



City of Brenham  
Human Resources  
Policy Manual

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# INTRODUCTION

## ***OBJECTIVES***

The objectives of the human resources policies are as follows:

To promote good and uniform personnel practices and administration in the management of the City's human resources.

To maintain recruitment, advancement, and tenure practices enhancing the attractiveness of a City career and encouraging each employee to give his or her best effort to the City and to the community.

To maintain consistent, up-to-date position classification and compensation plans based on the relative duties and responsibilities of jobs in the City service area.

To promote high morale by the consistent administration of this chapter, and through consideration of the rights and interests of all employees.

To provide that tenure of employees covered by this chapter shall be subject to good behavior, satisfactory performance, necessity for the position, and availability of funds.

## ***EQUAL EMPLOYMENT OPPORTUNITY POLICY***

It is the policy of the City of Brenham not to allow discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on a person's race, age, religion, color, disability, national origin, sex, political affiliation or belief.

## ***AFFIRMATIVE ACTION***

The City of Brenham will take affirmative action to see that applicants are employed, and employees are treated during their employment, without discrimination based on race, color, disability, religion, sex, national origin, age, political affiliation or belief. In addition, the City will actively seek to include qualified members of minority groups, disabled persons, and disabled Vietnam-era veteran groups in applicant pools.

## ***AMERICANS WITH DISABILITIES ACT***

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

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written request to the Human Resources department.

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

## ***MANAGEMENT AUTHORITY***

**General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter. The City Manager is authorized to make exceptions to this policy.**

**Management Authority.** The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations.

**Departmental Policy and Procedural Requirements.** Individual City Department Directors may develop policies and procedures that are consistent with City policies and procedures subject to the review and written approval of the City Manager. A copy of all supplemental personnel policies shall be maintained in the policy library of the City Municipal Building under the custody and control of the City Secretary. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Human Resource Director or other appropriate departments. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

**Miscellaneous.** Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

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

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

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

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

The City Manager may delegate rights and powers granted under these policies and procedures to the Assistant City Manager or to others as deemed appropriate in the City Manager's sole discretion.

## **BENEFITS**

### ***EDUCATION REIMBURSEMENT ASSISTANCE PROGRAM***

The City of Brenham encourages and supports efforts by its employees to pursue additional education to enhance their professional development consistent with the needs of the City and its constituents. The City will participate in the cost of education expenses for employees applicable to their positions, provided the necessary funds are available and have been budgeted.

**Eligibility.** To be considered for the participation in the Education Reimbursement Assistance Program, an individual must be a regular full-time employee and have completed at least 12 months service with the City prior to application approval.

**Course Qualifications.** Courses qualifying for reimbursement must be completed in a state or nationally accredited, recognized educational institution and must be related to the employee's job with the City or which will enhance the employee's potential for advancement to a directly related position within the City. Courses in self-improvement, continuing education programs or not related to City employment as outlined above will not qualify for reimbursement.

**Reimbursement.** Employees may request reimbursement up to the amount established each fiscal year during the budget process per course for tuition, books, and fees at the resident tuition rate established by the state or local college or educational institution attended. The maximum reimbursement allowed will be set by average local university rates. All other costs are the responsibility of the employee.

The City will not reimburse for ordinary supplies such as paper, notebooks, pens, copy fees etc. or transportation, mileage, parking and the like. Seminars, CPA or other review courses, testing fees for certifications and licensure and requests for CEU credits are not eligible for reimbursement under this program.

Employees are required to submit documentation of any other financial assistance received such as GI benefits, federal or state grants, scholarships etc. Reimbursement in conjunction with any other financial assistance will not exceed 100% of the course cost.

Employees must achieve a grade of "C" or better in undergraduate courses and a grade of "B" or better in college graduate work.

**Application Process.** To begin participation in the Education Reimbursement Assistance Program, employees must meet with Department Head and/or Director to discuss and agree upon an approved reimbursement program. Following this meeting, employees must complete an Education Reimbursement Agreement and Education Reimbursement Registration Form and submit to the Department Head/Director by May 1 of each year.



**Reimbursement.** Employees must present an itemized statement of tuition, fees and books; proof of payment, official grade report or transcript and documentation of other financial support within 30 days of the end of the course/semester.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The City's Employee Assistance Program (EAP) is available to provide assistance to employees and dependent family members who may be experiencing personal or family problems with alcohol or drug abuse, financial burdens, marital or other family problems.

All employees who feel they may have an alcohol or drug problem are encouraged to utilize the program's resources before the problem adversely affects their job performance or employment status. Participation in this program is typically voluntary and confidential. However, a supervisor may make a mandatory referral when some aspect of an employee's personal life negatively affects his or her performance on the job.

A mandatory supervisory referral may also be made when an employee's behavior in the workplace indicates such referral is warranted. The EAP provides case management for mandatory referrals for workplace substance abuse and alcohol problems.

## ***GROUP HEALTH CONTINUATION COVERAGE***

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

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. COBRA continuation coverage is also available to employees, spouses and/or dependents in other circumstances described in the current health plan documentation and federal law.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs (concerning which the employee, if required, has timely notified the City). For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan in the Human Resource Department or on the plan administrator's website.

In addition, employees who retire from City service in good standing under the provisions of the Texas Municipal Retirement System whose sum of age and years of service is equal to or greater than seventy-five (75) are eligible to purchase continuing group coverage under provisions established by the City of Brenham for such continuation of coverage as provided in the group health plan.

## ***INSURANCE***

The City normally provides group medical, long term disability and life insurance for each regular full-time employee. For purposes solely limited to the provision of group medical benefits as may be required under the Affordable Care Act (“ACA”), an employee is considered to be a full-time employee for purposes of the ACA if the employee works an average of at least thirty (30) hours per week. Regular full-time employees are eligible to participate in a Cafeteria Benefit Plan. Details of coverage are provided in the plan booklet for each benefit. These benefits are effective so long as the employee remains in the eligible participation class.

Additional supplemental insurance coverage for employees and members of their families, beyond those amounts provided by the City is available at the employee’s expense through the Cafeteria Plan.

The City also carries workers’ compensation coverage. In cases of job related injuries, provisions and benefits available under workers’ compensation are activated.

Employees who retire from City service in good standing under the provisions of the Texas Municipal Retirement System whose sum of age and years of service is equal to or greater than seventy-five (75) are eligible to purchase continuing coverage of the group health plan under provisions established by the City of Brenham for such continuation of coverage.

## **COMPENSATION**

### ***CERTIFICATION PAY***

In addition to the regular base pay, certification pay is available to all certified police and fire personnel as authorized by the City Council. Rates are determined annually during the budget approval process.

It is the responsibility of the employee to notify their supervisor of received certification(s) and/or changes in certification status. Authorized certification pay is effective the pay period following the certification date. Back-pay for certification and/or certification changes will not exceed sixty (60) days.

## ***COMPENSATION ADMINISTRATION***

### **Basis**

The City Manager shall administer the Compensation Plan for City employees subject to funds and positions approval by the City Council in the annual budgeting process. City employees shall be paid salaries or wages in accordance with the Compensation Plan, which shall include one (1) or more salary schedules. In positioning classes on salary schedules, consideration shall be given to prevailing rates of pay among public and private employers; the duties, responsibilities, and qualifications required of employees in the classes; and other relevant factors.

The Compensation Plan may be amended, as circumstances require, through submission of suggested changes to the Human Resources Director for review and with approval by the City Manager.

### **Administration Of Salary Schedules**

All of the following procedures are subject to availability of funds approved in the budget by the City Council. Salary schedules shall be administered by the Human Resources Department in accordance with the following rules:

### **General Administrative Procedures**

- a. All compensation for classified positions shall be at a Pay Grade and Step on the approved current pay schedule. Certain unclassified positions such as City Manager, Municipal Court judges and the like are approved by City Council.
- b. The Director, or Department Head with the approval of the Director, may recommend at the time of employment that a new employee be compensated at 5% below the base salary offered with an increase to the minimum step of the pay grade after successful completion of the probationary period.
- c. At the request of the Department Head and with approval of the Director, the City Manager may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent for an extended period of time. Employees so promoted may be additionally compensated for the duration of the temporary assignments and the amount of compensation, if any, is determined at the sole discretion of the City Manager. Temporary promotions shall not be used to circumvent normal selection procedures. The employees involved shall not acquire any status or rights in the pay grades to which temporarily promoted. If promoted to a vacant position, the anniversary date will be the date of the temporary promotion. The temporary promotion shall be reviewed every 90 days and can be extended up to 12 months.

- d. A lateral transfer is the movement of an employee between positions in the same pay range within the city. An employee being laterally transferred shall ordinarily continue to receive the same salary and shall retain the same anniversary date for future pay increases.
- e. A promotion is a change in the duty assignment of an employee from a position in one classification to a position in another classification in a higher pay range. A promotion recognizes advancement to a higher position requiring higher qualifications and involving greater responsibility. A newly-promoted employee shall ordinarily be compensated with a salary increase based upon a percentage of current base salary or the minimum of the new pay grade, whichever is higher, at the time of promotion. A typical promotional increase is either approximately 5% or movement to the minimum step of the new pay range, whichever is higher.
- f. A demotion is a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower pay range. Demotions may be made for the purpose of voluntary assumption of a less responsible position, as a result of a reclassification of the employee's position, or as a disciplinary measure. An employee voluntarily or involuntarily demoted for any reason shall be compensated on a step of the new range as administratively determined. Normally in the event an employee is demoted to a lower pay grade, the employee's salary will be reduced five percent (5%) of base pay or to the maximum of the new classification, whichever is the lower salary.
- g. No employee shall be paid more than the rate established in the approved compensation plan, except that an employee whose job was down-graded by reclassification or changes in the labor market, through no fault of the employee, may continue to receive his or her former rate of pay until a rate on the new salary range equals or surpasses the old rate or the employee's job changes.
- h. Other than pay schedule adjustments, increases to a higher step in the pay grade will be made in the first full pay period following the employee's anniversary date.
- i. An employee's initial anniversary date is the date (month and day) of placement on a step in an approved pay grade, normally on the date of hire for a full time position. A new anniversary date is established upon promotion, demotion, or any other occasion in which an employee's pay grade changes for reasons other than reclassification through a compensation study.

### **General Government Pay Schedule**

- a. A new employee shall normally be compensated at the minimum step of the approved pay grade. With approval of the City Manager, a new employee may be placed at a step higher than step 6 in the approved pay grade based on experience and qualifications or if approved at the time of hire. An employee may be placed at a higher step upon satisfactory evaluation after completion of the 6 month probationary period.

- b. Providing that funds have been made available in the annual budget, an employee's compensation will be moved to the next step in the pay grade on the anniversary date upon recommendation of the department head following a satisfactory performance evaluation.
- c. Employees whose compensation falls within steps one through ten in the pay grade shall be eligible for movement to the next step on an annual basis. Employees whose compensation falls within steps eleven through eighteen shall be eligible for movement to the next step on a biennial basis, i.e., the employee will be compensated at the same step for two years.

### **Public Safety Pay Schedule**

- a. A new employee shall normally be compensated at the minimum step of the approved pay grade for the position. With approval of the City Manager, a new employee may be placed at a higher step in the approved pay grade based on experience and qualifications.
- b. Employees who meet the departmental requirements for promotion to the next higher pay grade shall be compensated at the minimum step in the new pay grade.
- c. Other than pay schedule adjustments, movement to the next higher step in the pay grade shall be in the first full pay period following the anniversary date according to time in grade and certification requirements of the pay grade.

### **Establishment Of New Positions Or Changes In Existing Positions**

Department Heads who wish to establish a new position or alter the tasks in an existing classified position, will prepare a detailed job description for such new position, or an amended job description for an existing position, and submit the proposed changes to the Human Resources Department for job evaluation and pay grade allocation.

A revised job description includes additions to, deletions from or amendments to current duties and responsibilities but does not change the job so substantially as to require a reclassification or creation of a new job title and job description.

A reclassification is a reassignment of a position to a lower, higher or different class (job grouping) based on current duties and responsibilities of the position. An employee whose position is reclassified upward does not automatically receive a pay increase unless an increase occurs to place the employee at the entry level of the new pay range. Downward reclassifications will not result in a decrease in pay unless the reclassification is the result of a demotion for disciplinary reasons.

Reclassifications must be reviewed by the Human Resources Director and approved by the City Manager.



An entire class of positions may be reallocated to a new pay range based on market data. Reallocation may be to a lower or higher pay range and require review and recommendation by the Human Resources Director. The City Manager must approve all reallocations.

## ***LONGEVITY PAY***

The City provides regular full-time employees longevity pay, at the rate of \$5.00 per month for each year of service, paid in twenty-four (24) payments in a calendar year.

Longevity pay begins after a regular full-time employee has completed one (1) year of service.

Non-exempt employees designated on the Fire or Police pay schedule will be paid longevity as a part of their regular rate of pay.

## ***OVERTIME, COMP TIME AND TIME MANAGEMENT***

**Overtime.** Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

**Non-Exempt Employees.** When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, except for Fire and Police Department shift employees, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12.01 a.m. on Monday and ends at 12:00 midnight the following Sunday.) An employee's regular hourly rate includes all pay incentives, such as longevity, certification pay, stipends and other pay which the employee receives each pay period. Fire and Police personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act and applicable sections of the Texas Local Government Code.

