



# City of Melissa

## Personnel Policies & Procedures Manual

Approved: October 2009  
Last Update: August 2010

## City of Melissa Values Statement

In conducting business with the citizens of Melissa, our internal City employees, vendors, and other agencies that may interact with City personnel, we will be guided by The Golden Rule. We will treat others with the same level of respect and professionalism that we would expect to be given.

Internally (within the circle of City of Melissa personnel and its supporting agencies) our conduct with each other will be marked with high ethics, honesty, and integrity. We value character and display loyalty to the City and its citizens by focusing on what is best for Melissa as a whole. We are a dedicated, team-oriented staff who shows mutual respect. We value competency and commitment to our jobs. We attempt to understand how to do our job best and how what we do affects others within the City.

We have a sense of duty to the City of Melissa and work with a passion for doing our jobs with excellence. We are dedicated to doing our jobs the right way for we know that what we do today lays a foundation for all those who will one day live in Melissa and for those who will serve them. We value the heritage given to us by those that preceded us and we realize that what we do today leaves our own heritage. We will leave a legacy of making a positive difference in the lives of the citizens of Melissa and those they touch.

We know the citizens of Melissa are our reason for being here. They set policy, vision and procedures through their elected council and mayor. They are the greatest assets of Melissa and we are dedicated to caring for those assets. The citizens of Melissa and others that deal with the City will, because of the way we treat them, have a positive impression of the City government. We will present ourselves as professionals who are accessible, considerate, helpful, caring, and reliable. The citizens are not distractions from our job. They are our job. We will rise to the highest levels of customer service. We will treat everyone equally and fairly regardless of any background considerations. We will focus on their concerns and making life better for them through our services to them.

In our efforts to be professional in conducting the business of the City, we must value flexibility and adaptability. The City of Melissa is growing at a rapid pace. We must be always learning and adapting. We are exploring new ideas, new technologies, new approaches, and new applications. We value growth, education and training. We value confidence and *our* ability to stand behind our decisions because we base them upon:

- the best information available at the time;
- consideration for everyone involved;
- concern for how it affects others; and
- a focus on the best interests of the citizens of Melissa.

## **City of Melissa (Government) Vision**

Professional citizen-servants leading a growing community by providing responsible public administration and reliable municipal services; enforcing reasonable standards of development and safety which protect property values and ensure a quality community atmosphere; dedicated to fiscal responsibility and stewardship based on honesty, integrity, fairness, and accountability with service above self and excellence in all we do.

## **City of Melissa (Government) Mission**

Serve the citizens of Melissa by prosecuting a system of government through which our citizens and businesses prosper.

- Ensure a safe, quality environment for residents and businesses.
- Provide effective, reasonable priced municipal services and administration.
- Establish and enforce reasonable standards pertinent to the City with all due respect for established State and Federal laws.
- Control development to ensure opportunity for growth, retention of property values, and preservation of our rural heritage with an emphasis on City beautification.
- Maintain a vision of the future and plan for services, which support that vision.
- Execute these responsibilities in harmony with our neighbor communities, State and Federal government without discrimination based on race, color, religion, gender, age, sexual orientation, national origin, political affiliation, disability, veteran's status, or other non-merit factors.

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## PURPOSE OF MANUAL

This manual is a summary of personnel policies and procedures established to assist managers, supervisors, and employees of the City of Melissa in the administration of positive employee relations in accordance with sound management principles and applicable laws and regulations.

Although most major areas of the personnel policy are defined in this manual, there may be situations that are not cited specifically. In these instances, management retains the right to establish policy. All personnel policies apply to **all City of Melissa employees** regardless of classification or whether volunteer or paid staff.

It is the responsibility of each employee of the City to comply with all policies in this manual and with other rules and regulations implemented in accordance with these policies. If there are questions about any policies, procedures, rules or regulations, they should be discussed with the immediate supervisor or department head.

This manual represents the general City policies. Individual departments may establish additional policies. These policies must be reviewed and/or approved by the City Administrator/Manager, be on file, and be posted and distributed to affected employees.

Specific departmental rules and regulations will be explained by each employee's supervisor or department head. It is the responsibility of the management to administer personnel policies in a consistent, fair and impartial manner.

The purpose of this policy is to provide an overview of the City's general expectations for employees and managers. The regulations herein provided are merely general guidelines that the City may unilaterally rescind or modify at any time without notice. The regulations are not a contractual obligation.

The statements and provisions of this handbook will control over any contradictory statements, written or otherwise, made by any supervisors of the City; any agreements or assurances concerning the terms, conditions or duration of any individual's employment, is not binding unless the same is in writing and signed by a designated official of the City.

**This manual and the policies contained in it are not a contract of employment, do not constitute a guarantee of employment for any specific duration and are not all-inclusive of every situation. The relationship between the City and employees are "employment at will",** including temporary, seasonal and contract employees. This policy does not provide contractual or property rights to any employee. The City of Melissa reserves the right to release an employee at any time and for any reason, with or without cause, unless expressly prohibited by law.

Employees of the City of Melissa have the following rights:

1. Employees have the right to state grievances in a respectful, appropriate manner to their supervisors without fear or reprisal.
2. Employees have the right to review the contents of their own personnel file, under supervision by Human Resources. Appointments are required. Please contact the Human Resources Manager if you wish to review your file.
3. Employees have the right to make application for other jobs in the City as positions become available.
4. Employees have the right to review, under supervision, their own payroll records.
5. Employees have the right and are encouraged to make suggestions to their supervisors on ways and means to improve City functions.
6. Employees have the right to participate in political activities, in accordance with State law, subject to the guidelines specified in this handbook.

## Chapter 1

### INTRODUCTION

#### **Section 1-01. Objectives of Policies**

Effective Date: 10/13/09

The purpose of these policies is to bring into the service of the City a high degree of understanding, cooperation, efficiency, and unity, which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees, with all the benefits such a program insures. The basic objectives of these policies are:

- A. To promote and increase efficiency and economy in the service of the City.
- B. To provide fair and equal opportunity to all applicants to enter City employment based on demonstrated qualifications, experience, suitability, and fitness when required, as ascertained through fair and practical methods of recruitment and selection.
- C. To develop a program of recruitment, advancement, and tenure, that will make employment with the City attractive as a career and encourage each employee to render his best services to the City.
- D. To establish and promote high morale among City employees by providing a good working environment, uniform personnel policies, opportunity for advancement, and consideration for employee needs and desires.

#### **Section 1-02. Equal Opportunity Policy**

Effective Date: 10/13/09

It is the policy of the City of Melissa to afford equal opportunity in all aspects of the employment relationship to all individuals. Equal Employment Opportunity is the law of the land, and the City of Melissa will not discriminate because of race, color, religion, gender, age, sexual orientation, national origin, political affiliation, disability, veteran's status, or other non-merit factors.

This Equal Employment Opportunity policy applies to all aspects of the employment relationship including but not limited to, recruiting, interviewing, testing, ranking, selection, compensation, promotion, transfer, performance appraisal, training, discipline, layoff, and discharge.

The City of Melissa will take necessary action to assure that its personnel and operating procedures support equal opportunities in employment. However, the City reserves the right to evaluate each individual based on bona fide abilities and qualifications to perform the essential functions of the job.

**Section 1-03. Applicability and Scope**

Effective Date: 10/13/09

These policies apply to all City employees unless specified otherwise by state law, City ordinance, or departmental policy approved by the City Administrator/Manager. A person on retainer or under contract is not considered a City employee in the absence of a specific agreement to that affect; however, the City expects that any individual, paid or volunteer, representing the City in an official capacity uphold the same Equal Employment Opportunity standards as its staff.

Nothing in this manual shall be considered to create a property right in employment. It should be understood that employment is for an indefinite period and is at-will.

**Section 1-04. Dissemination and Familiarity  
of Policies**

Effective Date: 10/13/09

All City employees shall be informed of the existence of these policies and each department head shall keep a copy available for reference by its employees. An employee manual outlining the general personnel policies of the City will be furnished to all employees for their personal use and reference. **The City of Melissa shall require that all employees sign a statement that they have been furnished a copy of an employee manual outlining these policies.** It shall be the employee's responsibility to become thoroughly familiar with such policies.

**Section 1-05. Amendments to Policies**

Effective Date: 10/13/09

These policies may be amended, supplemented, or superseded at any time by the City Administrator/Manager. Upon any change, each employee will be notified of the change and directed to the location of the new policy and/or be given a copy of the revised policy changes in writing as soon as possible thereafter, and shall sign a statement that they have been furnished a copy of the amended policy or policies.

**Section 1-06. Administrative Authority**

Effective Date: 10/13/09

The City Administrator/Manager shall be responsible for establishing the policies under which personnel matters are to be administered. With the exception of matters reserved to the City Council by statute, ordinance or these policies, the general and final authority for personnel management rests with the City Administrator/Manager, who shall develop, administer, and interpret personnel policies and procedures as they apply to all departments and employees.

Each department head is responsible within the scope of their authority for enforcing the provisions of these policies and related rules and procedures about matters involving their department. Department heads may prepare and enforce additional personnel policies within their department provided they are not inconsistent with these policies and have been approved by the City Administrator/Manager.

## Chapter 2

### EMPLOYEE HIRING and APPOINTMENT

#### **Section 2-01. Vacancies**

Effective Date: 10/13/09

Only those vacancies allocated in the annual budget or new positions authorized by the City Council shall be filled. The department head shall notify the City Administrator/Manager immediately when a vacancy occurs in their respective department. Vacancies may be filled through public announcement, promotions, transfers, demotions or reinstatement.

#### **Section 2-02. Announcement of Vacancies**

Effective Date: 10/13/09

The City Administrator/Manager, or their designee, shall publicly announce by appropriate means all job vacancies. Job vacancies may be posted on our City web-site, on bulletin boards located at the Municipal Complex or various other web-sites and publications. Each job announcement insofar as practicable, shall 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; and the application deadline. Each announcement shall also contain a statement affirming the City's commitment to a policy of equal employment opportunity. This provision does not preclude promotions or transfers being done internally without advertising.

#### **Section 2-03. Employment Applications**

Effective Date: 10/13/09

Applications for employment or reinstatement shall be submitted on forms as prescribed by the City Administrator/Manager, or his or her designee, for each vacant 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.

#### **Section 2-04. Employment Evaluation/ Grounds for Disqualification**

Effective Date: 10/13/09

The primary goal of the City is to fill vacancies with highly qualified applicants that are the best suited for the position. The department head, City Administrator/Manager or their designee shall determine the most appropriate means of evaluating applicants against job requirements and organizational mission to identify the qualified persons suited for the job. Reference checks, interviews, medical and psychological examinations, criminal history checks, verification of citizenship or employment eligibility, skills test, written tests, driver's license checks, and/or other screening procedures may be used as deemed appropriate and in all cases shall be consistent with the applicable employment laws and regulations.

Applicants may be required to provide any work experience and qualifications information necessary to demonstrate compliance with prescribed qualification requirements or proficiency.

An applicant shall be disqualified from consideration if he or she:

- A. Does not meet the qualifications necessary for performance of the duties of the position involved.
- B. Has made any false statement of fact on the application, depending upon the seriousness, willfulness and applicability of the false information to the position;
- C. Is not lawfully authorized to work in the United States in accordance with the Federal Immigration Reform and Control Act, as amended; or
- D. Would be in violation of the nepotism policy or laws.

Former employees of the City of Melissa who were dismissed for reasons of misconduct or performance are considered ineligible for rehire. Should an exception be desired, a formal review can be requested in writing to the City Administrator/Manager no sooner than one year after separation.

An applicant may also be disqualified from consideration upon other reasonable grounds relating to job requirements.

<b>Section 2-05. Americans with Disabilities Act/ Reasonable Accommodations</b>	Effective Date: 10/13/09
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The City of Melissa is an equal opportunity employer and, as such, requires compliance with the Americans with Disabilities Act (ADA). The Act prohibits discrimination against qualified persons with disabilities in hiring, as well as in all terms and conditions of employment. All requests by City employees for accommodation under the ADA should be submitted in writing to the Human Resources Department. The City shall comply with ADA regulations when consideration requests for accommodation.

<b>Section 2-06. Applicant Referral, Interview And Selection Process</b>	Effective Date: 10/13/09
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The referral of applicants to department heads for selection shall be in accordance with approved City policies, procedures and practices developed by the City. Interviews will be structured and conducted in such manner as to appraise the applicant's qualifications and ability to perform the essential functions of the position. All applicants meeting the minimum requirements may not receive a personal interview. In order to ensure compliance with ADA hiring guidelines, all departmental proposed hiring procedures will be submitted to the Human Resources Manager for review.

Rating and evaluation of education, training and experience will be based upon information in the application form and such other data as may be secured through the interview or from other sources, which may be subject to investigation as to truth and completeness. For positions requiring specific educational achievements, a copy of diplomas, degrees or certifications may be required.

The Department head/hiring manager will make the selection of the most qualified applicant. The Department head/supervisor will then submit the selection to the City Administrator/Manager and/or their designee to begin the background investigation process as described in Section 2-11.

**Section 2-07. Authority for Employment Hire**

Effective Date: 10/13/09

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

Hirings shall be made based on the applicant's qualifications, experience, talents and suitability for the job as ascertained through fair and practical selection methods. It shall be the policy of the City to appoint the most qualified applicant best suited for the position.

All agreements with a selected applicant will be made in exact accordance with the written, authorized or approved salary plan. Any agreement, oral or implied, that differs from that described herein will not be honored. Offers of employment will be made through the Human Resources' office.

**Section 2-08. Employment Status**

Effective Date: 10/13/09

All employees are classified into one of the following categories:

- |                      |  |
|----------------------|--|
| REGULAR EMPLOYEES:   | Employment in an authorized position in which the employee works at least forty (40) hours in a regular work schedule.                   |
| PART-TIME EMPLOYEES: | Employment in a position normally budgeted less than forty (40) hours per work week.   |
| TEMPORARY EMPLOYEES: | Employment in a position established for a specified period of time, or for the duration of a specified project or group of assignments. |

For purposes of overtime pay, employment positions are classified as "EXEMPT" or "NON-EXEMPT", defined as follows:

- |         |  |
|---------|--|
| EXEMPT: | Any position that performs professional, executive or administrative duties and is classified as exempt by the Federal Fair Labor Standards Act. This classification is paid on a salary basis and is not eligible for overtime pay. |
|---------|--|

NON-EXEMPT:

Any position that is paid on an hourly basis. This classification is generally eligible for overtime pay.

All employment by the City of Melissa is in the form of an "at will" employment, meaning that it can be terminated by either employer or employee at any time for any or no reason, in so much as it is not illegal; nothing in these regulations will be held to alter the "at will" nature of such employment. The City reserves the right at any time to enter into an employment agreement with an employee.

**Section 2-09. Nepotism/Restriction of  
Employment of Relatives**

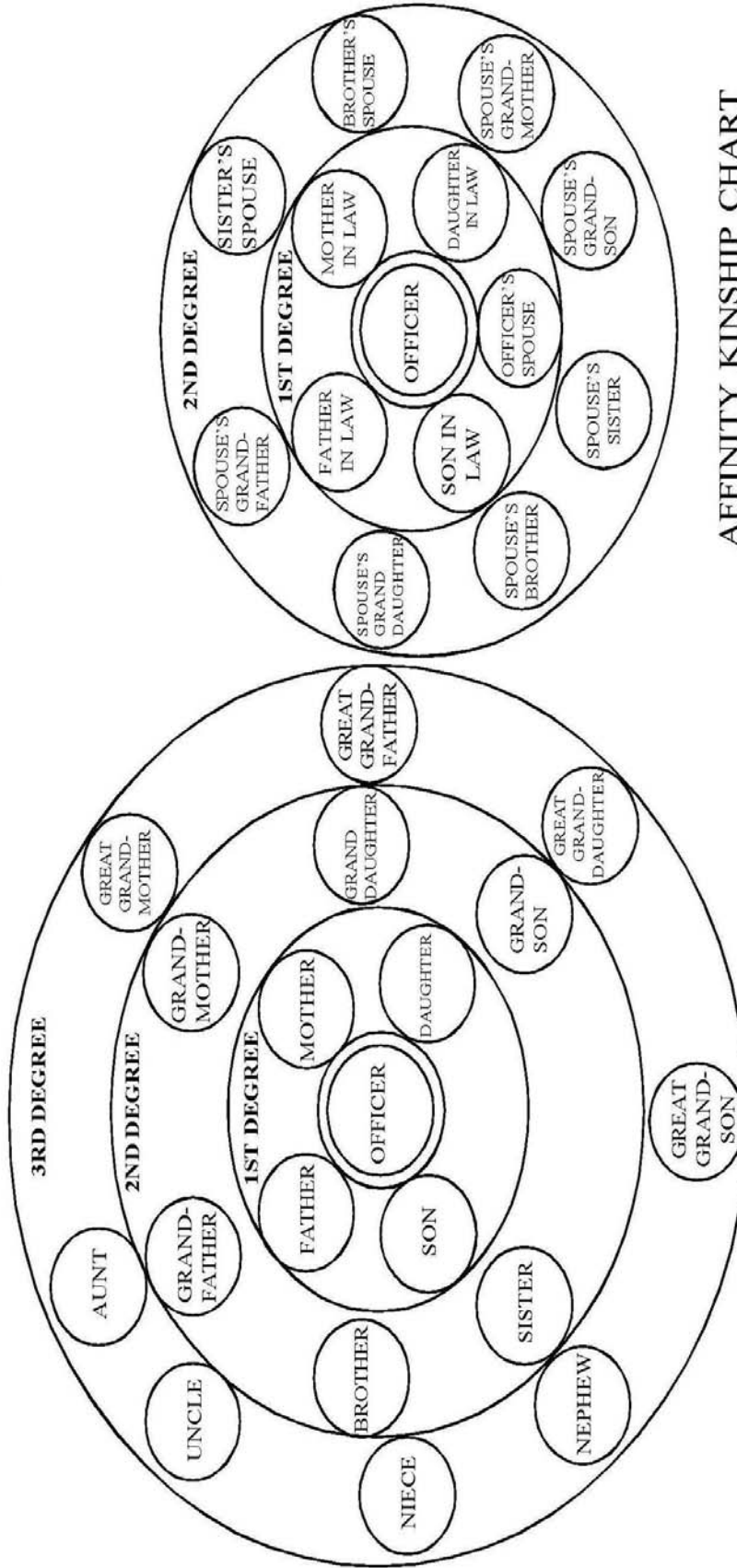
Effective Date: 10/13/09

No person related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to the mayor or any member of the City Council shall be appointed to any office, position, or other services of the City, but this prohibition shall not apply to officers or employees who have been employed by the City continuously for more than six (6) months prior to the election of such member of the council or mayor.

