may require a second or third medical opinion (at the City's expense).

Employees may be asked to periodically recertify the need for FMLA. The recertification must be provided within 15 days or as soon as practicable under the particular facts and circumstances. The City will request recertification no more than every 30 days, but may request recertification in less than 30 days if (1) the employee requests an extension of leave, (2) circumstances described by the previous certification have changed significantly, or (3) the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

8.6 Intermittent or Reduced-Leave Schedule

An eligible employee may take FMLA leave on an intermittent or reduced-leave schedule for a qualifying exigency if medically necessary for planned medical treatment only if approved

by the City Manager. Employees needing intermittent leave or leave on a reduced-leave schedule for planned medical treatment must attempt to schedule their leave so as not to disrupt the City's operations. If an employee requests intermittent leave or leave on a reduced-leave schedule, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

8.7 Health Benefits

The City will provide health benefits to an employee while on FMLA leave at the level and under the conditions benefits would have been provided if the employee had continued in employment for the duration of the leave. The City may elect to recover the cost that the City paid for the health benefits during the period of unpaid leave if the employee fails to return to work after the period of leave to which the employee is entitled has expired.

CHAPTER 9: DRUG-FREE WORKPLACE

All employees of the City are required to refrain from the use of illegal drugs. Persons who use illegal drugs, on or off duty, are not suitable for employment with the City. The use, possession, or sale of illegal drugs by any employee, on or off duty, is strictly prohibited. Possession or use of alcoholic beverages on City premises is prohibited except when specifically authorized as a necessary job assignment, or at City-sponsored social or recreational functions approved by the City Manager. Further, employees shall not be under the influence of alcohol or performance-altering drugs while on duty or on call. All employees shall be aware that violation of this policy can result in disciplinary action, up to, and including, dismissal. Any employee who learns or suspects that another employee is in violation of any aspect of this policy shall immediately report such violation to a supervisor.

An employee who uses or possesses illegal drugs while on duty, during working hours, or on City property, is subject to immediate disciplinary action, up to and including dismissal. Further, employees reasonably suspected to be under the influence of alcohol or drugs shall be prevented from engaging in further work of any sort and may be subjected to immediate testing in accordance with the procedures set forth in this Section.

9.1 Employee Responsibilities

All employees must:

- a. not report to work or be "on call" while his ability to perform job duties is impaired due to alcohol or drug use, on or off duty;
- b. not possess or use alcohol or drugs during working hours, on breaks, during meal periods or while operating any City vehicle or equipment, except when specifically authorized as a necessary job assignment or as otherwise allowed under this Section;
- c. not directly or through a third party sell or provide drugs to any person or to any other employee while either employee or both employees are on duty or "on-call";

- d. submit immediately to reasonable requests for alcohol and/or drug testing when requested by a responsible City representative;
- e. notify his supervisor, before beginning work, when taking any medications or drugs (prescription or non-prescription) that may interfere with the safe and effective performance of duties or operation of City equipment; and
- f. provide, within 24 hours of request, a current valid prescription for any drug or medication identified when a drug test is positive. The prescription must be in the employee's name.

9.2 Pre-Employment Drug Screening

All applicants for employment by the City shall be required to undergo drug testing for the presence of certain drugs after a contingent offer of employment is made. Applicants who refuse to consent to drug screening will not be considered for employment. An applicant who has a positive test result after an initial drug test and a confirmatory test shall not be eligible for hire by the City until the expiration of one year from the date of testing. An applicant who has tested positive shall be eligible to reapply for City employment upon the expiration of such one year period; provided however, that the applicant shall be subject to retesting prior to employment.

9.3 Drug and Alcohol Screening for Current Employees

9.3.1 *Reasonable Suspicion*

The City may require an employee to undergo drug and/or alcohol testing if there is a reasonable suspicion that the employee is under the influence of drugs or alcohol during working hours. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances that constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- a. a pattern of abnormal, unusual, or erratic behavior;
- b. information provided by a reliable and credible source;
- c. possession of drugs or alcohol or direct observation of drug or alcohol use; or
- d. presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination or reflexes).