Paid holiday leave is normally included as hours worked for purposes of determining eligibility for overtime pay. However, time off on account of sick leave, jury duty leave, witness duty leave, bereavement leave, injury leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

**Compensatory Time.** Non-exempt employees may accrue compensatory time (comp time) in lieu of being paid overtime compensation. All employees are subject to a cap of 80 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1-1/2 hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time. Employees may request payment for accumulated comp time.

**Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or comp time. Likewise, an employee who is either promoted or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current hourly rate.

**NOTE:** Exempt employees are not eligible to accrue compensatory time.

**Flex-time Work Schedule.** In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.

**Exempt Employees.** Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which he or she performs no work.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify the Human Resource Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

## ***PAYROLL DEDUCTIONS***

The following deductions are authorized for payroll deductions:

- Social security contributions;
- Income withholding taxes;
- Contributions to the Texas Municipal Retirement System;
- Presently authorized medical insurance premiums;
- Presently authorized “other insurance” premiums;
- Contributions to a deferred compensation plan;
- Association or Union dues;
- Deductions authorized through the Cafeteria Plan;
- Deductions mandated by State or Federal agencies, such as IRS garnishment, child support and the like; or
- Other deductions authorized by the employee;
- No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

## ***STANDBY & CALL BACK COMPENSATION***

(Nonexempt Employees)

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

An employee scheduled for weekly standby duty will be paid the regular hourly rate for a full eight (8) hours for each assigned standby period in the month and an additional four (4) hours for any holiday periods during the standby period.

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

**Compensation.** Standby status is not considered time worked and is not compensable except as provided above unless the employee actually responds to a call back. Standby employees called back to the workplace will be paid at their overtime rate of pay for actual hours worked and guaranteed a minimum of **one (1) hour of overtime** pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the one (1) hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. Standby employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

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

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

## ***TRAVEL EXPENSE REIMBURSEMENT POLICY***

### **I. GENERAL STATEMENT**

- A. The City of Brenham will reimburse employees for business expenses paid by the employee which would otherwise be deductible in accordance with Section 162 of the Internal Revenue Code (“I.R.C.”). In order for such expenses to qualify for reimbursement, they must:
1. Be necessary in the conduct of City business and be directly attributable to it;
  2. Demonstrate good judgment by the employee;
  3. Represent reasonable cost to the City; and
  4. Comply with the provisions of this policy.
- B. This policy extends to all levels of employees receiving expense reimbursement.

### **II. POLICY**

#### **A. Travel Expenses**

1. Transportation – The most efficient and economical mode of travel should be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. The cost of the airline ticket may be charged to an employee’s procurement card (“P-card”) or may be charged to an employee’s personal credit card. When the airline ticket is charged to a P-card or personal credit card, the employee must print a copy of the Itinerary/Invoice document. That copy should be used as documentation to attach to the Travel and Expense Report. If the airline ticket is charged to an employee’s personal credit card, refer to section II.E.6. of this policy for reimbursement information. Discount fares must be purchased when available. The employee should also use the most economical form of ground transportation available except where such would result in unreasonable inconvenience or costly loss of time. The cost of a rental car will not be reimbursed unless it is the most economical form of transportation or is required to serve a necessary business purpose. Personal automobiles should be used for travel where other modes of transportation would be more costly and involve a loss of time. The City will reimburse employees for the use of their personal automobile based on the current I.R.C. per mile expense rate and the actual miles driven for City business purposes.
2. Lodging – When traveling, employees are expected to live comfortably but with reasonable prudence. Accommodations will be reimbursed at the seminar/convention rate of the facility at which the seminar/convention is held. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. When overnight accommodations are required, other than a seminar/convention, a good commercial hotel with a reasonable rate for that community should be used. Normal and reasonable gratuities to hotel employees are acceptable. As outlined in section II.E.2., all overnight travel will require approval by the City Manager or Assistant City Manager.

3. Meals – The cost of meals while traveling will be reimbursed at a per diem rate (Section II.E.9.) for each day while out of town. The per diem rate is an adjusted amount for the first day of travel and the last day of travel, and for single day travel not requiring an overnight stay. Where a trip would ordinarily necessitate an overnight stay but circumstances require returning on the same day, reimbursement will be allowed for a full day of travel.
4. Other Expenses – The City will reimburse employees for other expenses related to business travel as follows:
  - a. Travel to and from airports using personal automobiles, taxis, buses, or similar services;
  - b. Reasonable parking fees for airport parking during days when traveling for business purposes;
  - c. Reasonable laundry and cleaning expenses incurred during an extended stay of more than one (1) week out of town;
  - d. Personal long distance telephone calls for a safe arrival call and other reasonable or necessary calls. City owned cell phones may be available for use when an employee travels on City business; and
  - e. Computer related expenses for city business reasons.
5. Travel Expenses Reimbursed by Others – It is not permissible for any travel expenses to be paid by a vendor or prospective vendor. This includes site visits or other travel to inspect a vendor’s product. Subject to prior approval by the City Manager, travel expenses incurred by a City employee may be paid by a professional association or other group when the employee is performing a service for that group (i.e. teaching, speaking, etc.).
6. Travel Advances – All travel and cash advances must be approved ten (10) days in advance by the employee’s Department Director (or designee). Any out of state travel or overnight travel must be approved by the City Manager or Assistant City Manager.
7. Combination of Business and Personal Travel – If an employee combines personal activities with a City business trip, then all additional expenses incurred due to the personal activities (hotel room days, airport parking days, additional meals, additional airfare, etc.) must be excluded from the employee’s request for reimbursement.
8. Authorization – Authorization for travel expenses are based on the established “Levels of Authority.” All travel-related business expenses should be approved in advance in order to avoid situations where an employee incurs travel-related expenses that will eventually not be approved by the employee’s supervisor. As outlined in section II.E.1., a Travel Request and Authorization form must be submitted ten (10) days prior to travel date.

**B. Business Meals and Entertainment**

1. The City will reimburse employees for the cost of business meals and entertainment expenses when a valid business purpose exists for the expenditure and appropriate authorizations are obtained.
2. Meal and entertainments expenses which may qualify for reimbursement include:



- a. Business meals with representatives of outside entities where necessary City business is transacted;
    - b. Meals and entertainment for employees and/or Active Staff members with no outside individuals present where a specific business purpose exists and such expenditure is approved by the Department Director, Assistant City Manager, or City Manager; and
    - c. Meals and entertainment for persons associated with various City boards where the purpose is to fulfill the City's obligation to participate officially as a citizen of the community in improving its economic, social, and cultural well-being.
  - 3. Drinking of alcoholic beverages while conducting official City business is contrary to City policy, and is not allowed.
  - 4. Approvals for business meals and entertainment expenses are based on the "Levels of Authority." When possible, advanced approval should be obtained for meal/entertainment expense reimbursement in order to avoid situations where it is determined retrospectively that a particular meal/entertainment is not for a proper business, purpose, and therefore reimbursement is denied.
- C. Other Expenses
- 1. The City will reimburse the following expenses incurred by employees on local assignments:
    - a. Necessary parking fees incurred while away from the employee's usual place of work on City business; and
    - b. Cost associated with the business use of a personal automobile as outlined in this policy.
  - 2. Other expenses will be considered for reimbursement if made for the clear benefit of the City and if the employee is required to make the expenditure in order to properly carry out his/her job responsibilities. Reimbursement of expenses will include sales taxes which the employee is required to pay.
- D. Spouse Travel/ Business Expenses
- 1. Generally, the City will not reimburse employees for any portion of expenses related to an employee's spouse or other family member on a business trip. In such cases, the employee must separately itemize expenses related to spouse travel/business expense (airline fare, double occupancy cost of a hotel room, etc.) so that the City does not reimburse an employee for such costs.
- E. Reporting Travel Expenses
- 1. When an employee is scheduled to travel according to the criteria in section I, a Travel Request and Authorization form should be completed and submitted ten (10) days prior to travel date. The form is available on the City's internal website. All estimated and predetermined costs should be included on the form, as well as any cash advances requested. Advances are also addressed in section II.A.6.
  - 2. The Travel Request and Authorization form must have appropriate approvals and signatures before any reimbursement will be paid. The City Manager or Assistant City Manager must approve all overnight travel or travel out of state.

3. Actual expenses must be reported using the City of Brenham Travel and Expense Report form available on the City's internal website. The form allows for accounting of reimbursable expenses by category. It must be completed and submitted to the Finance Department within five (5) business days after travel completion and return to work. All applicable receipts, in their original form should be attached to the Expense Report as described in section II.E.8. Original receipts for items paid using a City P-card should be attached to the P-card statement. Actual expenses paid by the City directly to vendors should not be included on the Travel and Expense Report.
4. Employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities will be reimbursed at the current IRS rate. Reimbursement will be made only for the difference in miles from the normal work location to the further training location (see vehicle use policy on pages 38-40). To compute the amount to be reimbursed multiply the number of business-related miles driven by the per mile allowance rate established by the Internal Revenue Service as indicated on the Travel and Expense Report form.
5. Employees receiving an auto allowance will be reimbursed for mileage traveled for City business exceeding a 25 mile radius of their normal work location. Mileage reimbursement for miles exceeding the 25 mile radius MUST be submitted on a monthly basis within 30 days of the travel.
6. When an employee charges airline tickets to his/her personal credit card, the original passenger coupon showing the credit card number must be submitted for reimbursement. If an employee purchases an airline ticket and later changes plans because of scheduling conflicts resulting in a penalty, such penalty will be reimbursable to the employee by the City if a written explanation from the employee's supervisor concerning the employee's schedule conflict is provided. Airline tickets purchased directly by the City should not be recorded on the City Travel and Expense Report.
7. The original rental contract must be submitted when an employee rents an automobile. The employee must also explain, on the Travel and Expense Report, why the rental of an automobile is the most cost-effective mode of ground travel or is necessary for business purposes. Additional insurance coverages provided by car rental companies are not reimbursable.
8. Receipts documenting all travel-related expenditures should be submitted with the Travel and Expense Report. Reimbursement for expenses will be denied if appropriate documentation is not submitted. Acceptable forms of documentation include: itemized credit card receipt, a copy of the cancelled check (front and back), or official receipt including date of service, name of the vendor, and total cost.
9. Itemized hotel bills must be submitted with the Travel and Expense Report. Only amounts related to hotel room costs (including applicable taxes) should be reported under "Lodging." Other costs on the itemized hotel bill (e.g. meals, parking, telephone, etc.) should be separately itemized and reported under other expense with any necessary justification. Personal entertainment expenses (e.g. in-room movies, pay television, dry cleaning and laundry,

health club and spas, etc.) not incurred for necessary business purposes are not reimbursable to an employee.

10. Expenditures for meals during out-of-town travel shall be reimbursed at the following per diem rates: a) First day of travel - \$30.00; b) Full day of travel - \$50.00; c) Last day of travel - \$30.00; Single day travel (no overnight stay) - \$30.00.
11. Business meals, as defined under section II.B.2., will be reimbursed at the actual cost of the meal. The employee is required to demonstrate good judgment and represent reasonable cost to the City.
12. When an employee travels to a foreign country and pays expenses in a foreign currency, the expenses must be converted and reported in U.S. dollars on the Travel and Expense Report.

#### F. Reporting Business Meals and Entertainment Expenses

1. Reimbursement of business meals and entertainment expenses must be requested on the City of Brenham Travel and Expense Report form. For business meals or entertainment, the information must be completed in sufficient detail to clearly document:
  - a. The specific business purpose of the meal/entertainment;
  - b. The names of all persons attending the meal/entertainment;
  - c. The names or organizations represented by persons attending the meal/entertainment;
  - d. Date of the meal/entertainment;
  - e. Place of the meal/entertainment;
  - f. Type of meal (e.g. breakfast, lunch or dinner) or entertainment; and
  - g. The amount of reimbursement due to the employee.

#### G. Business Expense Report Submission

1. Reimbursement of all expenses will be based on actual cost to the employee requesting reimbursement. A valid itemized receipt clearly showing the date of service, vendor name, and total cost must be provided for all expenditures. All receipts must be taped, in an orderly fashion, to one or more blank white, 8 1/2 by 11 sheet(s) of paper and stapled behind the Travel and Expense Report.
2. If an employee received an approved advance then such advance must be reported on the City of Brenham Travel and Expense Report form and included in determining the amount of reimbursement due to the employee. If the employee did not spend the full amount of the advance, the employee must remit the excess funds and attach to the Travel and Expense Report form. All advances must be settled before an employee receives reimbursement for additional travel or business expenses. Authorized expenses in excess of advanced funds received will be reimbursed with proper approval. Excess advance funds which are not returned will be considered taxable income to the employee and included in their W-2 wages.
3. An employee should complete the City of Brenham Travel and Expense Report form for which the employee incurred reimbursable expenses. Such form must be submitted within five (5) business days after return to work.

Any expenses submitted more than ninety (90) days after the incurred expense must be approved by the Assistant City Manager/CFO.

4. Approval of the City of Brenham Travel and Expense Report must be in accordance with the established "Levels of Authority." As such, in no instance may an employee approve his/her own Travel and Expense Report.
5. Once the Travel and Expense Report is properly approved, the form should be forwarded directly to the Accounts Payable Department. An approved form should never be returned to the employee requesting reimbursement because of the potential for subsequent modification after approval is obtained.
6. The Accounting Department will process expense reimbursement checks to an employee in a timely manner. When a Travel and Expense Report is received by the Accounts Payable Department with proper documentation and approvals, a check will be issued with the next payable processing cycle. The employee or the employee's supervisor will be notified that the check is ready to be picked up.
7. The Accounts Payable Department, which is responsible for processing payments under this policy, may request specific authorization for reimbursement of expenditures which are not addressed by the policy.