No person shall be employed with the City who has a relative currently employed by the City in the same department or in a position which will require frequent interaction between the new employee and the relative or in a position which could influence the new employee's pay, performance evaluation, separation, promotion or tenure. For the purpose of this section, a relative will be defined as someone related within the second degree by blood or the second degree by marriage to the applicant. "Second degree" includes, but is not limited to: parents, children, grandchildren, grandparents, siblings and the corresponding in-laws. Existing employees found to be in a situation defined as nepotism will be given an opportunity to seek a transfer, if available, or resign their position. The allowable time for such a transfer or resignation will be determined by the City Administrator/Manager after receipt of a recommendation by the Human Resources Department.

Personnel in different divisions that fall into the definition above cannot work the same shift or hours that will create interaction while on duty. No applicant will be considered for hire in public safety if nepotism is determined to exist in their specific circumstance. Existing employees found to be in a situation defined as nepotism will be given an opportunity to seek a transfer, if available, or resign their position. The allowable time for such a transfer or resignation will be determined by the City Administrator/Manager, after receipt of a recommendation by the responsible Director.

**NEPOTISM  
Civil Law Method  
Effective in Texas Since August, 1991**



**CONSANGUINITY KINSHIP CHART (Blood)**

**AFFINITY KINSHIP CHART  
(Marriage)**

**Section 2-10. Residency Requirements**

Effective Date: 10/13/09

There shall be no absolute residency requirements for City employment. However, departmental policies and job descriptions outlined at the time of hire may require a specific response time for those employees likely to be called to work in cases of emergency. Such employees may be required to reside within a reasonable commuting range of their places of work. For these purposes, a reasonable commuting distance shall be defined as twenty (20) miles from the City. The City Administrator/Manager shall make any final determination regarding acceptable distance for key personnel. Employees who are allowed to operate City vehicles between their places of residence and work may be required to reside within the City or a reasonable commuting range as defined above.

**Section 2-11. Pre-employment  
Examinations**

Effective Date: 10/13/09

Individuals who receive an offer of employment from the City must undergo a drug screening at a pre-designated laboratory as directed by the City prior to the first day of employment. The offer of employment is conditional upon the results of the drug screening. The lab work will be covered at the expense of the City.

Certain pre-designated positions may also require individuals to take a medical and physical examination at City expense given by a doctor designated by the City. Under 42 U.S.C. §12112(b)(6) and §12112(d) a medical examination maybe required if it is shown to be job-related for the position in question and is consistent with business necessity given the particular job duties at issue, and is no more intrusive to accomplish the employer's legitimate goal. The offer of employment is conditional upon the results of the physical examination. Furthermore, these results will not be used to discriminate on the basis of a qualified disability and the information obtained regarding medical condition or history will be collected and maintained in separate forms and in separate medical files and shall be treated as confidential medical information. The City Administrator/Manager, acting upon information provided by medical personnel, shall be the final authority in determining medical suitability for employment. The City Administrator/Manager may waive or modify the medical examination requirement for any or all part time positions, temporary employees, or emergency appointments.

The Texas Commission on Law Enforcement Officer Standards and Education requires that all peace officers be examined by a licensed psychologist who certifies that they are in satisfactory psychological and emotional health to be a police officer.

**Section 2-12. Emergency Temporary  
Appointments**

Effective Date: 10/13/09

The City Administrator/Manager reserves the right to hire temporary or part-time employees in cases of emergencies or unusual or extraordinary circumstances, which places demands which exceed the work force capabilities of the City. Emergency temporary appointments shall not be used to circumvent the normal appointment procedures. The employees involved shall not acquire any status or rights in the position to which they are temporarily appointed.

**Section 2-13. Promotions**

Effective Date: 10/13/09

Promotions will be defined as the assignment of an employee from one position to another requiring more responsibility, experience, education, technical or professional expertise and which is usually at a higher salary. The selection process may be limited to qualified, existing City employees first before considering other applicants. Opportunities for promotion across organizational lines shall be maximized, with approval from the City Administrator/Manager being necessary prior to such promotion.

All employees who receive a promotion will serve a three (3) month probation period in their new position. A performance review will be given at the conclusion of the promotion's probation period, and a salary review will be conducted in accordance with the City's salary classification system. This review does not guarantee a salary increase. The supervisor may, at any time during this period, determine the individual is not suited to the position and may either transfer the employee if a suitable position is available or terminate the employee. The City has no obligation to place the individual in another position within the City, including the position formerly held.

**Section 2-14. Temporary Promotions**

Effective Date: 10/13/09

There may be instances where the proper performance of City functions will require a temporary assignment or where an employment position becomes available and where the City wishes to provide a current employee with the opportunity to fill that position. In such cases the City Administrator/Manager may authorize a temporary promotion to the job in an "Acting" status. Normally employees so promoted will hold the position for a specified time period and will be compensated at the appropriate pay level prescribed for the job. Temporary promotions shall not be used to circumvent normal selection procedures, and those employees involved shall not acquire any status or rights in the position to which temporarily promoted.

Nothing herein shall be construed to prevent the assignment of additional or a higher level of duties to an employee's existing position without additional compensation.

**Section 2-15. Transfers**

Effective Date: 10/13/09

Transfers may be requested to other positions in the same salary level (lateral transfers), to positions in lower-paying salary levels (demotion) or to positions in higher-paying salary levels. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between classes or between departments shall become effective following approval of the City Administrator/Manager.

A lateral transfer will not affect the individual's salary; however, a transfer to a lower-paying job may require an adjustment in salary and other salary-related benefits. If the transfer is to a position in a higher job classification, the transfer may be considered a promotion and a salary increase may be authorized. A lateral transfer will not affect the individual's salary; and should be approved when the transfer is in the best interest of the City or rewards an exceptionally competent employee for meritorious performance. Lateral transfers are discouraged.

A transfer not involving promotion or demotion may be effected at any time for administrative convenience or necessity, or upon request of the employee to the department head, or if interdepartmental, to the City Administrator/Manager; provided that the employee is qualified to perform the duties of the position to which transfer is contemplated.

**Section 2-16. Demotions**

Effective Date: 10/13/09

A demotion is the assignment of an employee from one position to another position having fewer responsibilities or requiring less experience, education, technical, or professional expertise, and in most cases, results in a reduction in salary. The employee must be capable of performing completely all those duties required in the job to which he or she is demoted. An employee may be demoted at any time.

A demotion may be effected for either a disciplinary or non-disciplinary action with the approval of the City Administrator/Manager. If qualified to perform the duties of the lower level position, an employee may, at their own discretion, be administratively demoted. Demotions that occur at the request of the employee, shall not be considered as disciplinary actions or to disqualify the employee involved from consideration for later advancement. Demotions, when used as an alternative to layoff, may be fully or partially rescinded at any time.

**Section 2-17. Re-hire Eligibility**

Effective Date: 10/13/09

Former employees of the City of Melissa who left employment in good standing are considered eligible for rehire. Former employees of the City of Melissa who were dismissed for reasons of misconduct or performance are considered ineligible for rehire. Should an exception be desired, a formal review can be requested in writing to the City Administrator/Manager no sooner than one year after separation.

**Section 2-18. Employee Orientation**

Effective Date: 10/13/09

Upon hire, new employees shall go through a thorough orientation about the nature of the job, the benefits, obligations and responsibilities of the position, and the general policies and procedures of both the City and the department in which he or she is employed. In addition, the City shall obtain information needed for insurance programs, determining citizenship status, etc., such as date of birth, that were not provided for in the application for employment. The employee shall also be furnished a copy of the City personnel policies and procedures for their personal use and reference at this time and the employee, by signature, shall acknowledge its receipt.

## Chapter 3

### PROBATION PERIOD

#### **Section 3-01. Probation Period**

Effective Date: 10/13/09

Every newly employed person shall be required to successfully complete a probation period of six (6) months, unless otherwise specified by department policy or state law. The department heads shall use the probation period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs. Only those employees who have satisfactory job performance and minimum job qualifications during their probation periods shall be retained.

Satisfactory job performance includes, but is not limited to: regular attendance; punctuality; proper conduct toward the supervisor, fellow employees, City management, City Council and the general public; and satisfactory performance of the duties of the position.

Department heads shall submit an evaluation report on each employee to the City Administrator/Manager prior to the completion of the probation period. Whenever a license or certification is required for a position, the probation period shall be extended for a period of time permitted by state or federal law to obtain such license or certification. However, an employee's probation period may be extended up to three (3) more months if, in the opinion of the department head or City Administrator/Manager, such additional time is necessary or warranted in order to adequately evaluate the employee or to secure any license or certification required for the position. In the case of appointing or promoting department heads, the probation period shall be evaluated by the City Administrator/Manager.

#### **Section 3-02. Completion of Probation**

Effective Date: 10/13/09

During or at the end of the probation period, the supervisor may discharge or discipline any employee at will and such disciplinary action or discharge shall not be subject to any grievance or arbitration.

Failure of probation may occur at any time within the probation period and shall not be considered part of the disciplinary process. However, the employee may be administratively transferred to a more suitable position with approval of the City Administrator/Manager.

**Section 3-03. Appeal of Failure of Probation**

Effective Date: 10/13/09

An employee failing probation shall have no right to appeal except on the grounds of discrimination or other grounds prohibited by law and City policies, in which case the employee may appeal in writing to the City Administrator/Manager within three (3) working days following notice of failure of probation. The decision of the City Administrator/Manager shall be final.

## Chapter 4

### COMPENSATION & PERFORMANCE EVALUATION

#### **Section 4-01. Compensation Plan**

Effective Date: 10/13/09

The City of Melissa will, within its financial capability, provide equitable compensation for all employees in the form of pay and benefits.

Salary reviews may be conducted annually, and wage increases may be based on performance and the employee's contributions to the overall mission of the City. In the event of promotion, the anniversary date for salary review is the date of promotion.

All City pay ranges and job relationships may be reviewed annually. The City Administrator/Manager may recommend blanket changes in the compensation plan to adjust salaries for individual positions as is necessary to keep the compensation plan current and competitive with other employees of the same personnel class. Recommended changes in the compensation plan will be included in the annual budget and become effective upon City Council approval of the budget. The City Administrator/Manager reserves the right to determine if and when the changes can be applied based upon budgetary realities.

#### **Section 4-02. Entry Level Pay Rates**

Effective Date: 10/13/09

New City employees generally are paid at the minimum rate established for their job category. The City Administrator/Manager may approve initial employment at a higher rate after confirmation with the hiring department. The rate must be within the established salary range for the position.

#### **Section 4-03. Employee Pay Schedule**

Effective Date: 10/13/09

The City of Melissa utilizes a bi-weekly pay schedule, with a total of twenty-six (26) pay periods each calendar year. All employees shall be paid on the same schedule, every other Friday as set by the City. Supervisory personnel or their designees distribute paychecks. When an employee is on authorized leave, the employee must report to the payroll office to pick up their paycheck. Paychecks are **only** issued to employees unless a written authorization is filed naming others to whom the employee wishes the check released. Anyone, other than the employee, who receives an employee paycheck, must sign for its receipt. All paychecks not distributed on payday will be secured until the next workday.

When payday falls on a holiday, employees are paid on the last working day preceding the weekend or holiday. The City will not provide any paycheck advances under any circumstances. The City shall also encourage its employees to utilize direct deposit when possible.

**Section 4-04. Emergency Duty Pay**

Effective Date: 10/13/09

The City will define several events as emergencies, including but not limited to, weather conditions, personnel shortages, and the like. These emergency situations may be of short-or long-term duration. In such emergency situations, the City of Melissa reserves the right to require any and all employees to be available for work assignments to maintain the essential functions of the City.

Employees called back to work in emergencies shall be compensated in accordance with established overtime and recall policies.

**Section 4-05. Overtime and Compensatory Time**

Effective Date: 10/13/09

Overtime, when ordered for the maintenance of essential City functions as determined by the City Administrator/Manager, shall be allocated as uniformly as possible among all eligible employees. Eligible employees, those qualified to do the work, will be paid in accordance with the Fair Labor Standards Act (FLSA) 29 C.F.R. § 785.47. Department Heads are responsible for exercising adequate supervision to ensure that employees are complying with established work schedules. All overtime hours must be approved in advance by a supervisor or City Administrator/Manager. Failure to obtain permission in advance may result in disciplinary action.

**ELIGIBILITY**

Overtime or compensatory time will be paid to full-time (40 hours/week), non-exempt employees for hours worked in excess of the regular scheduled forty (40) hour work week or work cycle. The use of compensatory time is permitted in order to offset overtime hours worked, as stipulated by the Fair Labor Standards Act.

1. **Non-exempt Employees**

Non-exempt personnel may, with authorization from the Department Head or City Administrator/Manager, accrue compensatory time in lieu of overtime pay. Compensatory time is accrued at the rate of one and one-half (1-1/2) times the hours worked; one hour overtime work (hours in excess of the normal work schedule) will accrue one and one-half (1-1/2) hours of compensatory time.

Maximum accrual of compensatory time permitted per year is forty (40) hours

Employees may take compensatory time off within a reasonable period following their requests. Compensatory time off must not unduly disrupt departmental operations and must have been granted prior supervisory approval.

All overtime (authorized or unauthorized) worked by nonexempt employees must be compensated according to the Fair Labor Standards Act. Employees working outside the regular work schedule without prior supervisor authorization may be subject to disciplinary action.

Department heads/ division managers are responsible for current, accurate compensatory time records for their employees. Employees disagreeing with these records may file disagreements in accordance with the employee grievance procedure.

Non-exempt employees shall be paid for accumulated, unused compensatory time upon termination, regardless of the reason for termination. Compensatory time shall be paid at the employee's rate of pay at termination.

2. Exempt Employees

Exempt personnel are paid a salary and are not eligible to receive overtime pay. Exempt personnel are expected to work the hours necessary to complete their job assignments. Exempt personnel may be allowed compensatory time off as compensation for overtime hours worked only when prior approval by the City Administrator/Manager has been obtained. Compensatory time is intended as a benefit to exempt personnel and is not provided on an hour-for-hour even exchange basis.

**Section 4-06. Employee Performance Evaluation**

Effective Date: 10/13/09

All employees shall receive a performance review annually.

1. To ensure that the quantity and quality of work performed by employees meets the needs of the City, supervisors will define the performance standards and objectives set forward for each employee. Supervisors may consult with employees in establishing the standards and objectives. The method by which supervisors should establish these standards and objectives will be provided for in procedures established by the City Administrator/Manager and Human Resources. Related objectives are:
  - a. To help plan more effectively the work of the City departments and other work units,
  - b. To identify training and development needs,
  - c. To promote fair treatment of employees, and
  - d. To provide for increased communication between employees and their supervisors and management.
2. All employees in regular budgeted positions shall receive an annual performance review. Temporary employees shall be included when their employment is expected to exceed one year.
3. Use of Performance Planning and Review Records shall include, but not be limited to performance counseling, termination decisions, grievance and discrimination complaints, disciplinary actions, and promotion, transfer, and layoff actions.
4. An employee and his/her immediate supervisor shall meet at least annually to develop performance standards and objectives for the employee's position, to review the employee's progress toward meeting goals and objectives, and to develop plans for employee's future training and development. Performance Planning and Review sessions shall be conducted at scheduled intervals in accordance with procedures developed to

implement this policy. In addition, unscheduled sessions shall be conducted as required to counsel employees on changing work expectations and current performance problems or for any other purpose supporting the objectives of the Performance Planning and Review Program.

5. An employee's performance evaluation shall be reviewed by the City Administrator/Manager and/or Human Resources Director in accordance with established procedures. An employee may appeal his/her performance evaluation.

**Section 4-07. Training and Development**

Effective Date: 10/13/09

In order to meet individual and organizational needs, it is the policy of the City of Melissa to provide training and development opportunities to encourage high quality performance to prepare employees for new or increased responsibilities, skills, and to extend opportunities for individual growth, promotion, development, and self-fulfillment. Availability of training funds will be dependent on the budget available at the time and will require approval of the Department Head, Finance Director and/or City Administrator/Manager.

**Section 4-08. Merit Increases**

Effective Date: 10/13/09

Merit pay increases may be granted by the City Administrator/Manager with the approval of the City Council in accordance with the compensation plan as a reward for those employees demonstrating exceptional or above-average job performance.