9.3.2 *Post-Accident Testing*

An employee shall be required to submit to drug or alcohol testing, or both, when he is involved in a work-related accident involving a fatality and there is a reasonable possibility that drug use was a contributing factor or when he receives a citation under state or local law for a moving traffic violation committed while working. This does not limit a supervisor's ability to otherwise require drug and/or alcohol testing of an employee after he is involved in a work-related accident. An employee who refuses to consent to a drug and/or alcohol test when required under this Section is subject to disciplinary action up to, and including, dismissal. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

9.3.3 *Random Testing*

The City may require all of its employees in those departmental divisions that are subject to the Omnibus Transportation Act of 1991 (the “Transportation Act”) to be randomly tested for the presence of drugs or alcohol. Such random testing will be conducted in accordance with the applicable federal rules and regulations pertaining to the Transportation Act. However, nothing in this Section is intended to affect the City’s ability to implement other sections of this Policy, except in the case of a direct conflict, in which case the Transportation Act and any rules and regulations relating thereto shall prevail, and then, only to the extent of such conflict.

9.4 Management Responsibilities and Guidelines

Supervisors are responsible for consistent enforcement of this policy. Any supervisor who knowingly permits a violation of this policy by an employee under his direct supervision shall be subject to disciplinary action. Any supervisor requesting an employee under his supervision to submit to a drug and/or alcohol test should immediately notify the Department Director or the City Manager. Should the Department Director or the City Manager concur that there is a reasonable suspicion that the employee is under the influence of drugs or alcohol, the following procedure shall immediately be applied:

- a. The City Manager, Department Director, or supervisor should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs;
- b. The supervisor requesting an employee to submit to a drug or alcohol test shall be responsible for the employee’s transport to the drug and alcohol testing laboratory where the drug or alcohol test will be performed; and
- c. Any supervisor encountering an employee who refuses to submit to a drug or alcohol test upon request shall remind the employee of the requirements and consequences of this policy. Any employee refusing to submit to a drug or alcohol test shall not be forced to submit to such testing. The supervisor should provide transport for the employee to his home. The employee will be placed on administrative leave without pay pending further disciplinary action.

9.5 Drug and Alcohol Testing Procedures

9.5.1 *Consent to Drug and Alcohol Testing*

Before a drug or alcohol test is administered, employees or applicants will be asked to sign a consent form authorizing the test and permitting release of test results to City officials. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City’s drug and alcohol testing policy. The consent form shall also set forth the following information: (1) the procedure for confirming an initial positive test result; (2) the consequences of a confirmed positive test result; and (3) the consequences of refusing to undergo a drug test.

9.5.2 *Testing Procedures*

The initial drug screening shall utilize industry standard testing procedures, which shall be administered at the City's expense. An employee or job applicant whose drug test yields a positive result shall be given a second test, at the City's expense. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the appropriate City representative using a standard form. The letter of notification shall identify the particular substance found and its concentration level.

An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted on the same sample at a laboratory selected by the City that meets certain minimum criteria for drug testing.

The employee or applicant requesting a third test shall notify the City of such request in writing within 3 working days of his receipt of the results of the second test.

9.5.3 *Drugs Included in Testing*

When drug or alcohol testing is required under the provisions of this policy, the test will be given and may detect the presence of the following drugs: amphetamines/methamphetamines (e.g. speed, crystal), benzodiazepines (e.g. Valium, Librium, Oxazepam, Serax, Dalmane, Ativan), barbiturates (e.g. Amobarbital, Butobarbital, Pentobarbital, Phenobarbital, Secobarbital), cocaine, propoxyphene, methodone, methaqualone (e.g. Quaalude), opiates (e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone), phencyclidine (PCP), THC (Marijuana), alcohol, and any other controlled substances or substances that may be deemed controlled substances in the future.

9.5.4 *Laboratory Procedures*

All drug and/or alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City. A medical facility or laboratory must maintain written procedures approved by the City that will be used to maintain test samples. These procedures shall, at a minimum, include:

- a. testing procedures that ensure privacy to employees and applicants, consistent with the prevention of tampering;
- b. methods of analysis that ensure reliable test results, including the use of industry standard procedures to confirm positive test results;
- c. chain-of-custody procedures that ensure proper identification, labeling, and handling of test samples; and
- d. retention and storage procedures that ensure reliable results on confirmatory tests of original samples.

At the test site, the employee or applicant will be given a form on which he may list any medications he has taken or any other legitimate reasons for his having been exposed to drugs within the previous 30 days.