#### H. Expenses Not Covered in Policy

1. The City Manager's or Assistant City Manager's approval must be obtained prior to any expenditure of funds for items or charges that are not specifically addressed in this policy.

#### I. Compliance

1. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

# DISCIPLINE / SEPARATION OF SERVICE

## ***EMPLOYEE APPEALS OF DISCIPLINARY ACTIONS***

The City provides employees with a process for appealing certain disciplinary actions to the City Manager's office to ensure that a final resolution is reached in a timely and equitable manner.

**Appealable Matters.** The following types of disciplinary actions are appealable to the City Manager under this policy:

Unpaid suspension of 1 day or 1 shift or more;  
Demotion; or  
Discharge.

These are the only disciplinary actions subject to appeal. Appeals of any other types of disciplinary actions must be resolved at the department level.

**Appeals Process.** All disciplinary appeals subject to this Appeal Process must be in writing and submitted to the Human Resource Department. The appropriate portion of the Appeal form must be fully completed by the employee before the appeal will be considered. Any documentation that supports the appeal must be attached to the appeal documentation, including: a copy of the disciplinary action; copies of relevant policies, rules or regulations allegedly violated; who was involved in the action and when it occurred; the adverse disciplinary action taken; the remedy sought; and any other information or documentation relevant to the appeal.

Employees appealing a disciplinary action to the City Manager or his designee may elect either an informal hearing or a formal appeal hearing. This choice must be indicated in the appeal documentation when the employee submits it.

**Informal Hearing** The City Manager or his designee will review the employee's appeal and meet with the employee and supervisor and/or Department Head in an informal setting without attorneys or representatives. The employee and the Department Supervisor must submit a written statement of relevant issues and any additional supporting documentation to the City Manager or his designee 3 days prior to the scheduled hearing.

**Formal Hearing** The City Manager or his designee will convene a formal hearing for the purpose of considering documentary evidence, as well as testimony from the employee and other involved personnel, including relevant witnesses. The employee and the Department Head must submit a written statement of relevant issues along with a list of witnesses and any additional supporting documentation seven (7) calendar days prior to the scheduled hearing. The City Manager or his designee will determine if any of the listed witnesses will be permitted to testify, based upon their relevance to the issue at hand. Both the employee and the Department Head may be represented by an attorney or advisor during the proceedings. The formal rules of evidence will not apply to the appeal hearing. All

hearings will normally be scheduled to convene and end within two consecutive business days. All involved parties should schedule accordingly to insure that the hearing will end within the two-day timeframe. The City Manager or his designee's decision is final.

**Time Limit for Filing Appeals.** The employee must file his/her appeal within 5 business days of receipt of the disciplinary action. An employee's failure to appeal within the 5-business day deadline results in the decision becoming final.

**Scheduling Appeal Meetings/Hearings.** The Human Resource Department will attempt to schedule disciplinary appeals with the City Manager within 10 business days of receipt of the appeal.

**Where to file an appeal.** All appeals of discipline permitted under this Appeals Policy, shall be filed with the Human Resource Department.

**Witnesses.** Requests for other employees to participate in an appeal hearing must be included in the written Statement of Relevant Issues that is submitted to the City Manager. The Human Resource Department will coordinate attendance of witnesses who are employees of the City. Employee witnesses who participate in an appeal hearing will be limited to those whose participation takes place during their regular work schedule. The City Manager or his designee has the discretion to require employees, who are not scheduled to work at the time of the hearing, to participate in the hearing.

**Written Decision.** The City Manager or his designee will provide the appealing employee with a written decision within 10 business days of the conclusion of the appeal meeting or hearing. The Human Resource Director may extend this time limit. The written decision will be attached to the employee's original appeal documentation. The decision will normally include the following:

- (a) Recap of details of the incident(s) giving rise to the appeal;
- (b) Reference to any applicable rules, regulations, policies, procedures, laws, etc., relevant to the appeal; and
- (c) The decision along with the appropriate action to be taken, if any.

**Time Limitations** Time limits outlined in this policy shall be considered a maximum with every effort made to expedite the process. The limits may be redefined at any step if both parties agree in writing. If either party cannot agree, the Human Resource Director shall have the discretion to change the time limits.

## ***EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION***

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

**Progressive Discipline.** In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- Oral warning
- Letter of counseling
- Written reprimand
- Probation
- Suspension (without pay)
- Demotion
- Discharge

**Documentation.** All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is discharged, the supervisor shall forward a copy of the dismissal to the Human Resource Department, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

An exempt employee may be charged with the use of vacation or sick leave when disciplinary action of less than one full day is given. Additionally, deductions from an exempt employee's pay may be made for unpaid disciplinary suspensions of one or more full days for infractions of workplace conduct rules, safety rules of major significance, and as additionally authorized by applicable law. "Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the City Manager.

**Supervisory Responsibility.** All employees with the responsibility and authority to supervise and direct employees under their control shall administer departmental and City of Brenham policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

**Review by Human Resource Director.** Any proposed disciplinary action in excess of a written reprimand must be reviewed by the Human Resource Director prior to being given to the employee. This applies to both probationary and non-probationary employees.

**Appeal Rights.** Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Appeals of Disciplinary Actions) Positions classified as Director level and above are employed at the will and pleasure of the City Manager and may appeal any type of disciplinary action only to the City Council. Probationary employees likewise have no right of appeal for disciplinary action taken against them.

**Prohibited Activities.** Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

Theft or inappropriate removal or use of City property or other property not belonging to the employee

Falsification of timekeeping or other records, including employment application

Working under the influence of alcohol or illegal drugs or legal drugs with adverse side effects

Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment

Violation of City's policy regarding sexual or other unlawful harassment

Interfering with work schedules or another employee's ability to work

Misuse of City telephones, including cell phones, computers, mail systems, etc.

Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval

Violation of smoking/tobacco use policy

Violation of safety or health rules and failure to immediately report an on-the-job injury/accident

Profanity, abusive language, or racial slurs



Unauthorized disclosure of confidential information  
Violation of any provision of the City Charter

Violation of City or departmental policies, codes of conduct, rules and procedures

Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others

Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others

Violation of City's social media policy

Unsatisfactory performance or conduct

Inefficiency, incompetence or neglect of duty

Fighting, provoking or instigating a fight, or threatening violence

Disruptive activity in the workplace

Engaging in a work stoppage

Conduct which results in waste or damage of a co-worker's, City, or citizen-owned property

Failure to follow prescribed safety rules and operating procedures

Insubordination or other disrespectful or unprofessional conduct

Discourteous treatment of the public

**The CITY OF BRENHAM STRICTLY PROHIBITS THE POSSESSION OF ANY WEAPONS, INCLUDING BUT NOT LIMITED TO HANDGUNS, BY ANY EMPLOYEE, EXCEPT BY A LICENSED PEACE OFFICER OR ANIMAL CONTROL OFFICER, WHILE IN CITY BUILDINGS OR ON ANY CITY-OWNED OR CONTROLLED PREMISES.** Employees, other than licensed Peace Officers and City of Brenham Animal Control Officers are prohibited from carrying a weapon while performing City-related business. Possession of a concealed or an openly carried handgun inside designated City-owned or controlled premises, by any employee other than licensed Peace Officers, or animal control officers are forbidden and the City will take reasonable and necessary steps with regard to appropriate disciplinary action, up to and including termination of employment.

Employees who are licensed to carry and lawfully possess a firearm and/or ammunition in accordance with Chapter 411 of the Texas Government Code, may leave such firearm/ammunition in his/her locked, privately owned vehicle in the parking lot the City provides for employees. Additionally, if an employee chooses to store a firearm or ammunition that is legal to carry without

a permit (e.g. hunting rifle, shotgun, etc.) in his/her personal vehicle, it must be stored out of sight and the vehicle must be locked. This does not extend to City owned or leased vehicles provided to employees for City-related business.

Violation of local, state or federal law

Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor, or repeated conviction of Class C misdemeanor charges

Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension

Outside employment that conflicts with, or potentially conflicts with, City interests

Acceptance of payment of any kind for activities related to City Employment except as provided in Gift policy

Failure or refusal to follow lawful orders

Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations)

Dishonesty, including misrepresentation during the hiring process

Failure to follow policies and procedures described in other sections of the Policies Handbook, departmental policies or other policies and procedures issued by the City Manager or his designee

An accumulation of minor infractions

**Felonies and Misdemeanors.** Employees must immediately notify their supervisor and/or Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded but such leave will be limited to not longer than six months. Such a determination will typically be made by the Department Director and the Human Resource Director. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

**Disciplinary Conference.** A disciplinary conference will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department  
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Director, the affected employee, the Human Resource Director and anyone else deemed necessary by the Department Director typically attend the disciplinary conference. During the conference, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the conference. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary conference. The employee will be notified of the City's determination following the conference.

**Administrative Leave.** During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the City Manager.

# EMPLOYEE CONDUCT

## ***ATTENDANCE AND WORK HOURS***

**Regular Work Hours.** Nonexempt employees of the City, except for Fire and Police Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. The employee's work week begins at the beginning of the assigned shift on Monday and ends at the beginning of the assigned shift the following Monday

The regular workday for office-based personnel normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. In times of disaster or emergency, working hours shall be determined by the City Manager.

**Adjustment to Work Hours.** In order to assure the continuity of City services, it may be necessary for Department Heads to establish operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and includes that he/she will be available to do such work.

**Meal Periods.** Full-time employees (excluding most Police, Fire, Water Treatment, and Wastewater Treatment Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Head in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

**Attendance Records.** Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day

**Attendance and Punctuality.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his/her supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to his/her supervisor the reason for the absence or tardiness and the date and time of his/her anticipated arrival. For absences of a day or more the employee must personally notify his/her supervisor on each day of his/her absence unless the supervisor expressly waives this requirement or the employee has furnished a doctor's statement covering the period of absence.

In most instances, an employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned his/her employment.

An active employee is defined as one who works and is paid by the City for at least twenty (20) hours per week OR is accessing vacation, sick, compensatory time, administrative leave, or paid/unpaid FMLA and is receiving the same benefits as all other employees. Persons who are receiving long term disability payments or workers' compensation income benefits from the City of Brenham workers' compensation provider, who are not on the payroll of the City are not Active Employees, nor do those benefits accrue toward the twenty (20) hour requirement.

## ***CELL PHONE USE IN THE WORKPLACE***

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability is not permitted during work time without a supervisor's approval. Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including discharge.

Employees with City-issued cell phones are allowed to use City cell phones for limited personal phone calls.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, machinery, tools and/or equipment, including without limitation making and receiving phone calls and texting. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records used for City business purposes. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

## **PUBLIC INFORMATION ACT**

Employees are advised that records related to calls and text messages made and received on City owned cell phones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

As a City of Brenham employee, your work-related e-mails, texts, and social media posts may be considered public information. You should have no expectation of privacy with respect to any e-mails or texts sent from your city e-mail address or city-issued phone. Further, if you choose to use your own personal e-mail or phone to send and/or receive work-related messages, those messages may also be considered public information.

## **MONITORING OF CELL PHONE CALLS**

Employees should be aware that cell phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

## ***CITY PROPERTY/EQUIPMENT USE***

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, computers, and computer-related equipment. Employees have no expectation of privacy of information stored in City issued equipment, such as phone logs and text messages. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items and acknowledging no privacy expectation in electronically stored documents. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

**Personal Use Prohibited.** City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the Departmental Director or the Department Head.

**Tobacco Use Prohibited.** The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City owned vehicles and/or equipment.

**Vehicle Allowance.** An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

**Take Home Vehicles.** A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. City-owned vehicles may be used only for City business, except as otherwise specifically authorized by department policy approved by the City Manager.

No alcoholic beverages are allowed in City vehicles

If approved by the City Manager, use of a City-owned vehicle may be included within a contract of employment and may be exempt from this policy.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

**Use of City Vehicles.** City-owned or leased vehicles may only be used for official City business unless exceptions are provided elsewhere. City-owned or leased vehicles may only be driven by authorized City employees. If an employee drives his/her own, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or drugs (illegal or legal with adverse effects) drive a city vehicle or a personal vehicle while conducting city business.



- Employees involved in an accident while operating a city vehicle, or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department head, director, and/or city manager.
- Accident reports, along with any law enforcement report, must be filed by the employee with the department head and Human Resource Director.

The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

**Personal Property.** All employees shall be solely responsible for their personal property at all times.

## ***CONFIDENTIAL INFORMATION***

Employees may use confidential information only in the normal course of city business.

Confidential information includes, but is not limited to, financial, personnel and personal information on customers, prospective customers, suppliers of goods and/or services, employees and applicants except as provided by the Public Information Act, an action of the City Council, reporting to a state or federal agency or an order of a court of law.

In no event may confidential information be changed or made available to individuals outside the City organization without the approval of the City Council. In all cases, there must be adherence to current laws.

As a City of Brenham employee, your work-related e-mails, texts, and social media posts may be considered public information. You should have no expectation of privacy with respect to any e-mails or texts sent from your city e-mail address or city-issued phone. Further, if you choose to use your own personal e-mail or phone to send and/or receive work-related messages, those messages may also be considered public information.

## ***CONFIDENTIALITY OF MEDICAL INFORMATION***

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resource Director maintains these confidential medical files.

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

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

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

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.