**Section 4-09. Stability and Longevity Pay**

Effective Date: 10/13/09

The City of Melissa awards longevity pay to all regular full-time employees after one year of service and after a satisfactory annual review has been completed. An employee who meets this criteria may receive four dollars (\$4.00) per month for each full month employed through December 1<sup>st</sup> for a maximum of twenty (20) years service or nine hundred sixty dollars (\$960.00). These funds are taxable income and will be dispersed during the first week of December and may be applicable to employees actively employed on the date of payment.

**Section 4-10. Separation Pay**

Effective Date: 10/13/09

Employees who leave the service of the City, regardless of reason for separation, shall receive all pay that is due to them in accordance to the following considerations:

- A. The final compensation check for a self-terminating employee will be issued not later than the next regularly scheduled payday. The final compensation check for an employee who has been involuntarily terminated will be issued not later than the sixth (6<sup>th</sup>) regular working day following termination;
- B. Eligible employees will be paid for any hours worked, including any overtime compensation due to him or her;

- C. Only regular full-time employees who have successfully completed their probation period shall be paid for unused vacation time earned;
- D. Employees may request that any retirement benefits paid by him or her, through payroll deductions, be refunded in accordance with the applicable program;
- E. Any indebtedness to the City which the employee might have incurred shall be deducted from their final paycheck and all City equipment and property must be returned before the final compensation check is released;
- F. Separation pay may also be delayed due to any pending investigation of an employee;
- G. A regular employee who gives less than ten (10) working days notice of resignation or who is dismissed because of violating personnel rules and regulations concerning conduct will forfeit accrued separation pay unless mutual agreement is reached between the Department Head, City Administrator/Manager, and the employee; and
- H. If any employee dies while employed by the City, the City shall pay their designated beneficiary any unpaid pay, unused vacation time and accumulated benefits.

## Chapter 5

### ABSENCES & LEAVES

#### Section 5-01. Holidays

Effective Date: 10/13/09

The following paid holidays are declared official holidays for City employees.

- |                           |                                      |
|---------------------------|--------------------------------------|
| 1. New Year's Day         | January 1 <sup>st</sup>              |
| 2. President's Day        | Third Monday in February             |
| 3. Good Friday            | varies                               |
| 4. Memorial Day           | Last Monday in May                   |
| 5. Independence Day       | July 4 <sup>th</sup>                 |
| 6. Labor Day              | 1st Monday in September              |
| 7. Thanksgiving Day       | 4 <sup>th</sup> Thursday in November |
| 8. Day After Thanksgiving | 4 <sup>th</sup> Friday in November   |
| 9. Christmas Eve          | December 24 <sup>th</sup>            |
| 10. Christmas Day         | December 25 <sup>th</sup>            |

The City Council may declare special holidays in addition to these. If this occurs, they will be taken according to established procedures. Only full-time regular employees are entitled to receive the benefit of paid holidays.

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

An employee who is absent without authorized Personal or Sick Leave on the working day immediately preceding or following a holiday will lose pay for the holiday. Authorized Leave is defined as pre-approved personal leave, vacation time or verified emergency family leave or an illness that pre-dates the holiday or is physician-verified.

- A. The following guidelines shall govern usage of holiday leave:
1. All regular full time employees shall be entitled to all paid holidays;
  2. If the holiday falls on Saturday, the preceding Friday shall be observed, and if a holiday falls on Sunday, the following Monday shall be observed;
  3. To receive pay for a holiday, an employee must be scheduled to work on the holiday or be on authorized leave;
  4. Employees desiring to observe religious holidays not coinciding with official holidays may take a floating holiday, approved leave without pay, or accrued vacation leave.
- B. Holiday Banking: When a holiday occurs while a full time employee is on duty as part of the regular required work schedule, the employee will bank the holiday and be paid regular time for actual time worked. Depending on the amount of actual time worked, a combination of holiday pay, regular pay, and holiday banking may occur on a single day.
- C. Holiday Buy Back: Eligible full time employees may request Holiday Buy Back Benefits

Pay in lieu of future time off for the holiday. In cashing out holiday pay, the employee is required to leave at least three (3) holidays in their holiday bank. The Accounting Department usually announces Buy Back in June and December. Once payroll is notified of the request for buy back, the buy back will be processed on the following pay period.

**Section 5-02. Vacation**

Effective Date: 10/13/09

Paid vacation leave are provided as a benefit of employment. Vacation leave may also be used for personal business, extension of Holiday, Sick Leave, or any purpose determined by the employee. Accrued vacation leave will be substituted for the unpaid leave. The Department Head and/or City Administrator/Manager must approve scheduled Vacation Leave.

Regular Full-time employees begin to accrue paid vacation benefits on the first day of employment as follows:

<u>Years of Service</u>	<u>Days of Vacation Per Year</u>
1-4	10 days
5-9	15 days
10+	20 days

Eligible employees accrue vacation at the end of each pay period.

Paid vacation benefits may be taken upon completion of six (6) months of service. Employees shall be permitted to take vacation leave at such time, in the judgment of the director or supervisor, as will best serve the interest of the organization and the employee.

An employee with at least one (1) full year of service shall receive terminal pay for unused vacation leave up to one and one half times (1 ½ X) the employees' annual rate of accrual.

The maximum amount of vacation time to be carried forward to the next calendar year is one and one half times (1 ½ X) the employees annual rate of accrual. Accrued vacation in excess of this limit at the end of the calendar year will be allocated to the employee's extended illness bank.

**Section 5-03. Sick Leave**

Effective Date: 10/13/09

**A. Sick Leave:**

All full-time employees are eligible to receive sick leave in accordance with the following guidelines:

1. Full time, forty (40) hours per week employees will be given forty-eight (48) hours of sick leave within a calendar year after the first full day of employment.
2. Sick leave may be used in the following circumstances: absence due to illness, injury, legal quarantine or routine health care appointments which can not be scheduled outside of the employee's working hours for the employee, the child, parent, or spouse of the employee which requires the employee's presence and precludes the employee's presence at the work location.
3. Sick leave benefits may be used upon completion of three (3) months of employment.
4. Sick leave must be reported in quarter (¼) hour increments.

5. The City of Melissa may request and obtain verification of the circumstances surrounding any sick leave used.
6. There will be no compensation for unused sick leave time upon termination or retirement.
7. For all full-time regular employees hired prior to September first (1<sup>st</sup>) of the calendar year, one-half (1/2) of unused sick leave will be transferred to extended illness leave and one half of unused sick leave will be transferred to vacation leave at the end of each calendar year.
8. Sick leave may not be substituted for scheduled vacation or holiday time should the employee become ill during that period.

**B. Extended Illness Leave:** All full-time, permanent employees shall be allowed extended illness leave with pay in accordance with the following guidelines and must notify Human Resources if out for an extended period of time:

1. Full-time, forty (40) hours per week employees shall accrue eight (8) hours of extended illness leave per month to a maximum accrual of 720 hours.
2. Extended illness leave will continue to accrue during the first forty-two (42) calendar days that an employee is out on extended illness leave. After forty-two (42) days, accrual of extended leave will stop until the employee returns to work. The decision to stop accrual of extended leave may be appealed to the City Administrator/Manager.
3. Extended illness leave may be used in the following circumstances:
  - a. Absence from duty of a continuous duration greater than sixteen (16) work hours due to illness, injury or legal quarantine of the employee, child, parent or spouse of the employee.
  - b. Upon hospital admission due to employee's personal injury or illness, hospital admission of child, parent, or spouse of the employee.
  - c. Extended illness leave must be reported in hourly increments.
  - d. The City of Melissa may request or obtain verification of the circumstances surrounding any extended illness leave request. In the case of appeal, the City Administrator/Manager may make final determination of acceptable use of extended illness leave.
  - e. A doctor's release may be required before an employee may return to work.
  - f. There will be no compensation for unused extended illness upon termination of employment or retirement.
  - g. Extended illness leave may not be substituted for scheduled vacation or holiday time should the employee become ill during that period.

<b>Section 5-04. Bereavement Leave</b>	Effective Date: 10/13/09
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Bereavement leave with pay will be allowed to each full time employee as follows:

- A. Three (3) days for a death in the immediate family. (Immediate family includes spouse, child, parent, guardian, brother, sister, aunt, uncle, and grandparents);
- B. One (1) day for a death of other relatives.

<b>Section 5-05. Administrative Leave with Pay</b>	Effective Date: 10/13/09
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- A. **Elections**: Employees on duty on the date of any national, state, or local election and who are eligible to vote in such elections shall be granted leave without loss of pay or benefits to exercise this right if the polls are not open for voting for two consecutive hours outside of the voter's work hours. Evidence of voter registration and voting may be required by the supervisor.
- B. **Jury/Court Duty**: Employees who are required by due process of law to render jury service or court service will be expected to perform these duties and will be paid in full for days in which they are in court. Court service does not apply to personal court dates.
- C. **Official Business**: The City Administrator/Manager may grant an employee administrative leave with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, or civic function or meeting, or for purposes of coordinating with governmental and private agencies and entities in the interest of the City.
- D. **Hazardous Weather Conditions**: Employees are expected to arrive at work each day prior to commencement of the workday, regardless of weather conditions. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, must use personal leave or unpaid time off for the time missed.

If the City Administrator/Manager declares the administrative offices officially closed due to bad weather, administrative and clerical employees will be excused for that time without penalty or loss of pay. Overtime pay in a work week with a hazardous weather closure will be determined by the City Administrator/Manager, Human Resources, and Department Head and on a case by case basis. Each Department Head will designate emergency service personnel who are required to be on the job regardless of weather conditions. In the event the City Administrator/Manager declares the administrative offices closed, area radio and television stations will be advised of the closing. Non-emergency personnel will either be notified by their immediate supervisor or via Code Red Emergency Services whether or not to report to work or if there is a delayed opening. Unless a supervisor notifies the employee to stay at home or a recorded phone message says the offices are closed, employees are expected to report for work as normal.

<b>Section 5-06. Military Leave</b>	Effective Date: 02/02/10
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It is the position of the City of Melissa to be compliant with all Federal and State laws regarding the use of military leave.

A. **ELIGIBILITY AND PROCEDURES**:

All full and part time regular employees who are actively participating in the United States Reserves or National/State Guard are eligible to use military leave in accordance with the following:

1. There is no accrual of military leave. Up to fifteen (15) paid days, per calendar year, of military leave is available for use as required by Law.
2. Unused military leave time will not be paid out at the time of separation.
3. An employee wishing to use military leave will submit a written request for leave and a copy of written orders to their supervisor as soon as possible after notification of or volunteering for duty.
  - a. While the City requires written notice of military leave request it does recognize that an occasion may arise where advance notice is not possible. When this occurs, upon return to work, the employee will be required to submit either a copy

of official orders or another form of official documentation for the time period away from work.

- b. The supervisor may seek verification of any military leave used.
4. Once a request for leave has been received the supervisor will complete a status change/payroll form indicating the length of the leave. The supervisor will also forward a copy of the request and the military orders to the employee's official file and notify the City Administrator/Manager of the leave.
5. The City has no obligation to pay an employee on military leave for training days that occur on a regular day off or outside of work time.
6. All employees using military leave should make arrangements for the disbursement of any pay received from the City during their absence. This is the responsibility of the employee and no funds will be released without the proper authorization.

**B. Military Leave – 15 Days or Less**

Employees will receive pay at their normal base rate for up to fifteen (15) work days in a calendar year.

**C. Extended Military Leave – 16 Days or More**

1. All leave days beyond the fifteen (15) may be paid, at the employee's discretion, using Holiday, Compensatory, or Vacation time.
2. Accrued sick leave may not be substituted.
3. The employee may also choose to take the remaining duty days as unpaid.
4. All leave accruals based on job performance cease.

**D. MISUSE/MISREPRESENTATION**

Misuse or misrepresentation of the use of military leave is a serious offense and will be handled through the disciplinary process. This includes not returning to work on the next regularly scheduled work day/shift after completion of any military leave.

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

**E. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT:**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who perform duty, voluntarily or involuntarily, in the "uniformed services." USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services.

Those that served have the right to be reemployed if they left to perform service in the uniformed service and meet these requirements:

1. The employee must have been absent from a civilian job on account of service in the uniformed services;
2. The employee must have given advance notice to the employer that he or she was leaving the job for service in the uniformed services, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;
3. The cumulative period of military service with the City of Melissa must not have exceeded five years;
4. The employee must not have been released from service under dishonorable or other punitive conditions; and

5. The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment, unless timely reporting back or application was impossible or unreasonable.

If eligible to be reemployed, the employee must be restored to the job and benefits they would have attained if they had not been absent due to military service or, in some cases, a comparable job.

**F. HEALTH INSURANCE PROTECTION:**

If a City employee leaves their job to perform military service, they have the right to elect to continue their existing employer-based health plan coverage for themselves and their dependents for up to twenty-four (24) months while in the military. Even if they do not elect to continue coverage during their military service, they have the right to be reinstated in the City's health plan if and when reemployed, generally without any waiting periods or exclusions except for service-connected illnesses or injuries.

**G. ENFORCEMENT**

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.

**Section 5-07. Authorized Leave without Pay**

Effective Date: 02/02/10

As a public agency, the City of Melissa shall comply with the Family Medical Leave Act of 1993 (the "Act"), as amended, as required by law. All "eligible employees," as that term is defined by the Act, shall be treated in accordance with the Act. All other employees shall follow the policies below. Employees should consult their Supervisor/Department head or the Human Resources Manager to discuss all options.

A leave of absence may be granted at the discretion of the Department Head and must be approved by the City Administrator/Manager. Such factors, including but not limited to, length of time away from the job, reason for, and urgency of the request, and length of service with the City, will be taken into consideration by the City Administrator/Manager.

**A. Eligibility:**

Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right, but it may be granted to any full time employee.

An employee may be granted leave without pay, when all other forms of leave such as vacation, compensatory time off, holiday, and personal leave have been exhausted. If the leave is not medical in nature, then accrued sick leave is not an available option.

**Leave without pay may be considered for the following reasons:**

1. To participate in training that would result in increased job ability.
2. To achieve an educational level necessary for advancement in the City.
3. To perform a service that will contribute to the public welfare.

4. To recover from an illness or disability, not believed to be of a permanent or disqualifying nature, for which sick leave and wage supplementation benefits have been exhausted or are not available.
5. When return to work would threaten the health of others.
6. To provide necessary care for a family member who is ill or is incapacitated.
7. For an excused absence during the initial employment period.
8. For an excused, but non-compensable, absence of less than a day.
9. To permit vacation.
10. To perform duties in the military service as authorized under Section 05-06 and administrative directives established pursuant to that section.
11. To take family leave.

In circumstances not falling within other provisions of these rules, the City Administrator/Manager may authorize an employee to take leave without pay under mutually agreeable terms and conditions. Employees taking leave without pay shall not lose or gain seniority. All employee benefits will remain in effect during periods of authorized leave without pay.

**B. Allowable length of leave:**

An employee's Department Head may authorize leave without pay for a period not to exceed six (6) consecutive calendar weeks. Leave without pay in excess of this must be approved by the City Administrator/Manager and Human Resources. Note: leave without pay for Military Service is governed under the administrative directives of Section 5-06.

**C. Service credit:**

An employee who is on leave without pay for more than six (6) consecutive calendar weeks loses service credit for that period in excess of the six (6) calendar weeks except in regards to Military Leave as governed under Section 5-06.

**D. Accrued leave:**

An employee granted leave without pay forfeits use and accrual of sick leave, vacation leave, holiday leave, bereavement leave, court leave, except to the extent that leave without pay is authorized under federal or state law.

**E. Termination:**

An employee granted leave without pay must physically return to work to retrieve sick credit, but will be paid any vacation leave balance due if the employee terminates under the terms of the City Separation Pay Policy in Section 4-10.

<b>Section 5-08. Absence without Leave</b>	Effective Date: 10/13/09
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Unauthorized leave not reported within seventy-two (72) hours of the scheduled reporting time shall serve as notice of resignation by the employee.

## Chapter 6

### EMPLOYEE CONDUCT

#### **Section 6-01. Attendance/Time Sheets**

Effective Date: 10/13/09

All employees are expected to be regular in attendance and report to work as scheduled and work their scheduled hours and overtime, if necessary. Employees shall be at their place of work in accordance with City and departmental policies and regulations. In general, the City's business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Department heads shall establish work schedules and maintain daily employee attendance records. All non-exempt employees are expected to submit their approved time sheet signed by their supervisor to Payroll the Monday prior to payday. The Human Resources Department will maintain annual employee attendance records.

#### **Section 6-02. Work Standards**

Effective Date: 10/13/09

Employees while on duty are at all times individually responsible for conducting themselves in a professional and ethical manner and for treating coworkers and members of the public with respect and dignity. The intent of this policy is to make a clear statement that unprofessional and abusive behavior will not be tolerated in the workplace. In addition to the provisions in these policies, employees are responsible for complying with any other federal and state laws or regulations or local ordinances governing their conduct.