9.5.5 *Processing of Samples*

Upon receipt of the sample from the employee, the individual supervising the testing will test the temperature of the urine and initiate the processing of the sample. The sample shall be sealed by the employee and the individual supervising the testing will sign the sealed sample. The sample will be labeled with a control number and the date and time the specimen was obtained and kept in a secured refrigerated atmosphere until tested. The seal will only be broken by the individual performing the analysis. In order to protect the chain of custody, any person handling the sample must sign for it.

9.6 Privacy in Drug Testing

Urine samples shall be provided in a restroom stall or similar enclosure so that employees and applicants may have privacy while providing the sample. Street clothes, bags, brief cases, purses, and other containers may not be carried into the test area. The water in the commode may be colored with blue dye to protect against dilution of test samples.

9.7 Confidentiality of Test Results

Unless otherwise allowed or required by law, all information from an employee's or applicant's drug or alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee. All records relating to the taking of a drug or alcohol test or the order to take a drug or alcohol test shall be deemed confidential unless written authorization has been obtained from the employee or the records become the subject of a judicial proceeding. All records relating to the taking or ordering of a drug or alcohol test shall be kept by the HR Director in a separate file. The HR Director shall implement procedures to prevent the unauthorized distribution of the results of or the order to take a drug or alcohol test. Notwithstanding the foregoing, the City is subject to the Texas Public Information Act and will disclose information in accordance with the law.

The results of a positive drug or alcohol test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be handled in accordance with all applicable laws and regulations.

9.8 Consequences of a Confirmed Positive Test Result

If an employee's positive test result has been confirmed, the employee is subject to disciplinary action, up to, and including, dismissal. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions.

No disciplinary action will be taken against an employee solely for his voluntarily identifying himself as a drug user or alcohol abuser, if such voluntary identification is made prior to and apart from an incident giving rise to a circumstance that would constitute a basis for administration of a drug test, the employee obtains counseling and rehabilitation through an Employee Assistance Program (EAP) approved by the City Manager, consents to a program of random drug and/or alcohol testing, and after such voluntary identification refrains from violating the City's policy on drug and alcohol abuse. Disciplinary action may, however, be taken against such employee for other reasons.

9.9 Drug Policy Implementation

9.9.1 *Prior Notice of Testing Policy*

The City shall encourage its employees to become more knowledgeable about and make available to all employees information about the dangers of drug use and alcohol abuse in the work place. By acknowledging receipt of the Personnel Policy, the employee understands and agrees to comply with the rules concerning drug and/or alcohol testing. Job applicants shall also be provided written notice of this policy.

9.9.2 *Use of Drug-Sniffing Dogs*

The City may use properly trained and supervised drug-sniffing dogs to conduct unannounced inspections of the property and facilities owned and operated by the City to detect the presence of illegal drugs.

9.9.3 *Disciplinary Action Notwithstanding Drug and Alcohol Testing*

Nothing in this policy requires the City to undertake drug or alcohol testing, or both, as a requisite to any disciplinary action or restricts the discretion of the City to proceed based solely on evidence of behavior, personal observations, or other evidence customarily relied upon in determining whether or not to take disciplinary action.

9.9.4 *Employee Assistance Program*

The City's Employee Assistance Program (EAP) is available for alcohol abuse and drug use treatment, and HR will make additional referral sources available upon request.

Disciplinary action based on a violation of the City's drug and alcohol policy is not automatically suspended by an employee's participation in the EAP and may be imposed when warranted by this policy or other appropriate authority. The City will participate in the cost of EAP to the extent of coverage by the City's Group Hospitalization Insurance Coverage.

9.9.5 *Exception for Police Department Training and Programs*

In the event that an employee participates in training or a program specifically authorized by the City's Chief of Police, the employee does not violate this Chapter for conduct required by

such participation, provided that the employee participates in accordance with the City’s guidelines for participating in such training or program. Notwithstanding any other provision, such employee may be subject to disciplinary action for conduct other than possessing or using alcohol or drugs, including conduct associated with or arising out of his authorized possession or use of alcohol or drugs under this subsection.

CHAPTER 10: SMOKE-FREE WORKPLACE

10.1 Smoking Prohibition

In order to protect the health and welfare of City employees and volunteers, as well as the general public, all City-owned or operated buildings and facilities are declared “Smoke Free,” thereby prohibiting the use or smoking of a burning tobacco product or e-cigarette, except as otherwise set forth in this policy. This includes lobbies, waiting rooms, conference rooms, break areas, work rooms and restrooms, but excludes City parks and other open air areas. Smoking is also prohibited within 25 feet outside of entrances, exits, and wheelchair ramps serving any entrance or exit; operable windows; and ventilation systems of enclosed areas where smoking is prohibited. A City employee or volunteer shall not smoke or use a burning tobacco product or e-cigarette when in contact with the general public on official business. The City Manager or his designee will resolve any conflict resulting from this policy, and the determination made by same shall be final.