## ***DRESS, APPEARANCE AND UNIFORMS***

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the work place year-round, in accordance with this policy. Department Heads and Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Heads, Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

### **Standards for Work Attire:**

- Sweat-shirts, sweat pants, or shorts of any type are not acceptable unless approved as part of a uniform or a special casual wear or festive occasion is declared by City management.
- Footwear appropriate to the job should be worn.
- T-shirts are not acceptable unless considered as part of a uniform.
- No more than two (2) earrings in each ear may be worn provided the earrings are not unprofessional in appearance.
- Knit shirts with collar, banded collar shirts, short sleeve or dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers.
- If caps or hats are worn, they should be City-issued or approved.

### **The following are inappropriate:**

- Provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics;
- Bare shoulders or tank tops;
- Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- Wrinkled, ripped and tattered clothing;
- Visible tattoos which could be deemed offensive;
- Nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry or teeth grills

**Hair.** Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. Hair, including facial hair, must be clean and neatly groomed at all times.

**Uniforms.** The City supplies many departmental personnel with appropriate uniforms. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Head's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work.

When an employee terminates, uniforms and any other City equipment which the employee has been issued must be returned in good condition before final pay will be authorized.

**Enforcement.** In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to the Department Head, Director, or the Human Resource Director.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt 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 or personal appearance violates this policy may be disciplined, up to and including termination of employment.

The Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or may implement a more restrictive dress and appearance policy.

## ***DRIVER'S LICENSE***

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment by the Human Resource Department. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check.

Driving records will be based on the following assignment of points:

- Two (2) points for a moving violation of the traffic laws of Texas or another state or political subdivision therein during the three (3) years prior to hire or current driving record evaluation.
- Three (3) points for a moving violation of the traffic laws of Texas or another state or political subdivision therein during the three (3) years prior to hire or current driving record evaluation that resulted in an accident.
- Ten (10) points for a violation of the traffic laws of Texas or another state or political subdivision therein during the seven (7) years prior to hire or current driving record evaluation for each occurrence resulting in a conviction of but not limited to:
  - Driving While Intoxicated or Under the Influence (DWI, DUI)
  - Aggravated Assault with a Motor Vehicle
  - Criminal Negligent Homicide
  - Involuntary Manslaughter
  - Refusal of Alcohol or Drug Test
  - Other Convictions listed on Tables IV and V of the Texas School Bus Driver's Driving Record Evaluation

Ten or more points is considered excessive and will result in failure to hire in the case of prospective employees and will likely result in disciplinary action, up to and including termination, of an active employee. In certain instances 3 or fewer moving traffic violations in an 18 month period may also be considered excessive.

Police and Fire Departments may have stricter standards imposed.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

## ***DRUG AND ALCOHOL USE POLICY***

It is the desire of the City to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

**Prohibition Against Alcohol and Illegal and Unauthorized Drugs.** While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

**Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia.** This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

**Permitted Use of Prescribed and Over-The-Counter Drugs.** The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

**Prohibited Use of Alcohol.** The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

**Fire and Police Department Employees.** Certain City Fire and Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such



employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police and Fire Department operating procedures.

**Mandatory Disclosure by Employees.** Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the Human Resource Director if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

**On-Call Employees.** Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

**Mandatory Reporting of Arrests.** Employees must notify their immediate supervisor and the Human Resource Director, in writing, of any criminal drug and/or alcohol-related arrest, for a violation occurring off duty and/or in the workplace no later than 24 hours after the arrest. Employees must notify their immediate supervisor or the Human Resource Director within 24 hours of the occurrence of any change in status of driver's license because of such arrest.

**Mandatory Reporting of Convictions.** Employees must notify their immediate supervisor and the Human Resource Director in writing, of any criminal drug and/or alcohol-related conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

**Off-Duty Conduct.** The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

**Rehabilitation/Treatment.**

1. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his or her problem and seek and accept counseling and/or rehabilitation before it impairs his or her job performance and/or jeopardizes his/her employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence

to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City. **Note:** Under certain conditions, treatment for substance abuse may be covered under the City's Family Medical Leave Act Policy.

3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.
5. If the employee successfully completes his or her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his or her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

Initial negative test for drugs and/or alcohol before returning to work;

A written release to return to work from the City-approved rehabilitation or treatment facility/program;

Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;

The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Human Resource Director. The

employee must meet with the Human Resource Director to discuss the terms of his or her continued employment and sign a formal agreement before returning to work.

6. This policy will be administered in accordance with the City's Family Medical Leave Act policy when applicable.

**Policy Violations.** Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Human Resource Director to receive assistance or referrals to appropriate resources in the community.

## **TESTING**

**Types of Tests.** Testing may include one or more of the following: urinalysis, breathalyzer, intoxilyzer, or other generally-accepted testing procedure.

**Testing of Applicants.** All applicants to whom a conditional offer of employment has been made will be required to submit to testing for illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

### **Testing of Employees.**

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City will conduct random drug/alcohol testing on employees subject to Department of Transportation regulations and employees holding safety-sensitive positions, as identified below:  
Employees (and certain volunteer personnel) of the City of Brenham performing safety sensitive or security sensitive functions are subject to random drug and/or alcohol testing, including but not limited to the following:
  - a) Any employee who is required to have a Commercial Driver's License (CDL) as part of their job description or job duties.
  - b) All employees that drive City vehicles or drive personal vehicles on City business, and who also make decisions or judgments in managerial/code enforcement capacity that might impact the health, safety or welfare of employees, residents, or public.
  - c) All Employees that operate heavy equipment and machinery.
  - d) All employees whose duties include, without limitation, inspecting, maintaining, repairing, constructing, testing, monitoring, operating and responding to emergencies involving the City's electric, gas, water and wastewater utility systems and associated facilities.

- e) All police officers, including reserve police officers.
  - f) All firefighters, including volunteer firefighters.
  - g) All animal control officers.
  - h) All employees that work in the proximity of motor vehicle powered equipment, machinery, or with potentially hazardous or dangerous tools and materials or areas (e.g. at heights or in confined spaces).
  - i) All employees who as part of their job description or job duties make decisions or judgments in a managerial or code enforcement capacity which might impact the health, safety or welfare of City employees, residents, or the general public.
  - j) Lifeguards.
2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
  3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
  4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
  5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
  6. An employee who is tested for reasonable suspicion will be placed on paid administrative leave until test results are received.
  7. A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
    - **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from job functions and will be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform job functions for a minimum of 24 hours and

will be disciplined, up to and including termination. If the employee is not terminated, then he/she will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave or other accrued leave during the treatment period as applicable.)

- **Consequences of a Positive Drug Test.** An employee will be removed from all job duties and placed on unpaid administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the employee and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

### ***DOT AND GAS DEPARTMENT EMPLOYEES/APPLICANTS SUBJECT TO TESTING.***

City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Human Resources Director will advise the employee if he or she is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

Employees subject to DOT Drug and Alcohol Testing Policies will receive a separate policy manual applicable to FMCSA and/or RSPA procedures.

### **Testing Procedures.**

1. All testing must normally be authorized in advance by both the employee's Department Director and the Human Resource Director. If the Department Director is unavailable within a reasonable period of time, the Human Resource Director may, in her sole discretion, authorize the testing of an employee. If the Human Resource Director is unavailable within a reasonable period of time, the Department Director may, in his or her sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led him or her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations but within 2 hours of observation for alcohol and within 32 hours of observation for drug abuse.

If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put him or her on administrative leave until the test results are received.

The City will make arrangements to have the employee transported home after the testing.

3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Human Resource Director; supervisors and managers on a need to know basis, including those who have a need to know about:
  - necessary restrictions on the work or duties of an employee and any necessary accommodation;
  - first aid and safety personnel when appropriate;
  - government officials;
  - insurance companies as may be necessary to provide health or life insurance to employees;
  - by court order or
  - as otherwise legally mandated; and as necessary to protect the interests of the City.

## ***ELECTRONIC MAIL (E-MAIL) POLICY***

### **Intent**

The purpose of this Policy is to establish management direction, guidelines, and requirements with regard to the use of, access to, and disclosure of, electronic mail messages sent or received by employees, vendors, consultants or other people who have access to the City of Brenham's Electronic Mail System.

### **Responsibility For Implementation**

Every employee, vendor, consultant, or other person authorized to have access to the City of Brenham's Electronic Mail Systems, is personally responsible for compliance with this Policy.

### **Scope**

This policy applies to all City of Brenham departments.

The security, control, and etiquette associated with the use of electronic mail is the responsibility of all mail users, regardless of their position within the city. In order to protect the assets of the City of Brenham and protect the rights of the individuals, please read and follow the following standards.

*INTERNAL* electronic mail is secure from access by most users. However, City of Brenham management reserves the right to monitor or access electronic mail messages at any time without notice for any purpose including protecting against theft.

*EXTERNAL* electronic mail (i.e., transmitted over the public Internet) is NOT a secure environment. Any messages transmitted over the Internet can potentially be intercepted, read, modified or destroyed by unauthorized or unintended recipients.

### **Policy**

Under no circumstances should any employee expect any privacy while utilizing the City of Brenham's Electronic Mail System. Electronic Mail **ONLY**; use of groupware messaging systems, and instant messaging is strictly prohibited. City of Brenham-account Internet mail (e.g., cityofbrenham.org) are the property of the City of Brenham and are intended primarily for business purposes.

### **Using an Electronic Mail Account Assigned to Another Individual**

Employees must not use an electronic mail account assigned to another individual to either send or receive messages. Employees must not attempt to access another's electronic mail account. Employees must not share passwords to their accounts.

### **Personal Use of Electronic Mail Systems**

Electronic mail messages can be subpoenaed and introduced as evidence in court. Also, City of Brenham email accounts used by public employees and officials may be subject to the Texas Public Information Act requests by the public and as such, care should be taken when sending mail from these accounts. Electronic mail systems are intended to be used primarily for business purposes.

As a City of Brenham employee, your work-related e-mails, texts, and social media posts may be considered public information. You should have no expectation of privacy with respect to any e-mails or texts sent from your City e-mail address or City-issued phone. Further, if you choose to use your own personal e-mail or phone to send and/or receive work-related messages, those messages may also be considered public information.

### **Misuse of the Electronic Mail Systems**

Misuse of the electronic mail systems is a serious offense and can be grounds for disciplinary action up to, and including termination. Misuse includes any message content and attachments that violate the City of Brenham's Code of Conduct Policies including, but not limited to:

- Chain letters
- Betting pools
- Unauthorized employee solicitations
- Misrepresenting City of Brenham
- Copyrighted material
- Spam mail
- Offensive humor
- Ethnic, racial, religious or other slurs.
- Slanderous remarks about colleagues, clients, or vendors
- "Flaming" or other types of electronic mail harassment
- Unauthorized computer virus warnings
- Pornographic Material and/or Sexually Explicit Material

### **Suspicious Email**

Any employee who receives a suspicious email must contact the Information Technology (IT) Department to check its validity. Do not forward suspicious emails to the IT Department or anyone else. Employees should not open attachments or links in suspicious emails. The Information Technology Department will notify employees of any suspicious email activity.

### **Monitoring**

Employees should have no expectation of privacy when using the City of Brenham Electronic Mail Systems. The City of Brenham reserves the right to monitor or access all electronic mail systems belonging to the City of Brenham.

The appropriate Information Technology employee may monitor e-mail and Internet use. Suspected instances of excessive or inappropriate use will be reported to the appropriate Department Director, City of Brenham's Information Technology Manager, other management, or the Human Resource Department, as appropriate.

### **Enforcement**

The employees and supervisors of the various City of Brenham departments are responsible for the enforcement of this policy. Violations of this Policy could result in adverse employment consequences, up to and including termination.



**Related Policies**

This policy supersedes any related policy or document previously in existence in any department.

## ***EMPLOYEE SAFETY***

The City is interested in your safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time to time you will be updated and reviewed on safety procedures in an effort to increase your awareness of the importance of safety on the job. You can do much to prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If you see something that you believe is an unsafe act or an unsafe condition, you should immediately report it to your supervisor or to management at once.

The following safety rules apply at all times, and some departments may mandate and specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc.
- For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Steel-toed shoes must be worn if assigned by supervisor. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- Personal protective equipment (PPE) must be worn as directed by departmental procedures.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Know where Material Safety Data Sheets (MSDS Sheets) are located in your department and how to read and interpret them. - MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.

- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary.
- Try to verify the location and call 911. Use proper portable extinguishers for small fires.
- Follow all rules regarding operation of motor vehicles including wearing of seat belts at all times while operating vehicle.
- Comply with all traffic laws.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

## **Accident Reporting**

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Human Resource Director. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

## **ACCIDENTS INVOLVING CITY EQUIPMENT OR VEHICLES**

Any employee involved in an accident while operating City equipment or vehicles **shall report the accident immediately to his/her supervisor and to the proper law enforcement agency.** The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit to his/her supervisor and to the Human Resource Director.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

## ***GIFTS***

The City strives to treat employees, citizens and individuals conducting business with the City in a fair and equitable manner. An employee (and his/her relatives and significant others) may not receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his or her job with the City. Individual City employees are prohibited from soliciting, accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following will not be in violation of this policy:

- an award publicly presented in recognition of public service
- an occasional meal where public business is discussed
- tee-shirts, caps and other similar promotional material
- any gift which would have been offered or given to the employee even if the employee were not a City employee
- door prizes received through random drawings
- Tickets to sporting events, brief trips, golf tournaments and the like when accompanied by the donor.