Grounds for immediate dismissal of an employee may include, but are not limited to:

- A. Use of intoxicants while on duty, or reporting for duty while under the influence of intoxicants;
- B. Abuse of a controlled substance while on duty, or reporting for duty while under the influence of a controlled substance;
- C. Unauthorized possession of firearms, explosives or any dangerous weapons at any time, on any City property (including, but not limited to parking lots and City vehicles) or while performing City work;
- D. Conviction of a felony (a plea of Nolo Contendere will be considered a conviction for the purpose of this section); or crimes involving moral turpitude which would include, but not be limited to, such misdemeanors as public intoxication and disorderly conduct;
- E. Absence without leave for three consecutive working days or more, with or without notice by the employee, or absence for any reason, medical or otherwise, for twelve (12) weeks or more as long as such circumstances comply with applicable laws;
- F. Insubordination or refusal to obey a just order, including, but not limited to, neglect of duty, refusal or failure to obey orders or instructions in the line of duty, public disrespect displayed toward a supervisor or the City while performing work for the City and abusive language to any supervisor;

- G. Fighting, threat of violence or any unnecessary abruption in the workplace;
- H. Willful or reckless misuse, destruction, theft or conversion of City property, whether on or off duty, including, but not limited to, destruction, misappropriation or removal of City property (including files and work documents) or the property of employees, clients or customers;
- I. Falsification of official documents or records;
- J. Repeated or habitual absenteeism or tardiness;
- K. Substandard performance, inability or unwillingness to perform the duties of the position;
- L. Misconduct or mismanagement of a position of employment by action or inaction, neglect that jeopardizes the life or property of another, intentional wrongdoing, intentional violation of a law or violation of a policy or rule adopted to ensure the orderly work and safety of employees;
- M. Engaging in activities other than assigned work during working hours and/or while operating city equipment, without advance approval by the employee's supervisor;
- N. Use of City property or time for personal financial gain;
- O. Failure to report occupational injuries or accidents promptly to the employee's supervisor, including motor vehicle accidents in a City vehicle;
- P. Violation of the ordinances of the City of Melissa or of these rules;
- Q. Non-compliance with any written or established departmental policy; or
- R. Any reason or no reason as deemed appropriate by the Human Resources Department and the City Administrator/Manager.

The City of Melissa will make every effort to establish a positive working climate in which employees may function. Management must maintain efficiency within its operations and must determine the methods by which functional areas accomplish their objectives. Management also must schedule work events and employees to accomplish its mission.

It shall be the duty of each employee to maintain high standards of cooperation, proficiency, and economy in their work for the City. Employees are expected to conduct their personal business in such a manner as to cause little interference with individual or group work performance. This includes personal visits of friends and relatives, phone calls, and requests for absence from work for personal, financial, medical, or other reasons. If work habits, attitude, production, and or personal conduct of an employee become a problem, supervisors should take appropriate action at that time.

Paid time off may be provided to conduct personnel-related business such as Workers' Compensation claims, promotion and transfer applications, discrimination complaints, grievances and insurance claims. This may be accomplished during working hours, with knowledge and approval of the employee's supervisor.

**Section 6-03. Political Activities**

Effective Date: 10/13/09

Employees may not use their position as a City of Melissa employee to actively campaign for or against political issues or candidates.

If any employee of the City shall become a candidate for nomination or election to any elective public office for the City of Melissa, then that employee shall immediately forfeit his or her place or position with the City.

Under no circumstances will any City employee be allowed to campaign for any candidate, even themselves, during normal work hours or at any City of Melissa place of work, whether they are off duty at the time. Nor will any employee be allowed to represent themselves, using their City employment, title, uniform, or authority as supporting any candidate for political office. Violation of this provision will be sufficient grounds for disciplinary action up to and including termination.

**Section 6-04. Solicitation**

Effective Date: 10/13/09

Employees may not solicit other employees or citizens while working. “Working” is all times when an employee is engaged in work tasks, but does not include an employee’s own time such as lunch breaks, scheduled breaks, and before/after work. In addition, solicitation for goods or services at counters or any location where customers are present is prohibited.

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

The City of Melissa does not allow employees to distribute advertising materials, handbills, printed or written literature of any kind in work locations. The City of Melissa does not allow employees to engage in personal commerce of any kind while on the job or during working hours. The City does not promote, encourage or endorse private business relationships or arrangements between City of Melissa employees. City bulletin boards are provided for promoting items of public interest to the citizens of Melissa. City management reserves the right to remove any literature deemed to be inappropriate at any time.

**Section 6-05. Outside Employment**

Effective Date: 10/13/09

All City employees are prohibited from engaging in other employment, which would interfere with the performance of their City duties and are prohibited from engaging in other employment, which would represent a conflict of interest. Employees must receive prior approval from the City of Melissa via Human Resources before accepting outside employment. Such approval will not be unreasonably withheld upon request.

**Section 6-06. Physical Fitness**

Effective Date: 10/13/09

Each employee is responsible for maintaining the standards of physical and mental health required to perform the essential functions of their position, with or without reasonable accommodation. An employee may be required to take a physical exam at any time to confirm that they meet the physical qualifications determined to be essential functions of their job. The employee's Department Head will review each situation on a case-by-case basis.

Department Heads may require periodic special examinations to qualify for continued employment in the specific job classification.

A City designated physician will perform the physical examination. The City will pay for the examination. Correction or treatment of conditions diagnosed during these examinations will be the employee's responsibility and may be covered by insurance benefits provided through the City's employee health coverage.

The City reserves the right to require drug testing under specific circumstances in light of its public service/public safety mission.

The City may also require a physical examination by its physician before authorizing an employee to return to work following either an on-the-job or an off-the-job injury.

The City encourages employees to maintain a healthy lifestyle. The City provides assistance to employees and eligible family members by offering health and wellness benefits. This assistance will be provided and expanded as budget constraints allow.

**Section 6-07. Dress Code/Appearance**

Effective Date: 10/13/09

General Guidelines: Dress, grooming, and personal cleanliness are vital to the City's image as well as the morale of its employees. All employees are expected to present a clean and neat appearance and to dress in a professional manner while on City premises and/or while conducting City business. Reporting to work in a clean and professional manner helps the City to present a positive and professional public image.

Employees are expected to dress appropriately for their job and the nature of the work performed. All employees, at a minimum, must adhere to the following guidelines (excluding public works, police, and fire):

MEN:

- Slacks or dress type trousers, long or short sleeve shirts with collars or dress shirts with coat or blazer and appropriate shoes or boots.

WOMEN:

- Dresses, skirts, or slacks and blouses, and appropriate footwear.

GENERALLY:

- No hats, shorts, jeans with holes, and no t-shirts.
- Friday shall be a standing casual day, allowing employees the freedom to wear blue jeans and collared shirts that are appropriate for a professional business setting.
- The City Administrator/Manager may declare a casual day at any time.

Employees who work at City Hall, as well as other City employees who routinely have citizen and other third party contact, must also abide by the following:

- A. No visible tattoos. Employees who have tattoos must keep them covered with a shirt, pants, skirt, socks, hosiery, or other clothing.
- B. No facial or mouth jewelry shall be worn. Women are permitted to wear a single or double earring in each earlobe provided the earring is not otherwise unprofessional in appearance. Men may not wear earrings.
- C. Beards and mustaches must be kept clean and neatly trimmed and/or within department guidelines.
- D. Hairstyles and hair colors must be appropriate to the employee's position.

In all cases, the City will make the determination as to what is acceptable dress and grooming. Normally, the Department Head will determine appropriateness; however, the City Administrator/Manager has final determination. If there are any questions about the dress code, employees should ask their supervisor or Department Head.

Anyone who is not appropriately groomed or who dresses in violation of the policy will be sent home. Under such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.

<b>Section 6-08. Use of Music and Portable Devices</b>	Effective Date: 10/13/09
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The City permits employees to bring iPods<sup>®</sup>, MP3 players, and other portable music devices to work. However, it expects employees to adhere to the following guidelines to ensure their proper and safe use.

1. Employees may listen to music in their work area or office as long as the volume level is kept low so that it does not block out voices or disturb co-workers. Use of headphones is prohibited unless utilizing the portable music device for training or in the course of City business.

2. Music that is found to be racial, offensive, distracting, or inappropriate to the work environment is prohibited. If a supervisor determines that an employee is distracted due to music in the office or work environment, the supervisor is given authority to prohibit this privilege for such employee. Employees who abuse this privilege will be prohibited from listening to their iPod© or other portable music device during working hours. Use will be restricted to breaks and lunch hours.
3. Employees are prohibited from walking around the office, attending internal meetings, or meeting with clients while listening to their iPod© or other portable music device and wearing headphones in their ears.
4. When discussing work-related matters with a manager, supervisor, or any other employee of the City, no matter how brief the exchange is, employees must make every effort to insure that the volume level is not distracting and at a professional level.
5. Use of the City's computers to download music onto employees' iPod© or other portable music device is strictly prohibited.
6. Employees are strictly prohibited from downloading onto their iPod© or other portable music device any confidential or proprietary information from City computers.
7. City-issued iPods© or other portable music devices, if applicable, for training and communication purposes may not be used to download personal music or videos. They must be returned immediately to the City upon employees' voluntary or involuntary termination.
8. Listening to an iPod© or other portable music device through headphones while driving a City-issued or personal motor vehicle on City time is strictly prohibited.

<b>Section 6-09. Financial Obligations</b>	Effective Date: 10/13/09
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Failure to pay just debts, including taxes, may constitute grounds for disciplinary action if job performance is impeded.

<b>Section 6-10. Conflict of Interest/Gifts</b>	Effective Date: 10/13/09
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Employees should be careful not to become involved in any conflict of interest involving their position and any non-City of Melissa activities. Conflicts of interest are often difficult to determine. If an employee believes an outside job, business association or any other activity might create a conflict of interest the employee should discuss the issue with their supervisor/manager and/or the City Administrator/Manager prior to undertaking the activity.

No City of Melissa employee shall accept or solicit any gift, favor, service or thing of value that might reasonably tend to influence that individual in the performance of official duties or that the official or employee knows or should know has been offered with the intent to influence or reward official conduct. However, this prohibition does not apply to the acceptance of a non-monetary gift with a value of no more than fifty dollars (\$50.00), products or items to be used in an officially recognized activity of the City of Melissa or department sponsored services. Also, personal gifts, including but not limited to, gifts given by co-workers in recognition of special

milestones in an employee's life are not improper. Employees are not to accept gifts from persons, entities, organization or corporations doing business with the City.

**Section 6-11. Professional Decorum**

Effective Date: 10/13/09

The attitude and demeanor of a City employee, whether in public or private, should at all times be such as to promote the good will and favorable attitude of the public toward the City administration and its programs and policies. Employees should be mindful that perception can supersede reality and they should avoid anything that gives the appearance of improper conduct.

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

**Section 6-12. Harassment Prevention**

Effective Date: 10/13/09

The City of Melissa is committed to promoting an environment that is free of harassment and requires all employees to complete a designated training course on harassment. The City recognizes that harassment based on sex, (with or without sexual conduct), race, color, religion, national origin, age, and disability, is a violation of federal and state laws. The City maintains a strict policy that any harassment, whether sexual, racial, ethnic or religious in nature, is not acceptable and will not be tolerated; and the City assures all employees who make complaints of harassment or provide information related to such complaints that their allegations will remain confidential to the extent possible, and they will be protected against retaliation. Harassment is abusive, obscene or threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass, or injure another.

Employees who engage in such conduct while on duty or on City premises will be subject to immediate discipline. While on duty or on City premises, employees shall not use obscene or abusive language or offensive gestures in their communication with coworkers or members of the public; employees shall not by oral, written, electronic, or other means of communication threaten or intimidate coworkers or members of the public; employees shall not physically endanger, intimidate or injure coworkers or members of the public.

If an individual's behavior is considered offensive by another individual or if it has an intimidating effect upon another individual, sexual, racial, ethnic, or religious harassment or harassment towards one's age or disability may be present.

Each supervisor is responsible for maintaining their workplace free of sexual, racial, ethnic and religious harassment or harassment directed towards one's disability or age status. This duty includes discussing and enforcing this policy and procedure with all employees.

A. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a harassing nature. Such conduct violates Title VII of the Civil Rights Act of 1964 when:

1. submission to such conduct is made a term or condition of an individual's employment;
2. submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual (i.e., denial of a pay increase, promotion, transfer, leave of absence, imposing disciplinary action, promising to withhold disciplinary action, etc.); or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

B. Complaints

All complaints of discrimination or harassment will be promptly and thoroughly investigated, and violations of the policy will be treated as serious disciplinary infractions. All complaints of sexual harassment will be confidential and only those persons necessary for the investigation and resolution of the complaint will be given information concerning it.

1. The claim should be presented to the Human Resources Manager. The claim will be promptly reviewed, investigated and the complaining party will be advised of the disposition.
2. If the complaining party is not satisfied with the disposition of the claim, an immediate appeal may be made by submitting a written complaint to the City Administrator/Manager.
3. A substantiated report of sexual harassment may result in disciplinary action up to and including immediate dismissal.
4. No employee will be subject to any retaliation or reprisal for the report of sexual harassment made in good faith.
5. Any employee who knowingly or maliciously makes a false sexual harassment complaint or report will be subject to appropriate disciplinary action.

**Section 6-13. Indictments Against Employee**

Effective Date: 10/13/09

An employee may be suspended, with or without pay, if accused or indicted for a crime of official misconduct pending a decision on the indictment such as dismissal, acquittal or conviction. If the indictment is dismissed or if the employee is acquitted, the suspended employee shall be reinstated to their former position, or a similar one if not available, without loss of any benefits and such suspension shall not be considered as a disciplinary action. If the indictment is upheld, and the employee is convicted, then the employee, depending upon the severity of the crime, will be subject to disciplinary action up to and including termination.

**Section 6-14. Violence In the Workplace**

Effective Date: 10/13/09

The City of Melissa has a strong commitment to its employees to provide a safe, healthy and secure work environment. The City also expects its employees to maintain a high level of productivity and efficiency. The presence of unauthorized weapons and the occurrence of violent, hostile, abusive, or intimidating behavior in the workplace during working hours are inconsistent with these objectives. The City expects all employees to report to their work site without possessing weapons (with the exception of law enforcement employees authorized in writing to carry weapons) and to perform their job without engaging in any of the behaviors described herein toward any other individual. The City of Melissa will not tolerate any conduct or behavior, whether intentional or not, that is determined to be threatening, intimidating or coercive.

Any person, who engages in a violent or threatening manner, will be removed from the City's premises as quickly as safety permits. Any employee who engages in violent or threatening conduct or behavior may be subject to disciplinary action up to and including termination, criminal penalties or both.

At the City's sole discretion, employees and or the public may be barred from City premises pending the outcome of an investigation.

This policy and attached procedures shall apply to all employees, officials and representatives of the City of Melissa. Employees who are victims of, or witnesses to, behaviors described herein should immediately report such conduct to their supervisors or the Human Resources Manager.

If an employee is injured while participating in aggressive behavior or after instigating such behavior, then entitlement to workers' compensation benefits may be denied. No part of this policy, or any procedure therein, is intended to affect the City's right to manage or control its work force, or be construed as a guarantee or contract of employment or continued employment.

## Chapter 7

### EMPLOYEE COMMUNICATIONS POLICY

#### **Section 7-01. Open Communication/Open Door**

Effective Date: 10/13/09

It is the City of Melissa's goal to maintain approachable, open-minded, two-way communication at all levels between all City employees and to improve the quality and efficiency of City services. All employees are encouraged to participate in a free and uninhibited exchange of questions, suggestions and information which may improve municipal service, safety, employee performance and morale, efficiency, cost effectiveness, effective maintenance or public relations: anything that will enable us to do a better job.

Employees are strongly urged to first discuss the issue of concern with their immediate supervisor; however, when circumstances merit disregard of the normal chain of command, employees may contact anyone in the City management structure, including the City Administrator/Manager or Human Resources Director, to answer their questions or concerns.

#### **Section 7-02. Privacy Expectations**

Effective Date: 10/13/09

All employees are responsible for maintaining a level of confidentiality that will preserve an environment that supports sincerity, honesty, and ethical behavior. City employees shall not use their position to secure official information about any person or entity for any purpose other than the performance of official responsibilities. Additionally, a City employee shall not intentionally or knowingly disclose any confidential government information gained by reason of the employee's position.

This rule does not prohibit:

- A. the confidential reporting of illegal or unethical conduct to authorities designated by law;  
or
- B. any disclosure, not otherwise prohibited by law, in furtherance of public safety.

Confidential Government Information includes:

- A. all information held by the City that is not available to the public under the Texas Open Records Act;
- B. any information from a meeting closed to the public pursuant to the Texas Open Meetings Act; and
- C. any information protected by client-attorney privilege, attorney work product, or other applicable legal privilege.

As City employees supported by public funds, employees should not expect privacy in their work, workstations, and/or anything that belongs to the City used to produce that work. If an employee has questions about whether certain information is considered confidential, please contact your superior or the City Secretary.

All requests for information shall be forwarded to the City Secretary to ensure compliance with the Texas Public Information Act/Texas Open Records Act.

**Section 7-03. Telephone Usage**

Effective Date: 10/13/09

If requested, Department heads shall be responsible for producing logs of long distance telephone calls and for assuring that they are only made for necessary City business. Telephones should be answered promptly and courteously. Personal calls shall be limited so as to not to interfere with City business.

**Section 7-04. Electronic Communications Policy**

Effective Date: 08/04/10

The City of Melissa provides computer networks, Internet access, email, telephones, pagers, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other representatives of the City who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

**A. ACCEPTABLE USE**

1. Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.
2. Users must understand that use of any City-provided, publicly accessible computer network such as the Internet and email is a privilege. Minimal personal use of the Internet or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.
3. The City reserves the right to monitor employee internet usage at any time.

**B. PROHIBITED USES OF ELECTRONIC COMMUNICATIONS SYSTEMS INCLUDE:**

1. The use of video, audio, image storage, etc. can put a strain on the available resources of the City's networks and bandwidth. The City of Melissa prohibits the use of internet radio stations at the employee’s work station and reserves the right to prohibit or limit any bandwidth limiting activities. The City also reserves the right to require a review of

any usage that is discovered to have strained the City's resources. Employees found to violate this policy will be subject to the disciplinary process as described in Chapter 8.