10.2 Designated Smoking Areas and Notification of Policy

Outside smoking areas for employees and volunteers, away from the general view of the public, may be provided by the City Manager or his designee for each building and facility. Signs may be displayed at entrances to City buildings and other key areas stating that smoking is prohibited.

CHAPTER 11: DISCIPLINARY ACTION

11.1 Disclaimer

EMPLOYEES OF THE CITY SERVE AT THE WILL OF THE CITY MANAGER (OTHER THAN THE CITY SECRETARY AND THE CITY ATTORNEY, WHO SERVE AT THE WILL OF THE CITY COUNCIL) AND HAVE NO PROPERTY RIGHT IN THEIR EMPLOYMENT AND MAY BE DISMISSED WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE. This Section describes disciplinary procedures generally, but the City reserves the right to combine or skip steps, or otherwise deviate or depart from these procedures in any manner, on a case-by-case basis.

11.2 Grounds for Personnel Action

The City Manager, or his designee, may take disciplinary action against an employee. Disciplinary action may be taken for conduct including, but not limited to, illegal, unethical,

abusive or unsafe acts; violation of City rules, regulations, policies or procedures, including this Personnel Policy; insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; abuse of leave or other benefits; tardiness or absence without leave; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages while on duty; waste, damage, or unauthorized use of City property or supplies; unauthorized or improper use of official authority; on-duty or off-duty criminal conduct; and any other conduct which, in the opinion of the City Manager, is detrimental to the City. This is an illustrative list but does not include all reasons for disciplinary action against an employee, as it is impossible to list every possible scenario.

The City Manager, or his designee, may take other disciplinary action against an employee for unsatisfactory performance related to his job or position not directly due to a disciplinary problem. For example, a job may grow to the point that the employee in the job is no longer capable of performing the job in a fully satisfactory manner, or an employee may be promoted into a job beyond the apparent capability of the employee to satisfactorily perform. Or, it may be determined that an employee needs additional training or education before said employee can satisfactorily perform in a job. Or, an employee may cease to satisfactorily perform a job after performing satisfactorily for a time.

11.3 Formal Disciplinary Action

Formal disciplinary action shall include, but is not limited to, written reprimand, probation, suspension, reduction in pay, demotion, and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon circumstances, and may be combined. All formal disciplinary action shall be permanently noted in the employee's official personnel file. An employee may be notified at any time that he may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Nothing herein shall prohibit the administration of informal disciplinary action, such as oral reprimands.

11.3.1 *Written Reprimand*

An employee may be reprimanded in writing. The written reprimand shall describe the deficiency or infraction involved and may state the likely consequences of further unsatisfactory performance or conduct.

11.3.2 *Suspension*

A Department Director may suspend an employee without pay for up to 30 calendar days in one calendar year. A written notice of suspension shall be given to the employee that describes the deficiency or infraction involved and may state the likely consequences of further unsatisfactory performance or conduct.

When an employee is under investigation for a crime or official misconduct or is awaiting a hearing or trial in a criminal matter, he may be suspended without pay for the duration of the

proceedings. If the investigation or proceedings clear the employee, he shall be eligible for reinstatement under such terms and conditions as may be specified by the City Manager.

11.3.3 Disciplinary Reduction in Pay

An employee's pay may be reduced within the range specified for his position in the City's compensation plan. A written notice of reduction in pay may be given to the employee that describes the deficiency, infraction, or performance problem involved and may state the likely consequences of further unsatisfactory performance or conduct. The imposition of a disciplinary reduction in pay shall not disqualify such employee from consideration for later pay increases.

11.3.4 Disciplinary Demotion

An employee may be demoted. A written notice of demotion may be given to the employee that describes the deficiency or infraction involved and may state the likely consequences of further unsatisfactory performance and/or conduct. The reduction shall be noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later pay increases.

11.3.5 Dismissal

An employee may be dismissed from City service. A written notice of dismissal may be given to the employee that describes the deficiency or infraction involved. If a written notice is issued to the employee, the written notice shall be placed in the employee's personnel file prior to the closing of the file.