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her supervisor to see if the item should be returned, or in the alternative, turned over to the City.

Employees may not give their supervisor or anyone else in City management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.

The City takes this policy very seriously and violations may result in disciplinary action up to and including termination of employment. Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Human Resource Director.

Minimal value is normally considered to be \$50 or less.

Solicitation of funds or anything of value for a designated purpose approved by the City of Brenham, such as funds raising for construction or renovation of City buildings or programs, shall not be considered a violation of this policy. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his or her employment according to his or her response to such a solicitation.

## ***INTERNET ACCESS POLICY***

### **Intent**

The purpose of this Policy is to:

1. Establish technology standards.
2. Enhance the effectiveness and productivity of the City of Brenham's personnel through coordinated, well-planned and efficient use of the Internet.
3. Secure microcomputer devices, mainframe platforms, network resources and confidential information and data, both stored and transmitted, against theft, misuse and unauthorized access.

### **Responsibility For Implementation**

Every employee, vendor, consultant, or other person authorized to have access to the City of Brenham's internet connection, is personally responsible for compliance with this Policy. This Policy must be distributed to all contractors and agents of the City of Brenham and adherence to this Policy written into their contracts.

### **Scope**

This Policy applies to all City of Brenham departments.

This Policy covers all usage of the Internet including, but not limited to; access to the World Wide Web (WWW), Internet e-mail, file transfers (uploading and downloading) and postings to USENET news groups, CHAT rooms or other message facilities.

Enforcement of this Policy is the responsibility of the employees and supervisors of the various departments within the City of Brenham.

### **Policy**

Access to the Internet is provided for City of Brenham business use; however, any non-business activity may be conducted at the discretion of the Department Head.

As a City asset, responsible use of Internet access privileges is a basic condition of employment, and helps to ensure a secure and non-hostile work environment. Employees are expected to use Internet resources in pursuit of legitimate City of Brenham business interests directly related to their job responsibilities. This requires employees to exercise good judgment consistent with the City of Brenham's Code of Ethics.

### **Employee Use Guidelines**

The following is prohibited by all users:

- Violations of copyright laws and licensing agreements.
- Accessing, downloading, uploading, viewing, e-mailing, storing, interacting, purchasing or printing material that could be considered inappropriate, offensive or violate the City of Brenham's Code of Ethics or other Human Resources policies. This includes but is not limited to:

- Pornographic and/or sexually explicit material
  - Terrorism
  - “Hate” groups
  - “Hacker” information
  - Illegal drugs
  - Offensive or threatening language
  - Tasteless and offensive material
  - Gambling sites
- Accessing Proxy sites or external VPN services will only be allowed on a case by case basis as these sites are typically used to circumvent security measures.
  - Disclosure of any information that is proprietary restricted, or company confidential is prohibited.
  - Use of any communication program that does not create an archive record is prohibited.
  - External instant messaging is prohibited.
  - This prohibition does not apply to organizations or service providers with message boards to receive and reply to business related queries. In the event that entities with which the City of Brenham conducts business or receives services that interact with their customers via a method prohibited by this policy, a special dispensation will be granted to the Department Head and an assistant to access the sites providing an archive record is created of the exchange.
  - Protect your workstation and other employees on the City of Brenham network environment while accessing the Internet by:
    - Downloading information only from reputable sources.
    - Verifying with the City of Brenham’s Information Technology Department any virus warnings or other suspicious information received from the Internet.
  - Streaming audio/video will be permitted based upon bandwidth availability which will be strictly monitored by the Information Technology Department and regulated accordingly.

**Employee Accountability**

Each Internet user is responsible for understanding and complying with this Policy. All Network Security procedures are applicable to employees accessing their City of Brenham account from non-City of Brenham locations.

Employees MUST NOT share passwords for their individual account.

**City Of Brenham Management Responsibility**

City of Brenham local management is responsible for ensuring all Internet users are aware of their responsibilities as described in this Policy. Managers must review this policy with their subordinates.

**Internet Access**

All Internet access from the City network will only be through authorized Internet gateways. The Information Technology Manager approves all authorized Internet gateways. Firewalls at these gateways will be managed and monitored by City of Brenham’s Information Technology Department.

Any access to the Internet from an official company location or on company assets, using facilities other than the approved gateways, is strictly prohibited.

### **Monitoring**

Employees should have no expectation of privacy when using the City of Brenham Internet Systems.

The City of Brenham management reserves the right to monitor access and usage of the Internet for any reason and without warning. The City of Brenham's Information Technology Department currently tracks and logs all Internet traffic passing through the City of Brenham firewalls. Monitoring includes, but is not limited to:

- Name of employee accessing the Internet
- Name of PC accessing the Internet
- All web sites visited
- Time spent on the Internet
- Files transmitted to and from the Internet
- Source of incoming electronic mail
- Destination of outgoing electronic mail
- Full text of all e-mail messages

The Information Technology department may monitor Internet use. Suspected instances of excessive or inappropriate use will be reported to the appropriate Department Director, City of Brenham's Information Technology Manager or other management as appropriate.

### **Enforcement**

Violations of this Policy could result in adverse employment consequences, up to and including termination.

### **Deviations**

There may be exceptional needs where a deviation from the city standard is necessary to facilitate a critical business function. Deviations from a standard will require submission of a legitimate business case and require the approval of the department's senior management and the Assistant City Manager. The request to deviate from the standard is subject to review and approval by the City of Brenham Information Technology Department and Assistant City Manager. Any deviation from standards will be signed and retained by the Information Technology Manager. Deviations will be reviewed and renewed annually, at a minimum.

### **Related Policies**

This policy supersedes any related policy or document previously in existence in the City of Brenham.



***PRIVATE TELEPHONE***

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours or emergency situations

## ***OUTSIDE AND SELF-EMPLOYMENT***

City employees may engage in outside or self-employment provided they receive prior written approval from their Department Director on the City's Outside Employment Form. Department Directors and "direct reports" to the City Manager must receive written approval from the City Manager prior to engaging in outside or self-employment.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform his or her job with the City are also prohibited.

The City of Brenham is considered primary employment and the outside or self-employment is secondary employment. At no time should secondary employment interfere with primary employment or be performed during the course of primary employment. An employee who performs duties relating to his/her secondary employment while on duty with the City will be subject to discipline up to and including termination of employment.

Upon approval of outside or self-employment, the employee shall execute an Agreement that in the event such employee is unable to perform the duties as an employee of the City because of accident, injury, or illness resulting from performance on another job. The employee shall use all of their accrued compensatory time, fifty percent (50%) of their accrued vacation leave time, and fifty percent (50%) of their accrued sick leave time to remain actively employed until returning to work.

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

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the Human Resource Director.

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

## ***SEARCHES***

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as vehicles, lockers, file cabinets, desks, and offices, computer and electronic files including cell phone logs and text messages (including personal cell phones which the employee is receiving reimbursement for using personal cell phone for City business, whether secured, unsecured or secured by a lock provided by the employee. Employees have no expectation of privacy in personal information stored on City-supplied equipment, such as cell phones and computers or in other personal items brought onto City property. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots. **NOTE:** The City's authority to conduct unannounced searches is not limited to situations involving reasonable suspicion of possession and/or use of drugs/alcohol.

All searches must be authorized and conducted under the direction of the Human Resource Director. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

## ***SEXUAL AND OTHER UNLAWFUL HARASSMENT***

The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

**Sexual Harassment.** One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

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

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

**Other Prohibited Harassment.** In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic including stalking, bullying, and/or social media harassment is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion,

color, sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

**Mandatory Reporting.** The City requires that employees report all incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to:

- the Human Resource Director; or
- the City Manager.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Human Resource Director. The complaint may be made in writing to the Human Resource Director.

Upon notification of any sexual harassment complaint, the City Attorney will be immediately notified.

Under this policy, an employee may report to and/or contact the Human Resource Director directly, without regard to the employee's normal chain of command and provide the following information:

Name  
Title  
Work address  
Telephone number  
Pager or cell phone  
E-mail  
Complaint

Voice messages or e-mails may be left at any time.

In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

**Investigation.** All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

**Retaliation Prohibited.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

**Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

## ***SOCIAL MEDIA***

### **1. PURPOSE**

The City of Brenham (“City”) has a vested interest in protecting its reputation and the community by ensuring that an employee’s communication on behalf of the City not only reflects positively on the employee, but also on the City.

This policy addresses the responsibility of all employees and volunteers with regard to their personal use of social media. This policy also outlines the protocol and procedure for employee and volunteer use of social media to disseminate public information and/or promote special events, programs, and services on behalf of the City of Brenham.

### **2. DEFINITION**

For purposes of this policy, “social media” shall mean the use of technology in combination with electronic social networks or social media sites of any type. “Social media sites” are third party websites, software applications and similar computer programs which allow for the creation of and access to content and dialogue around a specific issue or area of interest and may include, but not be limited to, Facebook, Twitter, Instagram, Snapchat, LinkedIn, MySpace, YouTube, blogs, Wikis, chat rooms, on-line forums and any other form of social media.

“City social media sites” are those websites, pages, sections, or posting locations in social media that are established or maintained by an employee of the City who is authorized to do so as part of the employee’s job and that are used to conduct City business; disseminate public information and/or promote special events, programs, and services on behalf of the City; and/or communicate with or gather feedback from City residents and other interested persons.

”City social media sites” also include official City of Brenham websites and all forms of on-line community sites that are established and maintained by the City of Brenham. Social media activity includes but is not limited to texting, blogging, posting, and other actions involving technology and social media sites.

“City social media content” means information, images, or photographs posted or provided to a City social media site by a City employee or authorized representative when such activity is a part of the employee’s or authorized representative’s job duties.

For the purposes of this Social Media Policy only, the term “employee” shall mean a full-time, part-time, or temporary/seasonal employee, contract employee/entity, or volunteer for the City.

### **3. COVERAGE**

This policy applies to all City departments and employees.

#### **4. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA**

The lines between public and private, personal and professional can become blurred in social networks. With that in mind, below are the City's expectations regarding social media use by City employees while off duty.

- 4.1 When using social media for personal purposes, employees shall not post or discuss confidential information about the City's employees, citizens, vendors, issues, business, or legal matters without express consent to do so from the City Manager, department director and/or the Communications & Public Relations Manager. Additionally, in certain situations, disclosure or posting of confidential information may also violate state law and/or subject the employee to civil liability and/or criminal penalties.
- 4.2 Personal use of social media while off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy.
- 4.3 Employees are expected to act responsibly while off duty and to exercise good judgment when using social media. Employees shall comply with the following when engaging in personal use of social media:
  - Respect all employees and the City. Do not post any information and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City.
  - Do not post any information and/or pictures that may constitute a violation of any City policy.
  - Do not post pictures or other content containing images of City uniforms or insignia, City logos, City equipment or City work sites unless the employee obtains prior written permission from the Department Director.
  - Do not use City names or identifiers for your personal social media accounts or email accounts. The City may require removal of any material that violates this policy, is disruptive to the workplace or impairs the mission of the City.

#### **5. USE OF SOCIAL MEDIA ON DUTY**

The City of Brenham permits the use of social media while on duty for the purpose of promoting and conducting City business. All posts, generation of content and use of social media on behalf of the City require department director approval. However, the City prohibits all personal use of social media while on duty regardless of whether the personal use is on a personal device or City-owned equipment, public Wi-Fi or City-owned private network unless such use is expressly permitted by the Department Director.

- 5.1 All communication representing the City through social media sites shall be professional in nature. Incomplete, inaccurate, inappropriate, threatening, demeaning, harassing or



poorly worded postings may be harmful to the City's reputation or violate City policy. Such wording will be removed, or be directed to be removed, by the City Manager, City Secretary, Director of Human Resources, or the Communications & Public Relations Manager.

- 5.2 All employees bear full responsibility for the material they post on social media sites. Inappropriate usage of social media can be grounds for disciplinary action, up to and including termination.
- 5.3 Any employee who is tasked with generating content for a social media site must submit all content to their Department Director for prior approval before that content is made public.
- 5.4 Employees shall comply with copyright laws, and must accurately cite/reference the employee's sources. Plagiarism is prohibited.
- 5.5 All information published on social media sites must comply with City of Brenham's privacy and/or data policies. This requirement includes comments, pictures, video, audio, or any other multimedia content posted on social media sites.
- 5.7 Media inquiries generated on social media sites should be referred to the City Secretary, the Communications & Marketing Specialist or the City Manager.

## **6. CITY SOCIAL MEDIA SITES**

- 6.1 City social media sites established by or on behalf of the City of Brenham are the property of the City of Brenham. All social media sites and email accounts shall be established by the Communications & Public Relations Manager or other person or entity designated by the City Manager, with input and assistance from the Information Technology Department.
- 6.2 The Communications & Public Relations Manager, in partnership with the Information Technology Department, shall be responsible for the technical oversight of the City of Brenham's social media sites to include:
  - a. Establishing City social media sites and related email accounts; and
  - b. Maintaining a list of City social media site domains, account logins and passwords, and changing passwords. Notification to the Communications & Public Relations Manager and the Information Technology Department is required if an employee is no longer designated to generate, publish and/or update content on a City social media site(s).
- 6.3 City social media sites must meet one or both of the following purposes:
  - a. Provide the public and residents of Brenham information about City events, activities and issues.
  - b. Promote the positive aspects of the City of Brenham to those in and outside the community.