2. Using profanity, obscenity, or other languages which may be offensive or harassing to other coworkers or third parties.
3. Accessing, displaying, downloading, or distributing sexually explicit material.
4. Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
5. Copying or downloading commercial software in violation of copyright law.
6. Using the systems for financial gain or for any commercial activity unrelated to City business.
7. Using the systems in such a manner as to create a security breach of the City network.
8. Looking or applying for work or business opportunities other than for internal City postings.
9. Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
10. Transmitting or sharing information regarding a coworker's health status without his/her permission.
11. Expressing opinions or personal views that could be misconstrued as being those of the City.
12. Expressing opinions or personal views regarding management of the City or other political views.
13. Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
14. Playing games or gambling.

**C. RESPONSIBILITY:**

1. All users that are issued access to City provided electronic communications systems and accounts, are responsible at all times for its proper use, regardless of the user's location. The City provides and maintains these systems are designed to assist in the conduct of City business. All transmissions created, sent, received, retrieved or accessed are considered property of the City of Melissa and public information. Every employee has the responsibility to maintain and enhance the City's public image with the proper use of these systems in a professional and productive manner.
2. Employees may only use software approved or provided by the City of Melissa. Additionally, the software must be installed in compliance with procedures as established by the City Administrator/Manager and the technology department head. To prevent computer viruses, there will be no unauthorized downloading of any software.
3. The City reserves the right to change policies as it relates to computer use at any time and as may be required by changing circumstances. It is therefore the responsibility of all employees to ensure full knowledge of the electronic communications systems use policies. Violations of the policy and its guidelines may result in the loss of use privileges and disciplinary action, up to and including termination.

**D. NO RIGHT OF PRIVACY/MONITORING:**

1. All passwords used for any electronic communications systems are to be on file with the network administrator designated by the City Administrator. These will be kept confidential and only used for security or investigative purposes.

2. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use.
3. The City Administrator/Manager or their designee, and the Director of Human Resources or their designee, reserves and intends to exercise the right to review, audit, intercept, access and disclose all transmissions created, received, sent, retrieved or accessed on the City provided electronic communications systems to assure that the City's resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. These systems may be checked periodically for business reasons, without permission from the employee.

E. **FILTERING:**

The City may use software to filter Internet and instant message content for all employees.

F. **COPYRIGHT RESTRICTIONS:**

Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the Department Director is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

G. **PUBLIC INFORMATION:**

Employees shall assume that any data or electronic information is subject to release in accordance with the Public Information Act of the State of Texas.

<b>Section 7-05. Public Information</b>	Effective Date: 10/13/09
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The City of Melissa is subject to the mandates of the Texas Public Information Act, Texas Government Code, Section 552.001. In general, these laws govern the management of, and accessibility to, information collected, assembled or maintained for the City of Melissa.

City employees may work with or handle documents and/or records (in the form of paper or electronic data) that need special care so that the City fulfills its obligations to the public. All questions about whether a document (including reports of any kind, photos, correspondence, emails, or any other data compilation) needs to be maintained, preserved or given some other form of special care, the employee should immediately contact the City Secretary. In addition, all outside requests for documents should be immediately sent to the City Secretary. He or she will be able to assist you in compliance with the above-mentioned laws.

**Section 7-06. Whistleblower Policy**

Effective Date: 10/13/09

The City of Melissa is committed to upholding the requirements of all state and federal laws including the applicable Whistleblower Act(s). The City will not suspend, terminate, or otherwise discriminate against an employee who appropriately reports a violation of law to an appropriate authority if the employee report is made in good faith.

## Chapter 8

### AT-WILL, DISCIPLINE, APPEALS AND GRIEVANCES

#### Section 8-01. Disciplinary Action

Effective Date: 10/13/09

The City of Melissa is an “at-will” employer and may terminate employees at any time and for any reason, with or without cause, unless expressly prohibited by law. It is the intent of the City of Melissa to provide employees with a progressive discipline process designed to help an employee correct performance problems and build a renewed commitment to the City in an equitable and consistent manner.

Temporary employees, seasonal employees, contract employees, and the City Administrator/Manager are exempt from the progressive discipline policy unless specifically stated otherwise. The purpose of this policy is to provide general performance and conduct expectations for employees and guidelines for supervisory and management personnel. This policy does not provide contractual or property rights to any City of Melissa employee.

#### **A. ADMINISTRATIVE PROCEDURES**

These administrative procedures are established to provide appropriate guidelines in carrying out the policies of the City of Melissa’s progressive disciplinary program. The administrative procedures are intended to address general application of the principles of disciplinary actions in typical situations. It is the responsibility of each supervisor to determine the nature, extent, facts and circumstances in each disciplinary action case and to use judgment in the application of these policies and procedures.

#### **B. DISCIPLINARY PROCESS**

Occasionally, an employee does not meet performance expectations or behaves in a manner inconsistent with the City’s expectations. When this occurs, the City administration may follow this simple process to address the issue, but the City retains the right and discretion to bypass this process and go straight to termination, depending on the circumstances and severity of the infraction(s).

##### **A. Verbal Reminder**

1. A verbal warning is considered informal discipline. The supervisor is encouraged to meet with the employee privately and in a timely manner to discuss any and all performance matters. Every effort should be made to determine the reasons for the employee’s performance. The supervisor shall advise the employee of the necessary changes to correct the performance and/or conduct problem(s) and seek the employee’s commitment to do so.
2. A written record of the verbal reminder will be made and a copy of the action forwarded to the employee. The verbal reminder will be noted in the employee’s personnel file at the discretion of the supervisor.

##### **B. Written Reminder**

1. A written reminder is considered formal discipline. The supervisor shall meet with the employee privately and in a timely manner to discuss the deficiency, violation of policy and the likely consequences of further unsatisfactory performance and/or conduct. Every effort should be made to determine the reasons for the employee’s performance.

2. The written reminder shall describe the deficiency, or violation of policy involved and the likely consequence of further unsatisfactory performance and/or conduct. A summary of previous informal discussions, verbal reminders and discipline previously taken should also be included in the written reminder.
3. The employee shall be informed of the written reminder and provided a copy of the disciplinary action. Additionally, a copy of the written reminder shall be forwarded to Human Resources to be placed in the individual's personnel file.
4. The supervisor must transmit the written reminder through the next level supervisor and/or department head, Human Resources or designee, and the City Administrator/Manager or designee before placement in the employee's official personnel file.

**C. Suspension Without Pay**

1. The supervisor shall meet with the employee privately and in a timely manner to discuss the deficiency or violation of policy and the likely consequences of further unsatisfactory performance and/or conduct.
2. The suspension without pay shall describe the deficiency or violation of policy involved and the likely consequence of further unsatisfactory performance and/or conduct. A summary of previous informal discussions, verbal reminders and discipline previously taken should also be included.
3. An employee may be suspended without pay for up to thirty (30) days in any one calendar year. The employee shall be informed of the proposed suspension and provided a copy of the suspension disciplinary action upon completion.
4. The suspension shall be permanently noted in the employee's official personnel file. A supervisor must discuss the situation with the next level supervisor and/or department head, Human Resources or designee, and request approval from the City Administrator/Manager or designee prior to taking this action.

**D. Investigations**

1. When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, the employee may be suspended without pay for the duration of the proceedings when such suspension is in the best interests of the City and the public. If the investigation or proceedings clear the employee, he/she shall be eligible for reinstatement with full pay and benefits restored.

**E. Reduction in Pay**

1. An employee's pay may be reduced provided it is done when in the judgment of the Supervisor, Department Head or City Administrator/Manager it is deemed appropriate. The supervisor shall meet with the employee privately and in a timely manner to discuss the deficiency or violation of policy and the likely consequences of further unsatisfactory performance and or conduct.
2. The reduction in pay disciplinary action shall describe the deficiency, or violation of policy involved and the likely consequence of further unsatisfactory performance and/or conduct. A summary of previous informal discussions, verbal reminders, and discipline previously taken should also be included in the written document.
3. The employee shall be informed of the proposed reduction in pay and provided a copy of the disciplinary action upon completion. The reduction of pay shall be permanently noted in the employee's official personnel file; however, the employee shall not be disqualified from consideration for later pay increases.

4. A supervisor must discuss the situation with Human Resources or designee, next level supervisor or department head and request approval from the City Administrator/Manager or designee prior to taking this action.

#### **F. Demotion**

1. An employee may be demoted when in the judgment of the supervisor, next level supervisor, department head or City Administrator/Manager is deemed appropriate. The supervisor shall meet with the employee privately and in a timely manner to discuss the deficiency or violation of policy and the likely consequences of further unsatisfactory performance and/or conduct.
2. The demotion shall describe the deficiency, or violation of policy involved and the likely consequence of further unsatisfactory performance and/or conduct. A summary of previous informal discussions, verbal reminders, and discipline previously taken should also be included in the written document.
3. The employee shall be informed of the proposed demotion and provided a copy of the disciplinary action upon completion. The demotion shall be permanently noted in the employee's official personnel file; however, the employee shall not be disqualified from consideration for later promotions.
4. A supervisor must discuss the situation with the next level supervisor and/or department head, Human Resources or designee and request approval from the City Administrator/Manager or designee prior to taking this action.

#### **G. Dismissal**

1. A supervisor may propose termination of an employee whose performance of duties and/or conduct is severely unacceptable. The supervisor must first discuss the actions with the next level supervisor and/or department head, Human Resources or designee and request approval of the City Administrator/Manager prior to taking final termination action.
2. Should the supervisor deem it necessary, an employee may be placed on administrative leave with pay pending the investigation of the deficiency or violation of policy and the approval of the City Administrator/Manager or designee regarding the final decision to terminate employment.
3. The supervisor shall meet with the employee privately and in a timely manner to discuss the deficiency or violation of policy and the likely consequences of termination.
4. Once the decision to terminate has agreement with the next level supervisor, department director, Human Resources or designee and approved by the City Administrator/Manager, the employee shall be notified of the action and provided a copy of the termination notice. A copy of the termination shall be permanently placed in the employee's official personnel record.

#### **H. Grievance Procedure**

An employee who has any complaint or grievance about demotion, promotion or disciplinary action will have the right to present his/her complaint/grievance to his/her immediate supervisor or Human Resources Manager.

1. The complaint will be promptly reviewed and investigated. The complainant will be advised of the recommended disposition of the complaint or grievance within five (5) working days. If the complainant is dissatisfied with the response, he/she may appeal in writing to the City Administrator/Manager within five (5) working days, stating

specific reasons why an appeal should be granted. The City Administrator/Manager will render, in writing, the final decision.

2. Any disciplinary action will be in accordance with these personnel policies and/or federal or state law.
3. No employee will be subject to any retaliation or reprisal for any complaint made in good faith.
4. Any employee who knowingly or maliciously makes a false report (complaint) will be subject to disciplinary action up to and including termination.
5. The request may be denied if the employee fails to meet the timelines as outlined in this policy.
6. There shall be no right of appeal for probationary employees except on the grounds of discrimination as allowed by law or City policy.
7. Nothing in this manual shall abridge any right of public access under the state statutes providing for open meetings and access to public records. To the extent possible, under the law, for the protection of all concerned, rulings will be reduced to writing.
8. These procedures are guidelines only, and it is recognized that it may not be possible to adhere to them in every case. They are not intended to impose on the City any burden of furnishing an employee with substantive or procedural due process.

## Chapter 9

### VOLUNTARY AND INVOLUNTARY SEPARATIONS

#### **Section 9-01. Resignation**

Effective Date: 10/13/09

An employee may leave the employment with the City in "good standing" by giving two (2) weeks notice. The City Administrator/Manager may waive any portion of the notice period. The personnel records of any employee who resigned by giving proper notice shall show that the employee resigned of their own accord.

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered as absent without leave which constitutes abandonment of duties, except when the failure to notify is due to circumstances beyond the control of the employee. Absence without leave may be considered as an employee's resignation without notice. In such cases, the employee's separation shall not be considered to be in "good standing."

#### **Section 9-02. Reduction in Force**

Effective Date: 10/13/09

A reduction in force ("RIF") may occur as a result of changes in duties, organizational changes, lack of work, or budget cutbacks. A RIF shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority within City service may be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Temporary employees may be included in the RIF before regular employees performing similar duties. A RIF shall not be considered a disciplinary action.

Employees included in a RIF may be recalled back to their job or another similar job in which they meet the minimum job requirements and qualifications in the reverse order of the RIF up to one (1) year from the date of the lay-off. Employees being recalled within the year from the date of the RIF, shall have precedence over other job applicants. Employees recalled back to work shall report to work as instructed. An employee failing to report back to work shall be considered as having forfeited their right to reemployment.

#### **Section 9-03. Incapacity**

Effective Date: 10/13/09

An employee may be terminated for medical reasons when the employee as an individual no longer meets the standards of fitness required to perform the essential functions of the position and reasonable accommodation under the Americans with Disabilities Act is not possible without causing undue financial hardship to the City. A finding of incapacity shall be based on an individual medical determination by a competent physician prescribed by the City Council. Termination for incapacity shall not be considered disciplinary action and shall not function to deny any employee the use of any accrued illness, injury, disability, or other benefits.

**Section 9-04. Retirement**

Effective Date: 10/13/09

Eligible employees may elect to retire from the City service in accordance with applicable retirement programs.

## Chapter 10

### PERSONNEL RECORDS AND REPORTS

#### **Section 10-01. Personnel Files and Records**

Effective Date: 10/13/09

The Human Resources Department shall maintain the official personnel files and records for all City employees. Unless otherwise provided by law, personnel files shall be confidential and may not be used or divulged for purposes unconnected with the City personnel management, except with the permission of the employees involved. All personnel records are subject to the rules governing the Open Records Act and could be open to review by the public. Nothing herein shall prevent the dissemination of impersonal statistical information. An employee shall have a right of reasonable inspection of their official personnel files and records under appropriate supervision.

An employee may request a copy of their personnel file upon written request to Human Resources or designee. Upon receipt of the request, Human Resources will provide a copy of the employee's file within a reasonable time frame. Employees will be given a copy of any written record of a disciplinary or performance counseling that is added to their personnel file.

Employees are expected to consistently update their personnel records. Forms are available in Human Resources to change address for payroll, medical insurance, TMRS and driver's license. The City also requires updated Emergency Contact information for each employee.

#### **Section 10-02. Change in Personnel Status New Hires**

Effective Date: 10/13/09

Department heads shall submit recommended changes in the personnel status of their employees or requests to hire new employees to the Human Resources Department prior to making any commitments to either existing employees or prospective new hires.

#### **Section 10-03. Personnel Records and Reports**

Effective Date: 10/13/09

Department heads shall be responsible for providing the Human Resources Department or designee with all necessary employee reports and records associated with good personnel management for their department. Such records and reports shall include, but not be limited to, employee sick leave, vacation leave, attendance and overtime records, performance reports, counseling records, and all types of disciplinary action. Failure to do so may result in formal disciplinary action.

The Human Resources Department or designee shall prepare such narrative reports, statistical summaries, and other personnel reports as are necessary or desirable to provide useful information to the City Administrator/Manager, Mayor and City Council.

**Section 10-04. Employment Verification**

Effective Date: 10/13/09

It is the policy of the City of Melissa that all employment verifications and references be referred to the Human Resources Department. Unless exceptions are made based on established laws, such as in the field of public safety, the City will only confirm dates of employment, salary and position/title.

## Chapter 11

### EMPLOYEE BENEFITS

<b>Section 11-01. Worker's Compensation Insurance</b>	Effective Date: 10/13/09
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Any City employee injured as a result of duties performed in the course of their job shall be eligible to receive worker's compensation benefits from the City's insurance carrier at no expense to the employee. Worker's compensation benefits are intended to compensate workers with job related injuries or illnesses by reimbursing them for income losses and paying for medical and rehabilitation treatment.

**A. OCCUPATIONAL DISABILITY OR INJURY LEAVE**

An employee who is disabled as a result of an injury on the job, which is covered by Worker's Compensation, will be granted injury leave with pay at his regular salary for ten (10) working days. This injury leave will not be charged to Personal Leave.

After the aforementioned ten (10) days, the employee will be paid the difference between his regular salary and any Worker's Compensation payments received for such injury for twelve (12) weeks. In order to receive this salary continuation from the City, the worker's compensation check must be endorsed and exchanged for the employee's regular bi-weekly check. After this initial twelve (12) week period, the injured employee will be reviewed and at this time may only receive Worker's Compensation payments, depending upon the outcome of the review. The employee may be replaced after twelve (12) weeks and may receive no further compensation or benefits from the City. This injured leave status is subject to review and medical opinion at any time. Status may be changed subject to the decision of the City Manager.

An employee on occupational disability injury leave will continue to earn Personal Leave at the regular rate for six months. Thereafter, the employee will no longer earn Personal Leave and after six months of such leave, will be required to return to work with the approval of the attending physician or be terminated.

An employee will report injuries incurred in the line of duty immediately to his immediate supervisor/Department Head and file an accident report with Human Resources within twenty-four (24) hours of the injury.

When an employee suffers injury or death on the job, the Human Resources Manager will complete an accident report immediately on forms provided by Worker's Compensation and submit it to Worker's Compensation as directed, and retain one copy in the personnel files. Any exceptions to this policy must be approved by the City Manager.