CHAPTER 12: WORK SEPARATION

12.1 Resignation

An employee may leave the City service in good standing by submitting his resignation at least ten working days in advance of the work separation. The City Manager may waive any part of or the entire notice period.

12.2 Layoff

An employee may be laid off because of changes in duties or organization or for lack of work or funds. Layoffs shall not be considered disciplinary actions.

12.3 Veterans

Employees who left the City service to enter on duty with the armed forces of the United States shall be eligible for reinstatement in accordance with the applicable state and federal laws.

12.4 Restoration of Seniority Credits

Restoration of seniority or service credits upon rehire shall be prohibited unless expressly provided for in this Personnel Policy or by law.

12.5 City Property

Former employees that have exited City employment for any reason are not to be on City property that is not open to the public after employment has ended unless escorted by a City employee. Furthermore, employees must return any City property at the time of separation.

CHAPTER 13: GRIEVANCES

13.1 Grievance Report

An employee, other than a Department Director, an Assistant City Manager, or an appointed official, who is formally disciplined or to whom other personnel action has been taken may file a written grievance report as set forth herein. The report must be filed within 30 days of the action at issue.

An employee must first report any grievance(s) to the employee's supervisor. If the employee needs assistance in putting the grievance(s) in writing at any point in the grievance process, the employee may request assistance from his immediate supervisor or any supervisor in his chain of command (other than the City Manager), and that assistance will be provided.

The grievance report should include the following information:

- a. The employee's name and position title;
- b. The employee's supervisor's name and position title;
- c. The specific basis for the employee's grievance;
- d. The employee's desired outcome of the grievance report; and
- e. Whether the employee has previously reported the grievance to anyone and if so, when and to whom.

13.2 Supervisory Consideration

It is the supervisor's responsibility to attempt to fairly settle the grievance(s). If the supervisor cannot settle the grievance(s) or does not satisfy the employee to the employee's satisfaction, the employee may present the grievance(s) to the next supervisor in the employee's direct chain of command. The grievance must be presented in writing. If the employee does not feel the grievance has been resolved, after proceeding through the chain of command, the employee may present the grievance to the employee's Department Director in writing.

Any supervisor responding to a grievance must give a written comment and recommendation to the Department Director with a copy to the employee. The Department Director shall consider the grievance(s) and shall meet with the employee to further clarify the grievance(s) if necessary. The Department Director shall give a decision in writing.

13.3 City Manager Consideration

If the Department Director's decision is not acceptable to the employee, the employee may present the grievance(s) to the City Manager. This must be done in writing. The City Manager will conduct such additional fact-finding as he considers appropriate and will give a decision in writing. The City Manager shall have the absolute authority to approve, disapprove, modify or rescind any disciplinary action taken or proposed. The City Manager's decision shall be final and binding on all parties concerned.

Notwithstanding any of the foregoing, the City Manager may, at his discretion, consider hearing a written grievance(s) that comes directly to him from an employee, giving due consideration to the sensitivity of the grievance, the employment history of the aggrieved party, the need for a timely decision, and other relevant factors. If the City Manager elects not to hear a grievance that comes directly to him from an employee, the employee shall be allowed to proceed through the chain of command where he left off as specified by this policy.

YOU MUST RETURN THIS SIGNED ACKNOWLEDGEMENT TO YOUR SUPERVISOR WITHIN 5 BUSINESS DAYS OF RECEIVING THE POLICY AND MAY BE REQUIRED TO SIGN THIS ACKNOWLEDGMENT ANNUALLY

CITY OF MISSOURI CITY

ACKNOWLEDGEMENT OF PERSONNEL POLICY

I understand that this Personnel Policy is not intended to be and is not understood to be an employment contract. I understand that there is no specified length of employment with the City and that either the City or I can terminate the relationship at will, at any time, with or without cause, and with or without advance notice. My employment relationship with the City of Missouri City may be governed by a number of sources, including, but not limited to this Personnel Policy, the Missouri City Code, administrative policies and procedures, departmental policies and procedures, and state and federal statutes and regulations. Additionally, I understand that the City reserves the right to modify its employment policies and to use discretion in carrying out such policies. By signing below, I acknowledge receipt of the City of Missouri City Personnel Policy, agree that the City of Missouri City Personnel Policy is not a contract, and agree to abide by the policies and procedures set forth and incorporated therein.

Employee's Signature

Employee's Printed Name

Date