- 6.4 The City's official website, [www.cityofbrenham.org](http://www.cityofbrenham.org), will remain the primary location for internet content regarding City business, services and events. Whenever possible, links within City social media sites should direct users back to the City's website for more information, forms, documents or on-line services necessary to conduct business with the City of Brenham.
- 6.5 A request for the establishment of a City social media site must be submitted to the Communications & Public Relations Manager, and must also obtain approval by the City Manager, prior to the establishment of the City social media site. Requests must include:
- a. Purpose for the site and intended content to be posted/shared including the primary audience to be served;
  - b. Explanation of how often the site's content will be reviewed and updated to ensure material accuracy, timeliness and appropriateness; and
  - c. Identification of employee(s) responsible for managing/overseeing the site and corresponding with the public (employee's name and position must be included) as well as describing what provisions will be made for performance of these duties if the responsible employee(s) leaves the position or is absent from work.

## **7. CONTENT MANAGEMENT FOR CITY SOCIAL MEDIA SITES**

- 7.1 Only designated department employees approved by the Department Director are authorized to publish content on City social media sites. City departments are required to maintain a list of all such authorized employees.
- 7.2 Department directors are responsible for monitoring City social media site activity and ensuring content is consistent with the goals and objectives of the City.
- 7.3 Departments are responsible for responding to public commentary, inquiries or complaints - pertaining to the City or partnering entities - which pertains to the message and intention of the original post. Additional responses may be made at the Department's discretion. Responses must be approved by the Department Director or his/her designee. Any inquiries or complaints regarding entities not affiliated with the City of Brenham shall be directed to the Communications & Public Relations Manager.
- 7.4 Communications utilizing City social media sites are public records. Posts and publication of content by City employees and any feedback and/or content posted by others are public records of the City of Brenham and will be subject to the Texas Public Information Act (Chapter 552 of the Texas Government Code).
- 7.5 Content posted by "friends," "followers," "fans" or others who are not employees of the City will not constitute a representation, agreement or endorsement on the part of the City of Brenham. The City of Brenham reserves the right to hide and/or delete any comment, content or posting that is deemed: inappropriate; an advertisement or commercial in nature; to imply, promote, or encourage illegal activity; contrary to the safety of City employees or the public; to oppose or support political candidates or propositions; violates the legal ownership of another party (such as copyrighted material); obscene; sexual; pornographic; malicious; offensive; threatening; profane; insulting; grossly inaccurate or unrelated to the purposes, content or scope of the City social media site.

Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, disability, national origin or sexual orientation will not be permitted, and the City reserves the right to hide and/or delete such content.

In the event that an individual repeatedly posts comments or other content in violation of this Section 7.5, the City of Brenham reserves the right to block the user from posting comments or other content to City social media sites/pages. The same will apply to commercial posting conducted by a spam account. Users may be permanently blocked after the third time a comment or other content is deemed in violation of this Section 7.5.

7.6 Any comments posted by external parties on City of Brenham social media sites are not official public testimony concerning any proposal, project or program. An opinion expressed on a City of Brenham social media site is posted for discussion only and is not a substitute for a formal statement in a public hearing process.

7.7 If a question arises regarding the use or posting of confidential information (e.g. litigation, investigations, etc.) on a City social media site, the matter shall be referred to the City Attorney for review. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by the City Attorney. The City Manager or designee reserves the right to restrict or remove City information from an official City social media site if the City Manager determines the information to be proprietary, copyrighted, protected by the attorney-client privilege, subject to state or federal confidentiality or privacy laws, or in violation of Section 7.5 herein above.

## **8. DISCLAIMER**

8.1 Each City of Brenham Social Media Site/Page must include a Disclaimer that contains the following information:

*“The City of Brenham does not warrant or make representations or endorsements as to the quality, content, suitability, accuracy, or completeness of the information, text, graphics, links, and other items contained on a City social media site’s server or any other server. Such materials have been compiled from a variety of sources, and are subject to change without notice from the City. The City’s primary and predominant internet presence shall remain the City’s official website at [www.cityofbrenham.org](http://www.cityofbrenham.org) and no other website or social media site can characterize itself as such. The City reserves the right to completely delete or hide, when appropriate and as soon as feasible, any posting or content unrelated to the purpose and topical scope of the City social media site/page.*

*Comments posted on this site by “friends,” “fans,” or “followers” or others will be monitored and any postings or comments that are deemed: inappropriate; an advertisement or commercial in nature; to imply, promote, or encourage illegal activity; contrary to the safety of City employees or the public; to oppose or support political candidates or propositions; violates the legal ownership of another party (such as copyrighted material); obscene; sexual; pornographic; malicious; offensive; threatening; profane; insulting; grossly inaccurate; proprietary; copyrighted; protected by the attorney-client privilege; or subject to state or federal confidentiality or privacy laws may be deleted without notice.*



*Except to the extent required by law, communications made through e-mail and comments posted shall in no way be deemed to constitute legal notice to the City of Brenham or any of its agencies, officers, employees, agents, or representatives with respect to any existing or potential claim or cause of action against the agencies, officers, employees, agents or representatives where notice to the City is required by any federal, state or local laws, rules or its regulations.*

*Further, comments on a social media site should not be utilized as a method of contacting the City in case of an emergency. Requests for City services or aid should be directed to (979) 337-7200. In cases of an emergency, please call 9-1-1.*

## **9. ENFORCEMENT**

Violations of this policy may result in immediate revocation of any or all electronic communications access and user privileges and may be grounds for disciplinary action up to and including termination. Certain violations could result in civil or criminal liabilities for the user. Individual supervisors do not have the authority to make exceptions to this policy.

No employee or volunteer should have any expectation of privacy or confidentiality when using any City resource, including the city's public and private networks. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.

## **10. CONTENT RESTRICTIONS**

In keeping with the goals and objectives of the City of Brenham to provide educational and governmental information, certain types of content are not allowed. These include, but are not limited to the following:

1. Political Use of Any City Website or City Social Media Site: City Websites/City social media sites may not be utilized for the promotion or "use" of any elected official, candidate, or measure. Specific advertising messages on behalf of or opposing any political candidate or measure on any ballot shall not be permitted.
2. Position Advocacy: Any direct advocacy messages, including specific promotional messages on behalf of or opposing any ballot initiative, measure proposals, or items under consideration of the City Council, its commissions, or advisory bodies shall not be permitted.
3. Commercialism: There shall be no commercial advertising or other information which promotes the sale of any product or service offered, except for promotional announcements of City sponsored or sanctioned events, or approved sponsorship acknowledgments.
4. Lotteries: Advertising of other information concerning any lottery, gift enterprise, or similar promotion is prohibited.
5. Promotion of Religion: Programming which directly promotes religious beliefs or religious philosophies shall not be presented on any City website/City social media site.

6. Promotions: Promotional announcement for City sponsored or sanctioned events will be permitted on the City of Brenham's websites/social media sites. However, promotional announcements for events, charities, or outside organizations in which the City has no official interest or sponsorship shall not be permitted.
7. Defamatory Material: Subject matter which is defamatory in nature (i.e. slander) shall not be presented on the City's websites.
8. Indecent or Obscene Content: There shall be no presentation of programming content which, in the opinion of the City Manager or his/her designee, is indecent, obscene, illegal or in violation of Section 7.5 herein above.
9. Copyright Restrictions: Programs containing copyrighted materials will not be posted on any City website/City social media site without proper copyright authorization. Outside agencies submitting content for posting are responsible for obtaining all necessary copyright clearance and shall hold the City, its officers and agents, harmless in any case of copyright infringement.
10. Liability: The City of Brenham will not be responsible for the accuracy of any information posted on any City website/City social media site that was provided by outside sources.

## **11. USE BY CITY COUNCIL, BOARDS OR COMMISSIONS**

Due to the requirements of the Texas Open Meetings Act, individual members of the City Council must refrain from participating in postings or discussion threads on City Social Media Sites.

Additionally, due to the requirements of the Texas Open Meetings Act, individual members of a board or commission of the City must refrain from participating in postings or discussion threads on City Social Media Sites created and maintained by the department or group of which they advise.

With permission of the City Manager, the City or a department may set up an online message board or similar Internet application that complies with Texas Government Code Section 551.006. If such an online message board or similar Internet application is created, and after training of the City Council and/or the applicable board and commission on use of the site, members of the City Council and/or the applicable board or commission may post on that site in compliance with Texas Government Code Section 551.006.

## **12. REPORTING VIOLATIONS**

The City urges employees to report any violations of this policy, or possible perceived violations of this policy, to their supervisor, department director, Communications & Public Relations Manager or the Human Resources Department.

## ***TOBACCO PRODUCTS***

The use of any tobacco products, e.g., cigarettes, cigars, pipes, smokeless tobacco, vapor, e-cigs etc., by employees is prohibited in City of Brenham owned facilities and vehicles.

## ***WEAPONS BAN AND VIOLENCE PREVENTION POLICY***

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

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

**City's Response to Threats or Acts of Violence.** The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the Human Resource Director, and where applicable, the City's Police Department or other appropriate law enforcement agency. The Human Resource Director will evaluate the severity of the situation and the need for additional resources (*e.g.*, law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and /or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.

No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

**All Weapons Banned.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer or animal control officer, shall carry or possess a firearm or other weapon on City property (except however, an employee who holds a license to carry a handgun under Subchapter H, Chapter 411, Texas Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition, may transport or store a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the City of Brenham provides for employees). The City prohibits employees from carrying or using any weapons, concealed or otherwise. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business unless expressly allowed for the position, *i.e.*, police officer, animal control officer, etc. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc.

**Mandatory Reporting.** Each City employee must immediately notify his/her supervisor, Department Director, the Human Resource Director and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or



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

**Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resource Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Human Resource Director of any protective or restraining order issued against them.

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

**City Property.** For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks (except however, an employee who holds a license to carry a handgun under Subchapter H, Chapter 411, Texas Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition, may transport or store a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the City of Brenham provides for employees).

**Documentation.** When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resource Director and/or the Police Department.

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

## ***OPEN CARRY AND CONCEALED HANDGUN POLICY***

It is the intent of the City of Brenham to comply with current state regulations (HB910 and SB273) relating to ***open carry*** and ***concealed handguns***. Effective January 1, 2016 a person with a valid license to carry a handgun issued by the Texas Department of Public Safety may ***conceal*** or ***openly carry*** a handgun in a belt or shoulder holster in public including the premises of any governmental property, with limited exceptions as set forth herein.

### **FACILITIES:**

The City has very limited authority to prohibit firearms in city-owned facilities. The City Secretary's Office will provide the appropriate signage and other such notices, as needed, in accordance with Section 30.06 and 30.07 of the Texas Penal Code (the Criminal Trespass Law) for all city facilities.

All persons, except a licensed Peace Officer or City of Brenham Animal Control Officer, are restricted from carrying a firearm in the following City facilities:

- **City Hall – Municipal Court:**
  - In the courtroom, when court is in session;
  - In the first floor municipal court lobby area, when the person is doing business with court staff at the customer service window; and
  - In the municipal court offices located on the first floor behind the customer service window.
- **Blue Bell Aquatic Center:** In the area or areas where school-sponsored activities such as games, competitions, or practices are being held. Prohibition can only be in the designated area(s) (i.e. competition pool, therapy pool, etc.), can only be during the time the school-sponsored activity is taking place, and cannot encompass the whole facility.
- **City Parks:** In the designated area or areas where school-sponsored activities such as games, competitions, or practices are being held. Prohibition can only be in the designated area (i.e. baseball field, soccer field, softball field, etc.), can only be during the time the school-sponsored activity is taking place, and cannot encompass the whole park.

## **EMPLOYEES:**

As provided for in Section 411.205 of the Texas Government Code, if a license holder is carrying a handgun on or about the license holder's person when a Peace Officer demands that the license holder display identification, the license holder shall display both the license holder's driver's license or identification certificate and the license holder's handgun license. If an employee who is not a peace officer observes a person openly carrying a handgun that is not properly holstered, or that person is causing a disturbance or behavior that raises concern for safety:

1. Move to a safe location;
2. Dial 911 to alert police so they may dispatch assistance to your location; and
3. Notify a supervisor immediately.

Regardless of the legislation discussed above, the CITY OF BRENHAM STRICTLY PROHIBITS THE POSSESSION OF ANY WEAPONS, INCLUDING BUT NOT LIMITED TO HANDGUNS, BY ANY EMPLOYEE, EXCEPT BY A LICENSED PEACE OFFICER OR ANIMAL CONTROL OFFICER, WHILE IN CITY BUILDINGS OR ON ANY CITY-OWNED OR CONTROLLED PREMISES. Employees, other than licensed Peace Officers and City of Brenham Animal Control Officers are prohibited from carrying a weapon while performing City-related business. Possession of a concealed or an openly carried handgun inside designated City-owned or controlled premises, by any employee other than licensed Peace Officers, or Animal Control Officers are forbidden and the City will take reasonable and necessary steps with regard to appropriate disciplinary action, up to and including termination of employment.

Employees who are licensed to carry and lawfully possess a firearm and/or ammunition in accordance with Chapter 411 of the Texas Government Code, may leave such firearm/ammunition in his/her locked, privately owned vehicle in the parking lot the City provides for employees. Additionally, if an employee chooses to store a firearm or ammunition that is legal to carry without a permit (e.g. hunting rifle, shotgun, etc.) in his/her personal vehicle, it must be stored out of sight and the vehicle must be locked. This does not extend to City owned or leased vehicles provided to employees for City-related business.