**B. EXAMINATION AND TREATMENT**

As a condition of receiving or continuing to receive salary continuation payments, the Human Resources Manager may require an injured employee to submit to examination and treatment, at the City's expense, by a physician approved by Human Resources or the Worker's Compensation insurance carrier. An injured employee forfeits all rights to salary continuation payments if he/she refuses to submit to an examination or to any diagnostic test, x-ray, surgical procedure, or other treatment prescribed or recommended by the City designated physician as medically necessary or indicated to diagnose, treat, or cure the employee's injured condition.

An injured employee forfeits all rights to any salary continuation payments to which they would normally have been entitled, if they:

1. engage in work, whether part-time or full-time, for pay or as a volunteer, for themselves or for any other person, firm or corporation, while receiving salary continuation payments;
2. terminate employment for any reason while receiving salary continuation payments;
3. fail or refuse to comply with the treating physician's instructions or advice regarding treatment of the injured condition;
4. fail to act in a manner which is conducive to being off work convalescing;
5. refuse to perform light, partial or part-time duty when authorized by the treating physician;
6. refuse to accept or perform a different job with the City that, in the opinion of the treating physician, is within the employee's physical capacity and for which the employee is qualified or will be trained;
7. represent their injured condition, physical incapacity, or disability as worse than it is while receiving salary continuation payments; or
8. refuses to return to regular duty after being released for regular duty by the treating physician.

**C. TERMINATION FOR REASONS OTHER THAN INJURY OR DISABILITY**

This section does not preclude an employee from being terminated for reasons other than their disability or continued injury, as otherwise allowed by these regulations. An employee terminated for any such other reason, even if the same is associated with an on-the-job injury is not entitled to the relief found in this section. This section does not preclude an employee from being terminated during an official reduction in work force due to budget restrictions.

**D. EMPLOYEE ASSISTANCE**

The Texas Department of Insurance's Division of Worker's Compensation provides free information about how to file a worker's compensation claim. Division staff will explain employee rights and responsibilities under the Worker's Compensation Act and assist in resolving disputes about a claim. Employees may obtain this assistance by contacting the local Texas Department of Insurance Division field office or by calling 1-800-252-7031.

**E. SAFETY HOTLINE**

The Texas Department of Insurance’s Division of Worker’s Compensation has established a 24-hour toll-free telephone number for reporting unsafe conditions in the workplace. Employers are prohibited by law from suspending, terminating or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact Health and Safety at 1-800-452-9595 for more information on how these rules pertain to municipalities.

**Section 11-02. Modified or Light Duty**

Effective Date: 10/13/09

The City may provide employees with Modified or “Light” Duty who may be injured or unable to perform their regular duties due to injury or illness, subject to the availability of positions within the City. If positions are available, the City may accommodate restrictions when and where reasonable to the extent required by law, the City’s need, when the safety of citizens and other City employees is not compromised, or within the provisions of the Americans with Disabilities Act (ADA).

- A. “Modified Duty” is defined as any reduction, elimination or alteration of the essential job functions of a position, as outlined in the job description for the position.
- B. Determination Process – All Modified Duty is subject to availability of positions:
  - 1. A position must be available for an employee to be considered for eligibility under these guidelines. The City is not obligated to create a position for restricted employees.
  - 2. Prior to returning to work after an absence or after receiving restrictions, the employee requesting modified duty must present the physician’s directive to his/her supervisor or Director or the Human Resources Manager.
  - 3. The Human Resources Manager, medical consultant and/or the employee’s treating physician will review the directive and determine if the directive is subject to the ADA.
  - 4. The employee’s supervisor may be contacted by the Human Resources Manager to determine the employee’s suitability for modified duty.
  - 5. If the City cannot accommodate the restriction, the employee will not be authorized for active duty and will be subject to the leave policies listed below until released to regular (unrestricted) duty.
- C. Employees unable to return to work due to personal medical issues will be subject to the leave provisions of the City’s Employee Handbook. Employees unable to return to work due to workers’ compensation will be subject to the Texas Workers’ Compensation rules and regulations and the City’s handbook:
  - 1. Eligibility and Notice: Subject to Texas Workers’ Compensation Commission Act rules, upon receipt of a physician’s notice regarding a return to work with restrictions, an employee may be offered modified duty, if available, according to the determination process listed above.
  - 2. Modified Duty in Current Position: When the employee can return to his/her regular job with restrictions, modified duty (if available) may continue to up to twelve (12) weeks. Continuation after twelve (12) weeks will be contingent upon an updated notice from the treating physician, availability of a limited duty position and based on City need.
  - 3. Modified Duty in Alternate Position: When an employee’s restrictions prevent temporary continuation of his/her regular job, modified duty, if available, may continue at an

alternate work-site for up to twelve (12) weeks. Continuation after twelve (12) weeks will be contingent upon an updated notice from the treating physician, availability of a limited duty position and based on City need.

4. **Modified Duty/Transportation of Citizens & City Personnel:** In order to assure safe transportation of citizens and City personnel, modified duty is not available for employees who transport and/or supervise citizens in/on City vehicles or transportation, subject to the provisions of the ADA.
5. **Worker's Comp Treatment & Overtime Pay:** Hours worked are defined as hours actually worked. Leave hours taken for worker's comp related treatment or meetings will not be counted as hours worked for the purpose of computing overtime.

**Section 11-03. Social Security**

Effective Date: 10/13/09

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

**Section 11-04. Unemployment Insurance**

Effective Date: 10/13/09

All employees of the City are covered under the Texas Unemployment Compensation Insurance program and the Federal Unemployment Tax Act (FUTA). This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee on the first \$9,000 of the employee's earnings to finance this benefit.

**Section 11-05. Health Related Benefits**

Effective Date: 10/13/09

The City is committed to providing cost-effective benefits, which assist employees in being physically and mentally healthy. The benefits and services offered by the City may be changed or terminated at any time upon approval of the City Council and do not constitute a guarantee of continued employment with the City.

Benefits are accompanied by eligibility requirements which must first be met by the employee and dependents (if applicable) before being able to be covered. The provisions of and eligibility for the various, benefits are governed by each Plan instrument which may be a Plan document or certificate of coverage, or both. With respect to medical and dental coverage, life insurance, the employee assistance and wellness programs, the definition of eligible dependent may vary from plan to plan.

**Medical Coverage**

The City may offer, if economically feasible, medical coverage for eligible employees and their eligible dependents. Medical insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by Council on an annual basis.

**Dental Coverage**

The City may offer, if economically feasible, a dental assistance plan for eligible employees and their eligible dependents. Dental coverage may be offered for purchase by the employee and may be subsidized by the City at a level approved by Council on an annual basis.

**Section 11-06. Miscellaneous Benefits**

Effective Date: 10/13/09

As with the health related benefits, the miscellaneous benefits and services offered by the City may be changed or terminated at any time upon approval of the City Council and do not constitute a guarantee of continued employment with the City.

**Life Insurance**

The City may offer, if economically feasible, basic life insurance to eligible employees to help them protect their family in the event of the employee's death. Basic life insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by Council on an annual basis. In addition to the basic life insurance, the City may offer eligible employees the opportunity to purchase supplemental life and accidental death and dismemberment insurance on themselves and dependent life insurance on their eligible dependents.

**Short Term Disability**

The City may offer, if economically feasible, Short Term Disability (STD) coverage to eligible employees to provide them a portion of their salary when they are unable to work as a result of an off-the-job disability. Short-term disability insurance may be offered for purchase by the employee and/or subsidized by the City at a level approved by Council on an annual basis.

**Long Term Disability**

The City may offer, if economically feasible, Long Term Disability (LTD) coverage to eligible employees to provide them a portion of their salary when they are unable to work as a result of a disability. Long-term disability insurance may be offered for purchase by the employee and/or subsidized by the City at a level approved by Council on an annual basis.

**Deferred Compensation**

The City may make available a deferred compensation program. The Deferred Compensation Program is a voluntary, tax-deferred program designed to help supplement eligible employees' income at retirement. Through this program, eligible employees may designate an amount to be deducted from their gross salary on a before-tax basis each pay period and placed in an investment account selected by the employee.

**Employee Assistance Program**

The City may offer, when economically feasible, an Employee Assistance Program (EAP). This program is a professional, confidential counseling service available to help eligible employees and eligible dependents resolve personal problems.

## Chapter 12

### TRAVEL POLICY

#### Section 12-01. Applicability of Travel Policy

Effective Date: 10/13/09

It is the policy of the City of Melissa to reimburse employees and other persons who are authorized to represent the City at various conferences, meetings, conventions, seminars, and functions. The City recognizes that the public interest requires employees to travel at times to conduct City business. The City also recognizes that the public interest is served by the advancement of training and professional development of employees. It is the policy of the City to arrange travel on City business utilizing the most economical means available.

This policy is applicable to all City employees and applies to all travel on City business outside the City limits and to all travel reimbursements, subject to budget limitations and authenticated expenses. The purpose of this policy is to establish general guidelines and provide uniformity in handling expenditure requests, and to establish proper accounting for allowable expenses.

#### Responsibility:

- A. **Department Head** – responsible for communicating and administering the provisions of this policy to employees and approving all travel requests within his/her department. Also should strive to be proactive in planning for the department's travel needs in the annual budgeting process. It is the responsibility of the Department Head to ensure all travel expenses are accounted for within five (5) working days from the date of return and the Travel Expense Report forwarded to the Finance Department.
- B. **Employee** – responsible for all pertinent information on the Travel Expense Report, indicating purpose of travel, location, type of transportation, departure date, return date, estimated expenditure and funds advanced.
- C. **Finance Department** – responsible for distributing travel funds in compliance with established policies and guidelines. The Finance Department should take into consideration the departmental travel budget and calculate the amount spent to date and forward the Travel Expense Report to the City Administrator/Manager for approval.
- D. **City Administrator/Manager** – responsible for either approving or denying the request. If the request is denied, the Travel Expense Report will be sent back to the Department Head. If the request is approved, the Travel Expense Report will be forwarded to the Finance Department for processing. The City Administrator/Manager or his/her designee must review and approve all expenses incurred in the Travel Expense Report after travel is completed.

**Section 12-02. Authorization Required**

Effective Date: 10/13/09

The City Administrator/Manager or designee and or council may authorize travel leave and expenses for City business outside the City. All travel requests must be approved by the City Administrator/Manager or designee prior to its occurrence. Any employee traveling on official City business shall communicate with their supervisor as to where they can be reached while out of the City. All travel requests must be submitted on forms provided for that purpose.

**Section 12-03. Allowable Expenses**

Effective Date: 10/13/09

- A. **Registration** – The City will reimburse actual expenses incurred in registering for a conference, seminar, or meeting. An original receipt must be furnished for reimbursement purposes. The City encourages advance payment of fees to take advantage of any discounts available. However, any recreation expenses included in the registration (i.e., golf, tennis, runs, etc.) will not be reimbursed.
- B. **Transportation** – The department head/supervisor will be expected to select the mode of transportation that is most economical to the City considering cost and time consumed. Normally, when travel is required for City business a City vehicle or personal car may be used when such travel distances are within a two hundred and fifty (250) mile radius. For travel beyond a two hundred and fifty (250) mile radius of the City, air transportation may be approved if authorized in the budget.

All approved transportation expenses will be reimbursed as follows:

1. When employees use their personal vehicles, all travel mileage will be paid at the most recent IRS rate per mile plus parking fees.
2. When City vehicles are used, all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, etc.) shall be reimbursed. Receipts will be required.
3. When air travel is permitted, employees will book their flight as far in advance as possible. Air travel reimbursement shall be limited to “coach” fares. Additionally, if the employee requires parking at the airport for twenty-four (24) hours or less, the employee will be reimbursed at the short term parking rates. If requiring parking for twenty-five (25) hours or more, the reimbursement shall be at the long term parking rate. Original receipts will be required for reimbursement.
4. Reimbursement will be made for the use of rental cars, taxi or bus fares, etc., provided such expenses are necessary and reasonable. Approval to rent a car should be obtained prior to the trip whenever possible. Employees are expected to obtain the lowest possible rates for the cars, and shall sign and accept the liability/collision insurance agreement on the contract.

5. Alternate routes, which are desirable because of personal affairs of the traveler, can be used, but only on the traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.
- C. **Meals** – A maximum daily allowance for meals will be provided based on the General Services Administration (GSA) guidelines for the location of travel. When an employee claims the allowance, any meals provided by the conference will be deducted at the maximum allowable rate. Total allowance of reimbursement for travel includes a maximum of twenty percent (20%) for gratuity. Expenses for alcoholic beverages are not reimbursable. Original receipts will be required for each meal and the travel expense report should include the date, location, and amount for each meal.
- D. **Lodging** – Employees are expected to make lodging reservations well in advance whenever possible, and to take other actions to ensure lodging is secured at a moderate rate. Reimbursement of lodging shall be limited to single rates unless two or more employees occupy a single room, or otherwise approved by the City Administrator/Manager. It shall be the policy of the City to reimburse for only lodging that is economical and practical. Exceptions to this may be granted when least expensive hotel rooms are unavailable or where conferences are held in or nearby the hotel. Receipts for lodging must be provided to obtain reimbursement.
1. Reimbursement will not be made for personal telephone calls, alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, except as provided in *Section E below*.
  2. Employees will be allowed a reasonable amount for laundry and dry cleaning expenses for trips lasting five (5) or more days. Original receipts will be required for reimbursement.
- E. **Entertainment** – The City realizes that from time to time, it is necessary to entertain dignitaries and state, federal, and business representatives whenever it may be deemed in the best interest of the City. Such expenses may be reimbursed at the discretion of the City Administrator/Manager. Receipts will be required before reimbursement can be made. Whenever practical, prior authorization should be obtained from the City Administrator/Manager.
- F. **Dependent Expenses** – There is no objection to a spouse/family member accompanying an employee on an out of town business trip; however, the City will not be financially responsible for the spouse/family member of the employee. Any additional expenses incurred such as travel, lodging, meals, or any other miscellaneous expenses will be the sole responsibility of the employee. The City will not reimburse the additional expenses.

**Section 12-04. Travel Advances**

Effective Date: 10/13/09

Minimum, but sufficient cash advances may be drawn from the City treasury by employees traveling on City business. All unused, unauthorized, or unapproved travel advances shall be returned immediately upon return of the business trip. Failure to return unused funds will subject the employee to a payroll deduction to credit the proper fund and disciplinary action, up to and including termination.

**Section 12-05. Travel Expense Report Procedures**

Effective Date: 10/13/09

**A. Prior to Travel/Trip:**

1. A Travel Expense Report form shall be filled out for all travel that takes an employee out of the Metroplex for City business. For training requests within the Metroplex area, a report will be filled out if an advance is required. For meetings or trips outside the Metroplex, additional information or brochures will be attached to provide management an overview of the meeting/event.
2. The employee will fill out all information pertinent to the request, indicating purpose of travel, location, type of transportation, departure date, return date, estimated expenditures and funds required in advance. The report shall then be forwarded to the Department Head for approval.
3. The Department Head will review the request and sign off if the trip is approved. The Department Head shall attach a copy of the page indicating the approved travel and training request from the budget document, and note the approved trip.
4. Upon Department Head approval, the request will be forwarded to the Finance Department and budget information will be indicated.
5. Finance will note the departmental travel budget and how much has been spent to date. Finance will only sign off if budgeted funds are available. The report will then be forwarded to the City Administrator/Manager for approval.
6. The City Administrator/Manager will note approval or disapproval of the request. If the request is disapproved, it will be sent back to the Department Head. If the request is approved, it will be forwarded to Finance for processing of the advance or payment required. Finance will then return the approved form to the employee.
7. Employee travel will be approved by the City Administrator/Manager and Finance Department. Department Head travel must be approved by the City Administrator/Manager.

**B. During Travel/Trip:** Follow policies for reimbursable expenses.

1. If more than one employee attends the same trip/event, each employee is responsible for completing his/her own expense report. In such instances where employees dine together, every effort should be made to split the bill.
2. If the bill cannot be split, then one designated employee should pay the full amount and obtain a receipt for the entire amount and document the employees' names that were present on the Travel Expense Report for reimbursement.

**C. Upon Completion of Travel/Trip:**

1. The employee will fill out all the pertinent expenditure information, indicating what funds are due the City or what funds are due to the employee within five (5) days after returning from the trip. Failure to submit an expense report will subject the employee to a payroll deduction for any funds advanced. All cash advances and expenditure reports shall be submitted on forms provided for that purpose.
2. All meeting/event expenses will be indicated on the expense form. All applicable receipts must be included with the report, including registration and airfare.
3. The employee will certify that the expenses are correct and will sign off on the report. The report will be forwarded to their Department Head for approval.
4. The Department Head will review the report, sign off and forward the Travel Expense Report to the City Administrator/Manager for approval.
5. The City Administrator/Manager will review the report, sign off and forward to Finance for processing and filing.

## Chapter 13

### EQUIPMENT/ VEHICLE POLICY

#### **Section 13-01. Purpose of Equipment/Vehicle Policy**

Effective Date: 10/13/09

The purpose of these equipment/vehicle policies is to provide for the safe and effective utilization of the City vehicle fleet through rules, regulations and procedures. Each employee will be held responsible for the proper use, care and operation of a vehicle or piece of equipment assigned to him/her. Abuse of equipment and vehicles constitutes grounds for disciplinary action, up to and including termination.

If employee's position requires the operation of a City vehicle on public roads while conducting City business, the employee must maintain the appropriate or required, valid State of Texas Driver's License and must meet City standards for driving records.

#### **Section 13-02. Applicability**

Effective Date: 10/13/09

These policies shall apply to all City owned equipment and vehicles and all persons assigned the equipment and vehicle, inclusive of operators and passengers.

#### **Section 13-03. Use of City Vehicles**

Effective Date: 10/13/09

All City equipment and vehicles are intended for official City business uses only. The City Administrator/Manager may extend said use according to need and circumstances to another public agency or for uses beneficial to the general public. Use of City equipment and vehicles is limited to the Collin County area unless otherwise approved by the City Administrator/Manager. In addition, the City will require all persons operating City vehicles and those employees driving their own vehicles on City business to maintain a safe driving record. A "safe driving record" will be defined as:

- A. No more than three moving violations in a twenty-four (24) month period;
- B. No conviction of driving while under the influence of drugs (controlled substances) or alcohol;
- C. No felony conviction of failure to stop and render aid, failure to leave identification at the scene of an accident, involuntary manslaughter or criminally negligent homicide involving a motor vehicle.

Employee driving records will be checked at random periodically to ensure that no persons with unsafe driving records are operating City vehicles or driving on City business. A copy of the driving record of all employees with driving responsibilities who do not meet the safe driving requirement will be submitted to their Department Head for review. Action to be taken in each case will be recommended by the Department Head, to the City Administrator/Manager for final approval. **Employees have an obligation to report to their direct supervisor within twenty-four (24) hours of a violation of this policy.**

Employees who fail to meet the safe driving requirements may be required to submit to one or more of the consequences below, at the discretion of the City Administrator/Manager:

- A. Required to attend a defensive driving class on their own time and at their own expense;
- B. Assigned non-driving responsibilities within their current department, if available;
- C. Transferred to another department and assigned non-driving responsibilities, if available;
- D. Assessed another type of remedial action as determined by the City Administrator/Manager to be appropriate in that specific case; and/or
- E. Dismissed from employment, if none of the above alternatives can be achieved within a reasonable period of time. A "reasonable period" will be defined as generally not to exceed thirty (30) calendar days from the date an employee is notified of his/her failure to meet the safe driving requirements.

**Section 13-04. Operation and Ridership**

Effective Date: 10/13/09

Except for maintenance, service and repair, only City officials and employees are allowed to operate a City vehicle. Ridership should be limited to employees or persons on official City business. Due to the nature of certain employees being required to be on call and take a vehicle home, the City Administrator/Manager may exercise limited discretion in situations wherein the ridership policy might cause transportation difficulties to an employee required to be on standby and use a City vehicle.

**Section 13-05. Safety, Maintenance, and Care**

Effective Date: 10/13/09

- A. **Safety** –All operators and passengers will be individually accountable for abiding with all laws pertaining to vehicles and their operation.
  - 1. No one is allowed to operate a City vehicle or piece of equipment while under the influence of alcohol, medication or drugs that is subject to altering judgment or reflex. In addition, tobacco use is prohibited in City vehicles.
  - 2. No person with corrective devices or appliances shall be allowed to operate City equipment or vehicles without same being in place and in good repair.
  - 3. Any person who is injured or becomes ill should use the radio and/or cellular phone to obtain assistance rather than try to operate a vehicle or piece of equipment.
  - 4. Caution must be exercised with the use of communication radios and/or cellular phones while operating a vehicle. Every effort should be made to minimize the use of these devices while driving. Text messaging is strictly prohibited. Should a call become necessary, all drivers should safely pull off the road during the course of the phone call.
  - 5. Listening to an iPod<sup>®</sup> or other portable music device through headphones while driving a City-issued or personal motor vehicle on City time is strictly prohibited.

**B. Maintenance and Care** – Periodic inventory of equipment and vehicles will be taken at the discretion of the City Administrator/Manager or other functional manager. All damaged, broken, or lost equipment will be repaired, replaced, or removed from service.

1. Those personnel assigned use of a vehicle or piece of equipment will be responsible for the maintenance and care of said vehicle/equipment.
2. Damage arising from misuse or neglect attributable to operator negligence is subject to review by the City Administrator/Manager and subsequent repair at the expense of employee held responsible for same.
3. No one shall operate a City vehicle or piece of equipment that is unsafe, and the operator will be responsible for exercising good judgment and performing a cursory inspection prior to operating said vehicle or equipment.

**Section 13-06. Vehicle Logs**

Effective Date: 10/13/09

It will be the responsibility of each operator of a City vehicle or piece of equipment to properly fill out any paperwork associated with the use, mileage, gas/lubricant applications, maintenance or any other documentation, which may be required from time to time. It is ultimately the Department Head's responsibility to ensure that required reports associated with City vehicles in use by their department are completed and forwarded to City administration for filing purposes.

**Section 13-07. Take Home Vehicle Policy**

Effective Date: 10/13/09

An employee may drive a City vehicle home only under the following conditions:

- A. Employee is on twenty-four (24) hour call.
- B. Employee conducts City business on a frequent basis before and after normal working hours.
- C. Permission is granted by the City Administrator/Manager, in writing, stipulating the conditions and privileges.

**Section 13-08. Traffic Citations and Accidents**

Effective Date: 10/13/09

- A. **Traffic Citations** – If an employee receives a traffic citation for a violation committed while operating a City-owned vehicle or while driving their personal vehicle on City business, the employee will be expected to pay any resulting fine at their own expense. Repeated traffic violations or misuse of City vehicles or equipment may result in disciplinary action, up to and including termination.
- B. **Accidents in City-Owned Vehicles** – If an employee is involved in an accident while driving a City vehicle, that individual will be required to follow the specific accident-reporting procedure outlined by the department. In general, for all departments, the employee should:
  1. Call 911 for immediate assistance.
  2. Call the Police Department immediately. Do not move the vehicle in the event of an injury accident until directed by a police officer.

3. Provide their name and department to the other driver without discussing the accident with anyone except the investigating officer or their supervisor.
4. Call the supervisor who will then be responsible to file the required accident form. Forms are available in the department or from Human Resources.
5. Report to one of our drug and alcohol testing sites immediately. A supervisor or other member of City administration must provide transport unless otherwise directed by the City Administrator/Manager. Exceptions can only be made by the City Administrator/Manager or their designee.
6. Failure to report any accident or vehicle damage immediately may result in disciplinary action including termination.

## Chapter 14

### SUBSTANCE ABUSE POLICY

#### **Section 14-01. Purpose**

Effective Date: 10/13/09

It is the policy of the City of Melissa to maintain a work environment free from the use, possession and effect of controlled substances and alcoholic beverages. The City of Melissa recognizes that drugs and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making, and reduced productivity. Therefore, the City of Melissa expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours.

#### **Section 14-02. General Policy**

Effective Date: 10/13/09

- A. An employee assistance program may be made available to assist employees with substance abuse.
- B. Being under the influence of alcohol or controlled substance on City property is prohibited. The unauthorized use or possession of prescription drugs or over-the-counter drugs on City property is prohibited.
- C. Employees who violate this policy are subject to appropriate disciplinary action, including termination.
- D. The policy applies to all employees of the City regardless of rank or position and includes temporary and part time employees.

#### **Section 14-03. Violations**

Effective Date: 10/13/09

The sale or unlawful manufacture, possession, distribution, and/or use of controlled substances or alcoholic beverages by an employee while on duty or during lunch and/or other breaks or at any time while the employee is on a City work site or on duty, is absolutely prohibited and constitutes cause for discipline, up to and including termination, in accordance with these personnel regulations. The appropriate law enforcement agency will be notified of any such sale, distribution, and/or use of illegal substance by employees. Any employee who is arrested for a drug-related crime under a state or federal criminal drug statute for violations occurring on or off duty must report their arrest to their supervisor within three (3) days.

The City of Melissa retains the right to perform drug tests at any time and at a testing facility of its choosing. Failure to comply with instructions to report and submit to a random drug test will be considered insubordination and may constitute grounds for disciplinary action up to and including termination.

**Section 14-04. Searches and Testing**

Effective Date: 10/13/09

The City may conduct unannounced searches or inspections of City-owned property where there is reasonable suspicion of the presence of alcohol or controlled substances. These may include, but are not limited to, lockers, offices, tool chests, and desks located on City property, work sites and City owned vehicles.

When the Department Head, Human Resources or City Administrator/Manager has a reasonable suspicion that an employee, at work or when reporting to work, is under the influence of alcohol or a controlled substance, or is abusing alcohol or a controlled substance and appears to be impaired or unfit for duty, the employee will be required to submit to a drug-alcohol test. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonable prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or reduced. Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to: odor of alcoholic beverage, erratic behavior, violent mood swings, excessive absenteeism including tardiness, a medical emergency that can be attributed to drug use, physical on-the-job evidence of drug use, documented deterioration in the employee's job performance or an accident which is caused by the apparent action or inaction of the employee.

The immediate supervisor or Department Head or Human Resources will submit information in writing, to the City Administrator/Manager that describes the incident, documenting the circumstances leading to the conclusion that a drug test is necessary. Such documentation will include the date, time, place, description of incident, and statements of witnesses. Any other evidence such as drugs, drug paraphernalia and containers will be collected. After documenting the incident, the Department Head will contact Human Resources and the City Administrator/Manager to determine if drug testing is appropriate and to arrange for testing. If drug testing is appropriate, the immediate supervisor or Department Head will transport the employee to the drug specimen collection facility. The type of drug/alcohol test may be based on a urine, blood or other type of sample as appropriate and which is medically accepted and reliable. After testing, the employee will be transported home by their immediate supervisor, a relative or their emergency contact of record and told not to report to work until the results of the test are known.

**Section 14-05. Preventive Acts**

Effective Date: 10/13/09

- A. Employees taking drugs prescribed by an attending physician must advise their immediate supervisor in writing of the possible effects of such medication regarding their job performance and physical/mental capabilities. This written information must be kept confidential and communicated to the immediate supervisor prior to the employee commencing work. All medical information will be kept confidential and the employer, without exception, will punish any breach of privacy and confidentiality in this regard. All prescription drugs must be kept in their original container.

- B. Any employee involved in a work related accident where alcohol or drugs are believed to be a contributing factor will be referred to an employee assistance counselor in addition to any other accident investigation activities.

**Section 14-06. Work Related Accident**

Effective Date: 10/13/09

Any employee involved in a work related accident shall be subject to urine, breath, blood and/or hair follicle testing for drug or alcohol use or abuse.

**Section 14-07. Supervisory & Employee Training**

Effective Date: 10/13/09

Supervisors will receive training regarding the substance policy of the City of Melissa and the use of the Employee Assistance Program (EAP). Any employee may receive copies of this drug and alcohol policy and information about the Employee Assistance Program.

**Section 14-08. Employee Assistance Program (EAP)**

Effective Date: 10/13/09

- A. The City will provide employees and their families with confidential professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from referral to the Employee Assistance Program (“EAP”) referral will be the responsibility of the employee.
- B. When documented job impairment has been observed and identified, a supervisor may recommend participation in the EAP. Any action taken by the supervisor, however, will be based on job performance.
- C. Supervisor referrals to the EAP will include employee's release of information consent form to be returned to the company supervisor by the EAP. Refusal to participate in or failure to complete the EAP-directed program will be documented. Should job performance not improve after a reasonable amount of time, the employee is subject to progressive corrective action up to and including termination of employment.
- D. Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself, does not preclude the City's use of corrective actions, participation in an EAP may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions.
- E. EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regards to use of sick or compensation leave. Sick leave may be taken as needed, while compensation time must be pre-approved.

**Section 14-09. Reservation of Rights**

Effective Date: 10/13/09

The City reserves the right to interpret, change, suspend, cancel or dispute with or without notice, all or any part of this policy, or procedures or benefits discussed herein. Where practicable, employees will be notified before implementation of any change.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice and the City retains the right to terminate any employee at any time, for any or no reason, without notice.

**Section 14-10. Other Laws and Regulations**

Effective Date: 10/13/09

The provisions of this policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state, or local laws, regulations or judicial decisions. Unenforceable provisions of this policy shall be deemed to be deleted.

## Chapter 15

### MISCELLANEOUS PROVISIONS

#### **Section 15-01. Activity Reports**

Effective Date: 10/13/09

All department heads shall submit monthly reports concerning the activities of their department to the City Administrator/Manager on forms prescribed and as requested.

#### **Section 15-02. Property Control**

Effective Date: 10/13/09

- A. Department heads shall insure that property under their control is properly safeguarded, accounted for, and administered. Each Department Head shall maintain or delegate the maintenance of an up-to-date inventory of all City property in their particular department. All acquisitions, disposals, or transfers of property shall be reported to the City Administrator/Manager or the designated representative of the City Administrator/Manager.
- B. Postage, stationery, office supplies, tools, vehicles, and equipment purchased and owned by the City are to be used only in the conduct of City business. No City employee shall use these items in the conduct of their personal affairs without prior approval.
- C. Employees shall only utilize City reproduction copiers for City business unless making restitution for said use in accordance with established guidelines and procedures.
- D. All gasoline obtained from City pumps shall be properly logged. An accounting of all gasoline purchased and used by the City shall be made and reports of usage filed as required by the City Administrator/Manager.

#### **Section 15-03. Utilities**

Effective Date: 10/13/09

Departmental requests for new City electric, gas, and telephone utility installations or additional services must be approved in advance by the City Administrator/Manager.

#### **Section 15-04. Energy Policy**

Effective Date: 10/13/09

The City of Melissa seeks to establish a policy for reduction of energy consumption in City facilities through wise and cost-effective energy management and appropriate energy efficient technology. Energy consumption and operating costs will be reduced without compromising health, comfort, and safety of occupants, while demonstrating responsible use of natural resources and complying with Senate Bill 12, Article 3 Energy Efficiency.

City of Melissa employees are expected to adhere to the established policy and work to promote energy efficiency at City facilities. The details of this policy will be forthcoming.

**Section 15-05. Purchases**

Effective Date: 10/13/09

No purchases shall be made in the name of the City by any employee except by following the procedures outlined in the City purchasing guidelines or as approved by the City Council and or City Administrator/Manager.

**Section 15-06. Safety**

Effective Date: 10/13/09

Department heads shall be responsible for preparing and promulgating safety procedures applicable to all personnel and operations under their control. Each employee is required to adhere to all safety procedures set forth by the City, the State, and federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate department heads and to inform their supervisor of any on-the-job injury or accident.

**Section 15-07. Work Breaks**

Effective Date: 10/13/09

It is the policy of the City to allow two (2) fifteen (15) minute work breaks at the discretion of the department heads and the City Administrator/Manager. One (1) work break is to be taken in the morning and the other in the afternoon. Work breaks shall be taken at convenient times without leaving an employee's duties or telephone unattended. Breaks are not to be considered an employee's right, but a privilege. At no time will work breaks accumulate for later use or take precedence over the work situation on any given day.

**Section 15-08. Use and Maintenance of City  
Equipment and Facilities**

Effective Date: 10/13/09

- A. **Use of City Equipment and Facilities:** The use of City equipment and facilities for private use are prohibited without prior approval of the City Administrator/Manager. Under no circumstances shall City equipment of facilities be loaned or rented without this approval.
  
- B. **Maintenance of City Equipment and Facilities:** It is the responsibility of all employees to help maintain a safe and well maintained work environment independent of the level of cleaning services provided by the City, including but not limited to your immediate work space or office, City equipment, customer service areas, the outside grounds of City facilities, parks, parking lot areas, hallways, kitchen or break areas, bathrooms, lobbies, Council Chambers, Library and Municipal Court Chambers. Any safety or maintenance issues that an employee is not able to take care of themselves is to be reported immediately to the proper personnel. Maintenance of any area of City facilities, grounds, or equipment includes cleanliness, organized work spaces, creating inviting public or customer service areas, areas free of debris or trash, and providing an overall pleasant and well-maintained appearance. Neglect of this policy could result in counseling, warning, and /or formal disciplinary action up to and including termination of employment. Reporting to work in a clean and professional environment helps the City to present a positive and professional public image.

**Section 15-09. Professional Membership and Subscriptions**

Effective Date: 10/13/09

The City will participate in the cost of professional memberships and subscriptions for employees applicable to their positions; provided the necessary funds are available. Requests for memberships and subscriptions must be approved by the City Administrator/Manager or designee prior to participation.

**Section 15-10. Meal Breaks**

Effective Date: 10/13/09

The scheduling of employee meal breaks will be determined by the department head to facilitate serving the public and permitting efficient department operations. Meal breaks shall not exceed one (1) hour in length except for business lunches in which case the employee shall return to work within a reasonable time upon completion of the business lunch.

**Section 15-11. Tobacco Free Policy**

Effective Date: 06/08/10

**A. Statement of Purpose and Policy:**

The City recognizes the hazards to health and environment created by the use of tobacco products. Out of concern for the health, safety and well-being of its employees and the general public, it is the goal of the City to maintain a tobacco-free environment in all municipal facilities, vehicles and any areas designated as tobacco-free.

**B. Administrative Procedures**

1. Smoking and the use of smokeless tobacco products (dip, chew) is prohibited within any municipal facility of the City and any areas designated as tobacco-free.
2. Smoking and the use of smokeless tobacco is prohibited in City vehicles.
3. It shall be the responsibility of Building Services to place signage reading "No Smoking-City of Melissa Ordinance No. [current]" at the main entrance of all municipal facilities.
4. Any person desiring to file a complaint against a violator of this policy may do so without fear of retaliation by contacting the department head/division manager over the employee(s), involved in the alleged violation. It shall be the responsibility of the department head/ division manager to attain resolution of the complaint. The employee also has the option to report the violation directly to the next level of supervision if the complaint has not been resolved or the employee may be subject to retaliation. The complaint shall be kept confidential and restricted to those who have a need or right-to-know.