Department Directors, or their designee, are responsible for ensuring that employees comply with provisions of this policy and to manage issues that arise relating to *open carry* and *concealed handguns*. Appropriate disciplinary action, up to and including termination, will be taken against an employee who violates this policy.

# EMPLOYMENT

## ***EMPLOYMENT STATUS***

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

**Performance Probationary.** A full-time or part-time employee during the performance probation period of initial employment, promotion, or transfer. Newly hired probationary employees are not entitled to progressive levels of discipline and are not eligible to use the City's Employee Appeals Policy.

**Regular Full-time.** An employee in a budgeted position with an officially scheduled work week of forty (40) hours or more each workweek (except for certain Fire and Police shift personnel who have different work cycles) who has successfully completed his/her initial performance probationary period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

**Regular Part-time.** An employee in a budgeted position with an officially scheduled work week of less than an average of twenty (20) hours per week, less than 1000 hours annually, who has successfully completed 6 months of active service with the City.

**Temporary/Seasonal.** An employee who is employed for only a specific time period, for a special assignment, less than 120 consecutive days per year, or a period of six (6) months. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Human Resource Director. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits.

Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

**Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits except workers' compensation benefits provided for volunteers according to the City of Brenham's coverage. Supervisors are required to record volunteer hours worked each month and forward that information to the Human Resource Department.

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the Human Resource Director.

## ***HEALTH/MEDICAL EXAMINATIONS/FITNESS FOR DUTY***

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.

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

**Medical Exams for Current Employees.** In the interest of safety, for transfer or promotion to job classification designated as having physical requirements, or for any reasonable cause for concern as to an employee's ability to perform job-related functions, the City may require, at the City's expense, an employee to report to a physician for a physical or mental examination to determine physical or mental fitness for continued employment, or to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act as amended. All departmental requests for evaluations will be coordinated by the department Director and Human Resource Director.

**Time Off From Work.** Time away from work under this policy will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

**Return to Work.** Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the Human Resource Director.

## ***LIGHT DUTY ASSIGNMENTS***

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

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

Light duty will not extend beyond sixty (60) calendar days from the date of release to return to duty without an evaluation by the employee's treating physician and a recommendation from the Department Director and Human Resource Director to the City Manager. Only the City Manager may approve an extension of a light duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the date of release to duty must re-qualify for limited duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

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

During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their light duty assignment.

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

All light duty requests and assignments will be reviewed by and coordinated through the Human Resource Director. The Human Resource Director will work with the employee's department in making its decision whether light duty work will be offered. Before returning to regular job duties following a light duty assignment, the employee must coordinate his/her return through the Human Resource Director and Department Head.

## ***METHOD OF FILLING VACANCIES***

### **Vacancy Identification**

Directors and/or Department Heads shall notify the Human Resources Department immediately when job vacancies occur or are imminent.

### **Announcement of Vacancies**

The Human Resources Department shall publicly announce by appropriate means all job vacancies to be filled with the City other than administrative transfer, temporary promotion, or reinstatement and shall maintain a list of announced vacancies for public inspection. Each announcement, insofar as practical, 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; the type of selection procedure to be utilized; and the deadline for a method of application and the policy of the City regarding equal employment opportunity.

The City has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) public announcement and competitive consideration of applications for employment; and (4) hiring of qualified applicants by the City Manager or City Manager's designee.

**Referral And Selection** The referral of applicants to departments for selection shall be in accordance with procedures developed by the Human Resources Department.

When a vacancy occurs in any department, the following procedure should be followed unless directed otherwise by the City Manager:

1. The Director and/or Department Head should notify the Human Resources Department of the vacancy by furnishing necessary information regarding the vacancy by using the form "Notification of Vacancy".
2. The Human Resources Department will announce the vacancy to present City employees by posting the notice on internal websites. Those employees interested in being considered for the vacancy shall notify the Human Resources Department of their intent.
3. The vacancy may also be announced to the general public through newspaper ads and/or other appropriate means unless a sufficient pool of qualified applicants exists.
4. Applications for the position will be received by the Human Resources Department electronically and evaluated against job requirements.
5. Those applicants who best meet the qualification requirements for the position will be referred to the Department Head and/or Director for selection. All applications for the position will be available to the Department Head and/or Director, if requested.



6. The Director and/or Department Head shall recommend their selection for employment and report the selection to the Human Resources Department. All final employment decisions are at the sole discretion of the City Manager and/or City Commission.

**Promotion Policy** A promotion is the assignment of an employee from a position in one pay grade to a position in another pay grade having a higher maximum salary. It shall be City policy to provide promotional opportunities whenever possible. A selection process may be limited to qualified City employees or such employees may be given preference in application and/or consideration. Approval from the City Manager, Director and/or Department Heads involved is required prior to any such promotion.

**Temporary Promotion** The City Manager may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent for an extended period of time. Employees so promoted may be additionally compensated for the duration of the temporary assignments and the amount of compensation, if any, is determined at the sole discretion of the City Manager. Temporary promotions shall not be used to circumvent normal selection procedures. The employees involved shall not acquire any status or rights in the pay grades to which temporarily promoted.

Nothing herein shall be construed to prevent the assignment of higher level duties to an employee without additional compensation. Authorized additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with these rules.

**Transfers** A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be effected at any time for administrative convenience or upon request of the employee to the Director and/or Department Head, or if interdepartmental, to the City Manager, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between Pay Grades or between departments shall become effective following approval of the City Manager.

An employee reassigned by transfer will be evaluated within ninety (90) days following the transfer in accordance with procedures established in the Compensation Administration Plan.

**Non-Disciplinary Demotions** A demotion is the assignment of an employee from a position in one Pay Grade to a position in another Pay Grade having a lower maximum salary. Neither reduction in salary nor a change in the Pay Grade system shall be considered a demotion. With the approval of the City Manager and if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his or her own request or as an alternative to layoff. Such demotions shall not be considered disciplinary actions or disqualify the employees involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

In the event of a demotion to a lower pay grade, the employee's salary will be reduced by five percent (5%) of base pay or to the maximum of the new classification, whichever is the lower salary.

**Applications** Applications for initial employment, promotion, or other type of transfer, and reinstatement shall be submitted as prescribed by the Human Resource Department. 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.

**Evaluation** The Human Resource Department shall determine the most appropriate means of evaluating applicants against job requirements to identify the best qualified. Reference checks, interviews, medical examinations, background checks, performance tests, written tests, and/or other screening procedures may be used as appropriate. Applicants shall be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed qualification requirements for the positions involved.

**Testing** Except for drug and psychological tests for certified police and fire employees and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job-related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples, etc.

**Physical Standards** Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons, a person is required to pass a physical examination prior to employment and will not be placed on the City payroll until he or she has passed the physical exam. Back x-rays and/or back evaluations are required for persons who will perform physical labor.

**Drug Testing** In addition to the physical examination required by the City, prospective employees for any position are required to be tested by a licensed physician and declared in writing by the physician to show no trace of drug dependency or illegal drug usage. In addition, prospective new employees for active or police officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health. The required examinations will be made by a physician and psychologist or psychiatrist of the City's choice and will be paid for by the City.

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential, and are not released to anyone unless a "need to know" has been clearly established.

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

a. Does not meet the qualifications necessary for performance of the duties involved, including physical requirements regarding the essential duties of the position where a reasonable accommodation for any disability cannot be made, and licensing requirements, including driver's license;

b. Has made a false statement of material fact on the application form or supplements thereto;

- c. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
- d. Is not legally permitted to work in the United States;
- e. Has failed to successfully pass physical, oral or written testing related to job requirements, including drug screen driving record check;
- f. Does not meet residency requirements established for the position.
- g. Is prohibited from employment under nepotism restrictions;
- h. Is not at least 18 years of age, unless specific exceptions are noted; for example, students employed on a seasonal basis during the summer.

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

## ***NEPOTISM***

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

### **Applicants**

- An applicant related to the City Manager or Department Directors by blood within the third degree or marriage within the second degree according to the Texas Government Code shall not be employed by the City.
- An applicant related within the third degree by blood or within the second degree by marriage to any member of the City Council shall not be employed by the City.
- Under no circumstances will an applicant be employed in a department in which he or she may directly or indirectly supervise or be supervised by a member of his or her immediate family. Immediate family includes spouse, parents, children, brother or sister and in-laws of immediate family as noted.

### **CONSANGUINITY (By Blood)**

<b>First Degree</b>	<b>Second Degree</b>	<b>Third Degree</b>
Father	Sister	Uncle
Mother	Brother	Aunt
Daughter	Grandson	Niece
Son	Grandfather	Nephew
	Grandmother	Great-grandson
	Granddaughter	Great-granddaughter
		Great-grandfather
		Great-grandmother

### **AFFINITY (By Marriage)**

<b>First Degree</b>	<b>Second Degree</b>
Spouse	Spouse's Sister
Son-in-Law	Spouse's Brother
Daughter-in-law	Spouse's Grandson
Mother-in-law	Spouse's Granddaughter
Father-in-Law	Spouse's Grandfather
	Spouse's Grandmother
	Sister's Spouse
	Brother's Spouse

## **Restrictions**

The following restrictions apply on the employment, promotion, transfer, marriage or change in reporting relationships because of reorganization of any relatives, including those defined as family members under this policy:

- No employee in the relationship will supervise, review or process the work of the other;
- The employees' relationship must not create a conflict between an employee's/City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee). In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

## **Resolution of Nepotism Conflicts**

If it is determined that a nepotism violation exists, the Human Resources Director will work with the employee, Department Director and, where necessary, the City Manager to resolve the situation. A decision will be made to remedy the reporting relationship through such means as transfer of one employee or changing the reporting relationship. When no remedy is available, it may be necessary to dismiss one or both of the employees, usually the subordinate. The City Manager may apply the nepotism prohibition in other organization relationships when failure to do so would be detrimental to the City.

In any event, resolution of the nepotism conflict is to be completed within sixty (60) days of the date of occurrence.

## **Grandfather Clause**

The City is aware that, as of the effective date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

## **Periodic Review**

The Human Resources Director will periodically review the organizational chart and job descriptions to determine that reporting relationships meet the nepotism policy

requirements. Any conflicts with policy are to be reported to the City Manager and Department Director for resolution.

**Application of Policy**

This policy applies to all full-time, part-time and temporary seasonal employees of the City.

## ***PROBATIONARY PERIOD***

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete a performance probationary period of six (6) months. Additionally, all current employees who are transferred, promoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance probationary period of six (6) months. The existence of a probationary period for new hires or for promoted employees does not change their at-will status.

The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. An extended orientation and/or training time may be added to the probationary period. Employees are considered probationary employees until they have actually performed their regular job duties for at least 6 months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

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

**Seasonal/Temporary Employees.** Seasonal and temporary employees do not serve a performance probationary period and have no right of appeal when terminated at any time.

**Change In Assignment of Probationary Employee.** Probationary employees may not request or make application for reassignment, promotion, or voluntary transfer during the probationary period without written approval from the City Manager, as requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a six-month performance probationary period in the new position beginning with the date of the position change.

**Absences During Performance Probationary Period.** During the performance probationary period, an employee is eligible to use sick leave for qualifying absences, but may use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted, if authorized by the employee's Department Director and the Human Resource Director. Compensatory time off or recognized holidays during the performance probationary period may be used as approved per established City/departmental policy or practice. Transferred or promoted employees serving probationary periods retain their eligibility for all types of leave established by City policy.

**Probationary Performance Evaluations.** All probationary employees shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the "Performance

Evaluation System” policy. These reviews are designed to evaluate each employee’s performance and to communicate that performance to the employee. The written reviews should include a supervisory recommendation to retain or terminate the employee.

**Extensions to Probationary Period.** The performance probationary period may be extended under the following circumstances:

At the end of the six (6) month probationary period, performance probation may be extended for up to an additional three (3) months when a probationary employee’s performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee’s absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee’s probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed. Such extension will be at the sole discretion of the Department Director and the Human Resource Director.

A probationary period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the probationary period will normally extend the 6-month probationary period by an additional day.

**Successful Completion of Probation/”Regular” Status Granted.** An employee is granted “regular” status in the new position if the employee satisfactorily completes the performance probationary period.

**Failure of Probation.** An employee is considered to have failed probation when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probation may occur at any time within the probationary period. An employee who fails probation will normally be terminated from the City’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails probation may, at the sole discretion of the City, be reinstated to his/her former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training, and other efforts to help employees during their probationary period. All such documentation must be reviewed by the Human Resource Director before a probationary employee can be terminated.

**Termination of Probationary Employment.** Probationary employees are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. A probationary employee who is terminated has no right of appeal. Probationary employees are not entitled to progressive levels of discipline. Probationary employees are otherwise subject to all policies and procedures of the City.



**Sexual and Other Unlawful Harassment.** Probationary employees are subject in all respects to the City's Sexual and Other Unlawful Harassment Policy. While probationary employees have no right of appeal, if they believe they have been subjected to unlawful harassment or discrimination, they must immediately report such conduct as set out in City's Sexual and Other Unlawful Harassment Policy.

## ***RESIDENCY REQUIREMENT***

Except for positions designated in the City Charter or Code of Ordinances, there is no absolute residency requirement for City employment.

Employees who are likely to be called to work in cases of emergency may be required to reside within reasonable response commuting ranges of their places of work.

A reasonable response time to an emergency is twenty (20) minutes. The City Manager has the authority to revise the residency requirement for individual employees on a case-by-case basis.