**Section 15-12. Health Insurance Portability and Accountability Act (HIPAA)**

Effective Date: 10/13/09

- A. Administrative Directive** - The City of Melissa will comply with federal regulations governing the Health Insurance Portability and Accountability Act ("HIPAA") of 1996. The act ensures the privacy of all protected health information ("PHI") and that such information be kept confidential and not be released to any party without the consent of the employee, or citizen if applicable, except where otherwise outlined by law.

The Department of Health and Human Services (“DHHS”) has outlined regulations, which set both monetary and civil penalties for the wrongful disclosure of PHI. These penalties may apply to both the organization and or the individual wrongfully disclosing information that falls under the definition of PHI. The DHHS has also outlined several entities that must comply with the new regulations. These entities include health plans, health care providers, clearing houses, insurance carriers and business associates with access to PHI. Privacy regulations set for by the DHHS supersede existing state law, except where state laws are stricter than federal regulations.

All City employees and representatives of the City, where applicable, will be required to comply with the procedures set forth in this directive. Human Resources, with the direction of the City Administrator/Manager and or City Attorney, will be responsible for advising departments and supervisors on the disclosure of any and all health related information. Additionally, Human Resources or its designee will be responsible for the education of City employees as well as representatives of the City where applicable, regarding new procedures set forth in this directive.

B. **Applicability** - This administrative directive shall apply to all City employees and representatives of the City where applicable.

C. **Definitions**

1. **The Health Insurance Portability and Accountability Act** of 1996 is often simply referred to as **HIPAA**. The act ensures the privacy of all protected health information (PHI). Additionally the act ensures that such information be kept confidential and not be released to any party without the consent of the employee, or citizen if applicable, except where otherwise outlined by law.
2. **Protected Health Information (PHI)** is defined as any information that identifies the individual(s) to whom the PHI pertains, could be used to identify the individual(s) to whom the PHI pertains, is created, received or transmitted by a health plan, provider, clearing house or business associate, and or in any way relates to the past, present or future physical or mental health of the individual(s).
3. **Business Associates** includes anyone the City enters into a contract with that may have access to protected health information (PHI).
4. **Qualified Recipients** are defined as any recipients of Protected Health Information (PHI) who meet the guidelines set forth by the Department of Health and Human Services (DHHS). In order for a recipient to be considered a qualified recipient, they must have adopted administrative procedures for the protection of PHI as outlined by the DHHS and meet the guidelines of a covered entity as outlined by the DHHS.

D. **Scope**

This directive establishes six (6) key expectations for the City of Melissa:

1. Procedures for preventing the wrongful disclosure of PHI, as well as audit procedures for those departments/divisions that have access to PHI.
2. Provisions for the review of any business contracts were the business associate may have access to PHI.
3. A training and education plan to inform all existing and new employees about these procedures and how they will be affected.
4. The rights of employees and citizens, where applicable, regarding their PHI.

5. Guidelines for amending these procedures as the DHHS hands down additional regulations or changes to existing regulations.
6. No employee or representative of the City, where applicable, shall disclose the nature of a medical condition of an employee, their dependents, or a citizen through formal means such as meetings, newsletters, without the written consent of the person to whom the information pertains.

**E. Procedures**

This directive establishes the following procedures and guidelines for the HIPAA directive.

1. Human Resources, with the direction of the City Administrator/Manager and City Attorney, will identify any department/division that has access to, or may have access to PHI. In conjunction with that department/division(s), Human Resources will identify who may be allowed to have access to that information and under what circumstances, if any that information may be disclosed and to whom that information may be disclosed.
2. In coordination with the affected department/division(s), Human Resources will designate a Privacy Officer(s) who will have the responsibility of monitoring the activities of all disclosures for their area.
3. Protected health information (PHI) will be kept separate from any other files pertaining to the employee and their performance, payroll documents, work history or any other job related information. Such PHI may not be used for any personnel related decisions such as compensation, benefits, promotions or disciplinary actions.
4. As outlined by the DHHS regulations, PHI will only be disclosed for the following reasons:
  - a. **Treatment:** Protected health information (PHI) may be released to qualified recipients for the treatment of any condition related to a City of Melissa benefit. These benefits include health, dental, vision, life, disability, employer assistance program and workers' compensation. The City will not release any information for any treatment outside of its benefits program.
  - b. **Payment:** Protected health information (PHI) may be released to qualified recipients for the payment of any services related to a treatment provided under a City of Melissa benefit.
  - c. **Healthcare Operations:** Protected health information (PHI) may be released to qualified recipients that will allow the City to complete healthcare operations. For example, information may be released during the City's request for proposal process or bid process for the purpose of acquiring healthcare services.
5. Protected health information (PHI) will not be released to the employee's family members unless they are covered by the benefit or have the written consent of the employee. The exception to this will be the spouses of employees with dependent minor children covered by the benefit. Protected health information (PHI) will not be released to the spouse of an employee or the employee of a covered spouse without the written consent of the person to whom the information pertains. Additionally, if a power of attorney designation has been made, information may be released to that individual. In the event of an emergency, the person designated as the emergency contact in official City personnel records for the employee, will be allowed access to PHI. The City will set procedures for positively identifying any attorney, dependents or relatives approved to request PHI on behalf of the employee.

6. The City of Melissa will not release any protected health information (PHI) through electronic means, such as faxes and emails, without the written consent of the employee unless it meets the Department of Health and Human Services (DHHS) guidelines regarding treatment, payment or healthcare operations. The City will not release information to a third party for any reason not related to treatment, payment or healthcare operations. In such instances, the information will only be released to the employee directly after giving written consent releasing the City of Melissa from any liability.
  7. The City will set forth tracking and auditing procedures for the disclosures of all PHI. The information will include the type of disclosure, information disclosed, reason for disclosure, to whom the information was disclosed and the date of the disclosure.
  8. The City will include disclaimers regarding the use of PHI in all disclosures.
  9. Human Resources or its designee will be responsible for sending HIPPA compliance letters to all business associates with business related to the guidelines issued by DHHS.
  10. All applicable correspondence, consent forms, and acknowledgement forms will contain language stating the City's compliance with the DHHS regulations.
  11. Detailed written procedures regarding the aforementioned requirements outlined by the DHHS will be kept in Human Resources, Fire and Police as applicable to the services and or benefits provided by those departments/divisions.
- F. **Contracts** -Human Resources or its designee will review any contracts that may involve the use and/or disclosure of PHI. Proper verification will be made to ensure that the business associate with whom the contract is signed has taken appropriate action to protect any PHI, and that they are in compliance with DHHS regulations.
- G. **Training and Education** - Human Resources or its designee will set up training and education guidelines to ensure that all City personnel, including supervisors, affected departments, and representatives of the City where applicable, are aware of their responsibilities under the new regulations. All current employees will be educated on the procedures affecting the release of PHI and they will give consent for the release of such information. Additionally, guidelines will be set to educate new employees, representatives of the City, and to update current employees regarding changes in regulations and amendments to current legislation.
- H. **Rights of Employees** - As outlined by the DHHS regulations, employees have the following *rights* under the HIPPA legislation:
1. Review a copy of his/her own PHI.
  2. Receive confidential communications containing PHI.
  3. Request restrictions on the uses and disclosures of certain types of PHI.
  4. Request amendments to their person PHI.
  5. Receive an accounting of any disclosures of PHI not used for the purposes of treatment, payment or healthcare operations.
- I. **Amendments to HIPAA Directive** - As part of the Department of Health and Human Services (DHHS) regulations, this directive may be amended at any time due to changes in corresponding City policy or by changes made by the DHHS. If at any time new state laws become more strict than the current federal legislation, this directive will be amended to reflect those laws. New procedures or amended procedures may be put into place as business associates and practices change. Human Resources will coordinate the training and education of any amendments to this directive.

- J. **Complaints** - Any complaints about the violation of this directive or rights as described in the attached notice should be made to the Privacy Officer designated in Human Resources or other area. Additionally complaints may be made to the Department of Health and Human Services (DHHS).

## Chapter 16

### DEFINITIONS

#### Section 16-01. Definitions

Effective Date: 10/13/09

**Age Harassment** – Slurs, jokes and other verbal, non-verbal, or physical conduct directed toward an individual’s age status, may constitute harassment when:

- a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment, or
- b. Has the purpose or effect of interfering with an individual’s work performance.

**Computer Software** – The City of Melissa purchases software necessary for conducting City business based on departmental roles and needs. Specialized software must be approved by the Information Technology. Unauthorized software is prohibited from being used by and/or installed on City computers or other related equipment. Employees and other users are prohibited from copying City-licensed software and violation of such software licensing laws is subject to civil and criminal penalties. Software may not be downloaded from the Internet without Information Technology’s approval and appropriate preventative virus measures. Software should be registered in the name of the City of Melissa.

**City Premises** - All City property, including vehicles, lockers, and parking lots.

**City Property** - All City owned or leased property used by employees such as vehicles, lockers, desks, closets, etc.

**Controlled Substance** - Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended. Copies are maintained for employee review by Personnel and Health Services.

**Department Head** refers to the person designated as the supervisor, manager or director of a department/division.

**Disability Harassment** – Slurs, jokes, or physical conduct directed towards an individual’s disability status, may constitute harassment when the conduct:

- a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment, or
- b. Has the purpose or effect of interfering with an individual’s work performance.

Note: **Disability** means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual, as such term is defined in the American with Disabilities Act (ADA), 42 USC 12102; a record of such an impairment; or being regarded as having such an impairment. This would include, but not be limited to, an individual with sight impairment (blindness), hearing impairment (deafness), medical conditions such as heart disease, epilepsy, muscular

dystrophy, cancer, mental illness, alcoholism, HIV disease, and other physical and mental medical conditions, which are protected by Federal law.

**Drug** - A drug is any chemical substance that produces a physical, mental, emotional, or behavioral change in the user.

**Drug Paraphernalia** - Equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance.

**Eligibility for Rehire** - Employee terminated for violating a provision of this policy or procedures shall not be eligible for future employment with the City in any capacity.

**Emergency Situations** - It is recommended that employees who are confronted by, or who encounter an armed or dangerous person not attempt to challenge or disarm the individual. Employees should use his/her best judgment under the circumstances to avoid injury to themselves or others. If the employee can contact the police department, emergency assistance and or a supervisor without endangering the safety of themselves or others, such notice should be given. Otherwise, the employee should remain calm, cooperate, follow the instructions given, provide good eye contact and take all reasonable precautions to protect themselves and the lives of others.

**Ethnic/Racial Harassment** - Ethnic or racial slurs, jokes and other verbal or physical conduct relating to an individual's national origin or race, constitute harassment when this conduct:

- a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment, or
- b. Has the purpose or effect of interfering with an individual's work performance.

**Family Leave** – Includes a request for leave: (1) because of the birth or adoption, including placement for foster care, of the employee's child and in order to care for the child, provided leave is taken within twelve (12) months of the birth, adoption, or placement of the child, (2) to care for the employee's spouse, child, or parent if the spouse, child, or parent has a serious health condition; or (3) for use by the employee for a personal, serious health condition that makes the employee unable to perform functions of his or her position. A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. Medical verification of such an event is required in all cases, including a seriously ill family member or the employee. In the event of an employee's serious medical condition, a doctor's release to return to work is required.

**Fitness for Duty** - To work in a manner suitable for the job. To determine "fitness", a medical evaluation may include drug and/or alcohol testing.

**Hardware Ownership** – Computer equipment provided for employees remains the property of the City of Melissa. Personal computer hardware including printers, scanners, interface equipment, portable drives, camera, microphones, speakers and other computer related equipment shall not be attached to or installed within computers or equipment owned, leased,

and/or used by the City of Melissa without the City Administrator/Manager approval. Any data, message, software or other information stored on a City computer is the property of the City.

**Human Resources** - or designee refers to the person designated to supervise or represent Human Resources, or the person designated to act in his/her absence.

**Illegal Drug** - An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally. Included is marijuana or cannabis in all forms.

**Individual With A Disability** - A person with a physical or mental impairment which substantially limits one or more of the major life activities; a person with a record of such an impairment; or a person who is regarded as having such as impairment.

**Involuntary Reserve Activation** - (Order to active tour of duty) – is defined as being called to active duty and does not include voluntary activation.

**Major Life Activities** - Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The duration or expected duration of the impairment and the actual or expected permanent or long-term impact of the impairment are factors that are considered when evaluating whether the impairment substantially limits a major life activity. For example; someone with a broken arm would not be a person with a disability because the impairment is temporary. On the other hand, someone whose arm was not treated properly and suffers a permanent condition as a result of this may be "disabled" under the Act.

**Mental Impairment** - Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. It does not include sexual behavior disorders and psychoactive substance disorders resulting from CURRENT substance abuse.

**Military Leave** - is defined as leave to be used solely for the purpose of fulfilling a military obligation that does not exceed fifteen (15) days.

**Miscellaneous** - The City of Melissa has the right to search any areas on premises under City control for evidence of prohibited conduct and/or for weapons, including, but not limited to, computers, electronic mail, Internet records, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, briefcases, personal bags, personal toolboxes or tool kits, parking lots, City vehicles and personal vehicles parked on City premises. If appropriate or if probable cause of a crime exists, the City may contact the City Police to conduct individual searches of employees. All employees are expected to fully cooperate with the investigation into any incidents. Failure to cooperate with an investigation may result in adverse employment action against the employee, up to, and including termination of their employment with the City.

**Municipal Facilities** - Any Building or structure owned or operated by the City.

**Physical Impairment** - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems. For example, individuals with arthritis, cerebral palsy, epilepsy, multiple sclerosis, HIV, cancer, heart disease, or diabetes, may be considered persons with "physical impairments".

**Reasonable Cause/Reasonable Suspicion** - Supported by evidence strong enough to establish that a policy violation has occurred.

**Religious Harassment** – Religious slurs, jokes, and other verbal or physical conduct relating to one's religious beliefs, constitute harassment when the conduct:

- a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment, or
- b. Has the purpose or effect of interfering with an individual's work performance.

**Reporting procedures** - It is a matter of first priority that law enforcement officials be notified as soon as feasible of any situation that has the potential for immediate danger to the safety of an employee or any person. Such situations may include, but are not limited to:

- a. Causing or attempting to cause physical injury to another person;
- b. Possession of a weapon while on City property or while on City business without proper authorization;
- c. Expressing an intent to cause immediate physical harm; or
- d. Intentional destruction or threat of immediate destruction of City property or another person's personal property.

Any potentially dangerous situation must be reported immediately to a supervisor, department director as well as Human Resources and the City Administrator/Manager. Reports should be made regardless of whether the potential dangerous person is a co-worker or non-employee. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. Supervisors are required to document all threats, innuendos, or perceived threats as these are reported. All reports will be investigated administratively or criminally, whichever applies. This policy does not prevent employees from directly notifying law enforcement officials of potentially dangerous situations.

**Response Team** - A workplace violence response team consisting of a member from the police department, fire department, Human Resources, legal department and City Administrator/Manager's office, will be responsible for establishing response procedures. Response procedures will include but are not limited to: issues of security, coordination with the Employee Assistance Program (EAP) provider in the event of an incident, medical assistance, evacuation plans and public relations. The workplace violence response team will define, clarify and assist with communication regarding responsibilities with regard to evacuation plans, security issues and any additional matters that may impact an emergency event or incident.

**Sexual Harassment** – Unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;
- c. Such conduct has the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment.

Examples include:

- Unwelcome sex oriented verbal "kidding.";
- Unwelcome teasing or jokes;
- Subtle pressure for sexual activity;
- Physical contact such as patting, pinching or constant brushing against another's body; or
- Demands for sexual favors.

**Supervisor** - refers to the person (s) responsible for hiring employees, administering performance evaluations and implementing disciplinary action.

**Supervisor's Manager** - refers to the person to whom the employee's direct supervisor reports.

**Supervisory and Management Personnel** - refers to persons designated as supervisors, managers, department heads as well as the City Administrator/Manager who has the full authority to hire, issue and or approve disciplinary action.

**Testing** - Is generally defined as a urine, breath, blood, or hair follicle test to determine chemical or drug content. Any employee may be tested for drug or alcohol use when there is "reasonable cause/reasonable suspicion" that:

- a. use of a substance is affecting performance or,
- b. the employee is engaged in any of the prohibited acts or activities listed in this policy

**Tobacco Products** - Any product, tobacco based, including smokeless tobacco, used for the purpose of smoking, dipping or chewing. This definition shall also include cigars, pipes, snuff and chewing tobacco.

**Under the Influence** - A state of having a blood alcohol concentration in excess of the Texas state limit or more, where "alcohol concentration" has the meaning assigned to it in Texas Penal Code 49.01 or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

**Vehicle** - Any car, truck, bus or van, owned or operated, by the City of Melissa, used for conveying persons, supplies, equipment, etc.

**Violent Conduct or Behavior** - Violent conduct or behavior: includes, but is not limited to:

- a. Causing or attempting to cause physical injury to another person;
- b. Possession of a weapon, as defined by the penal code, on one's person or vehicle while on City property without proper authorization;
- c. Intentional destruction or threat of destruction of City property or another person's personal property;
- d. Aggressive or hostile behavior which creates reasonable fear of injury to another person or subjects another individual to emotional distress;
- e. Surveillance without proper authorization;
- f. Stalking;
- g. Making threatening remarks or expressing intent to do harm to another person;
- h. Making veiled threats of physical harm or similar intimidation;
- i. Expression of suicidal or homicidal intent or thoughts; and
- j. Acting in a hostile manner, expressing unusual agitation or excitement that may be accompanied by incoherent and/or irrational behavior.