## ***REDUCTION IN FORCE***

### **General**

The City of Brenham endeavors to provide stable employment; however, situation, including but not limited to, a lack of funds, lack of work, reorganization or changes in staffing needs may require a reduction in the work force to ensure the continued quality and efficiency of the operations of the City.

A reduction in force (RIF) may take the form of elimination of jobs, separation from service, involuntary demotion, reassignment, and reduction in the hours worked in a position or a reduction in salary.

The provisions of this section are not to be used to dismiss an employee if the sole cause for dismissal is either misconduct or lack of satisfactory performance.

RIF decisions will be made without regard to the employee's race, color, gender, religion, national origin, age or disability.

Retention of employees in classes affected shall be based on systematic consideration of all the following factors:

Special skills, certifications, education, and/or training that are necessary to a particular function; Ability to adjust to the necessary changes in the organizations' operation and to contribute to ongoing programs; Effectiveness on the job, including performance and past achievement; Versatility (whether the individual has the ability to move into another area of operations); Length of service with the City.

An employee that has demonstrated superior job performance or has more relevant training or who demonstrates other characteristics of value may be retained over an employee that has more years of service to the City.

Temporary, probationary, and trainee employees in their initial six months of training/employment shall not be retained in classes/positions where full time regular employees (those who have completed a probationary or equivalent trial period) must be separated in the same or related positions.

The City shall endeavor to first transfer and retain employees in the service of the City prior to being dismissed.

### **Procedures**

The recommendations for RIF are to be made by the Department Head(s) and/or Director(s).

The Department Head and/or Director shall determine; what areas and/or services of the department are to be impacted by the reduction in force; and what positions within the department are to be affected.

The City Manager approves services/positions to be cut back or eliminated. Those positions will be declared by the City Manager or his designee to be vacated/abolished (vacated to mean the position remains active but will be unfilled.) Abolished positions will be approved by City Council.

Affected incumbents will be notified by the appropriate Department Head and/or Director and Human Resources Director

### **Appeals**

An appeals panel consisting of the City Manager, Assistant City Managers and Human Resources Director will hear individual appeals regarding the validity of evaluations or other factors bearing on an individual's dismissal or reduction in hours worked or salary due to a RIF.

Matters brought before the appeals panel will be limited to appeals by employees regarding dismissals or reductions in time or salary. A RIF decision can be appealed only on the grounds that the RIF procedures were unfairly or improperly applied. This appeal process is the exclusive internal means of appealing an action under the RIF regulation. RIF dismissals under this regulation are not subject to the grievance process.

Appeals hearing will be requested and conducted as follows:

An employee will have five working days to initiate an appeal after receiving written notice of dismissal, reduction in salary, or reduction in hours worked. The request for hearing must be presented in writing to the Human Resource Director, specifying why the employee believes the procedures were unfairly or improperly applied. An employee who fails to meet this deadline will forfeit the right to appeal.

The Human Resource Director will review all written requests to determine that the appeal is timely and covered by this policy. Requests that meet the criteria will be forwarded to the appeals panel or administrator in the order of receipt.

An employee who appeals under this procedure may be represented by a person of his/her own choice as long as that person is not a representative or a labor union or any other organization that claims the right to strike or bargain collectively. The city representatives also have the right to representation. If the employee is to be represented by an attorney, the employee will so notify the Human Resources Director at least five working days before the appeal is to be heard.

The appealing employee has the burden of proof to establish that the procedures were unfairly or improperly applied. The appealing employee and City representative(s) will be allowed a reasonable time in which to present their cases. If the appeals format is a review of written material, the appealing employee and City representative(s) will each provide a written summary of his or her position and supporting documentation.

The written recommendation of the appeals panel shall be limited to determining if the procedures have been unfairly or improperly applied. The written recommendation must be presented to the employee within five working days of the hearing. Copies of the

decision will be provided to the Human Resources Director and the employee's department head.

The entire appeal process must be completed prior to the employee's last scheduled day of work. If the process is not complete by that time, the employee will remain on the payroll until notified of the final decision.

### **Reinstatement And Recall**

Employees who are involuntarily separated from service during a RIF shall be placed on a reinstatement/recall list if requested in writing by the employee; otherwise it will be presumed that they do not seek reinstatement.

Employees who are transferred due to a RIF may also be on a reinstatement list for their original position at the same time they are holding a position to which they were transferred.

Employees on the reinstatement list shall have priority in being considered for vacancies provided that job requirements are met.

### **Severance**

Severance pay may be paid to a regular full time employee who is separated as a result of a RIF.

Severance pay is based on the following schedule:

Years of Service	Payment
Less than 10 years	4 weeks
Ten through 19 years	8 weeks
20 or more years	12 weeks

If an employee is offered and declines a position equal to or greater than the same appointment type, pay grade and salary rate after officially being notified of separation by a RIF, eligibility to receive severance pay will be lost.

If an employee declines to execute the release agreement and waiver of claims, severance pay will be limited to not more than two weeks.

## **SEPARATIONS**

The City designates all employee separations as one of the following types:

**Resignation.** An employee who intends to resign is requested to notify his/her supervisor and/or the Human Resource Director in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. Directors are requested to give notice in writing at least 30 days prior to last day of work. The supervisor is responsible for immediately notifying the Human Resource Director.

**Retirement.** An employee who intends to retire must notify his/her Department Director, supervisor and the Human Resource Director, in writing, 30 days prior to the date of retirement. This 30 day requirement is necessary to ensure that the required paperwork is timely submitted to Texas Municipal Retirement System (TMRS).

**Early Retirement Program.** The purpose of the City of Brenham Early Retirement Program is to offer eligible employees who meet certain criteria the opportunity to retire early from the organization. The program will be offered every five years to eligible employees, or when an employee completes thirty (30) years of service with the City of Brenham.

Eligibility is defined as an employee who is currently (at the time of program activation or every fifth year) eligible to retire under the City of Brenham's plan provisions with Texas Municipal Retirement System (TMRS), and who have not submitted a notice of resignation or retirement prior to the activation of the program.

Eligible employees will be notified by Human Resources in January of the year the program is active. Employees will have until April 1<sup>st</sup> to elect enrollment in the Early Retirement Program. Separation will be within sixty (60) days of employee enrollment, however time can be extended up to six (6) months with City Manager approval, but not later than the end of the fiscal year.

An employee who separates from employment pursuant to the Early Retirement Program is not eligible for rehire by the City for the twenty-four (24) month period immediately following the employee's date of separation from the City. However, if the City Manager determines a critical need exists, the City may, prior to the expiration of said twenty-four (24) month period, rehire an employee who separated from the City pursuant to the Early Retirement Program. Any former employee that separated from the City pursuant to the Early Retirement Program, who is rehired by the City, must comply with all applicable regulations and requirements of the Texas Municipal Retirement System, in addition to all applicable federal, state and local laws, regulations and rules.

**Early Retirement Program Benefits.** Employees who enroll in the Early Retirement Program will be given a **choice of one** of the considerations below:

1. Compensation for accrued sick leave balance according to longevity (see chart below), with no maximum, and six (6) months of medical coverage for employee-only coverage level. If group medical coverage is declined, the employee is entitled to a one-time payment of the value of six (6) months of employee-only coverage; **or**
2. Compensation for accrued sick leave balance according to longevity (see chart below), with a maximum of 120 hours (360 hours for Fire Pay Schedule employees), and three (3) months of medical coverage including dependent coverage; **or**
3. Six (6) months of medical coverage for employee and dependent(s), or one (1) year of medical coverage at the employee-only level.

Sick Leave buy-back rates according to longevity:

Less than 25 years of service	25%
25 years of service to 29.99 years	35%
30 years of service or more	50%

**Documentation. Early Retirement Program enrollment forms will be given to all eligible employees in January of the program activation year, and responses are due to Human Resources by April 1<sup>st</sup> of the activation year.**

**Retiree Health Coverage.** An employee who retires from City employment and who is entitled to receive retirement benefits from TMRS and whose sum of age and years of service is equal to or greater than 75, is entitled to purchase continued health benefits coverage for himself/herself and eligible dependents. To receive continued coverage under the plan, the employee must so inform the Human Resource Director on or before the date he/she retires. If the employee elects to continue coverage for himself/herself and/or any eligible dependents and later elects to discontinue such coverage, the retiree and/or dependent is no longer eligible for coverage. An employee can elect retiree coverage only if he/she were covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents who were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage. The level of retiree coverage will be the same as provided to the City's current employees, although the retiree may elect to continue coverage at a reduced level if offered by the City. The City may provide for a different monthly premium rate(s) for retirees who elect to continue health benefits coverage. A person who is entitled to retiree group health coverage must make payments for the coverage at the same time and in the same manner as current City employees. Retiree coverage is automatically dropped when the person become eligible for Medicare benefits.

**Discharge** The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails probation. City employees who are terminated, or who resign in lieu of termination, due to

unsatisfactory performance or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

**Job Abandonment.** If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned his/her employment, and he/she will be terminated.

**Long-Term Absence.** Any employee who is absent from work for more than 180 calendar days, for whatever reason, may be terminated. The City Manager has the authority to extend the amount of leave time allowed. Brief appearances at work during an overall absence of 180 days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the duties of his or her actual position after a period of 180 days may be terminated. The City may elect to end the employee's employment before the expiration of 180 days. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend his/her leave using any available paid leave balance, or be terminated and paid for accrued leave balances.

This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

**Reductions-in-Force/Reorganization.** An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

**Death.** If a City employee dies, his/her designated beneficiary or estate will be paid all earned pay and payable benefits.

**Payment upon Termination** The Director and/or Department Head shall verify that all City equipment, vehicles, building keys, and other items issued to the employee have been returned in good condition prior to the completion of the employee's final working day.

Upon termination, all regular employees who resign in good standing will be paid for unused accrued vacation leave based on the employee's rate of pay immediately prior to termination.

Any vacation taken in excess of that accrual shall be deducted from any final payment due the employee.

No payment shall be allowed for accrued sick leave, unless the separation is in conjunction with the Early Retirement Program.



# LEAVE

## ***ADMINISTRATIVE LEAVE***

The City may grant Administrative Leave with pay to an employee, as a matter of discretion by the City Manager (or designee), when no other paid leave category is available or applicable and leave without pay would not be appropriate. The City Manager may also authorize Administrative Leave without Pay.

Directors may grant Administrative Leave with pay not to exceed three (3) working days only when a disciplinary decision is pending. Any Administrative Leave greater than three working days must be approved by the City Manager.

Administrative Leave granted to an employee will be put in writing and forwarded to the Human Resource Director for proper payroll processing and placement in the employee's personnel file.

## ***FMLA POLICY***

### **General Provisions**

In accordance with the Family and Medical Leave Act, the City of Brenham will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

- A. In order to care for a child following the child's birth, adoption, or placement in foster care with the employee;
  - 1. Leave must be taken within the 12-month period following the child's birth or placement with the employee;
  - 2. If married spouses both work for the City of Brenham, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement of a child.
- B. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
- C. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
- D. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on federal call or impending federal call to active Reserves, National Guard, or Retired Armed Forces or Retired Reserve, in support of a contingency operation.

### **Servicemember Family Leave**

Eligible employees who are the spouse, child, parent, or next of kin of a covered Servicemember are entitled to up to 26 weeks of leave during a single 12-Month Servicemember Period (for a total of 26 weeks if combined with other FMLA leave), to care for such Servicemember who incurred a serious injury or illness in the line of duty in the Armed Forces. Available leave not taken during the 12-Month Servicemember Period, which begins on the first day of leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Servicemember Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the Company, their total Servicemember Family Leave may be limited to an aggregate of 26 weeks.

### **Definitions**

- A. "12-Month Period" means the 12-month period measured forward from the date of the first FMLA leave usage.
- B. "12-Month Servicemember Period" means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.
- C. "Spouse" means a husband or wife as recognized under Texas law for purposes of marriage, including common law marriage, but does not include unmarried domestic partners.
- D. "Child" means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.
- E. "Parent" means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
- F. "Next of Kin" means the nearest blood relative of a Covered Servicemember.
- G. "Active Duty" means duty under a call or order to active duty during a contingency operation.
- H. "Contingency Operation" means a military operation designated by the U.S. Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, or which results in the call or order to active duty of members of the uniformed services during a war or national emergency declared by the President or Congress.
- I. "Covered Servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is on the temporary disability retired list for a serious injury or illness incurred in the line of active duty and which may render the member medically unfit to perform the duties of the member's military position.
- J. "Qualifying Exigency" includes:
  - 1. Short-notice deployment: notification of a call to active duty in support of a contingency operation seven or fewer days from date of deployment;
  - 2. Military events and related activities:
    - (a) To attend an official ceremony, program or event sponsored by the military that is related to active duty or call to active duty;

- (b) To attend family support programs and briefings sponsored or promoted by the military, military service organization, or American Red Cross that are related to active duty or call to active duty.
  - 3. Childcare and School Activities: Leave may be taken for a child in order to:
    - (a) Arrange for alternate childcare;
    - (b) Provide childcare on an urgent, immediate need basis;
    - (c) Enroll or transfer the child to a new school or daycare facility;
    - (d) Attend meetings with staff at school or daycare facility.
  - 4. Financial and Legal Arrangements:
    - (a) To make or update financial or legal arrangements to address the covered military members' absence while on active duty or call to active duty status;
    - (b) To act as the covered military member's representative to obtain, arrange, or appeal military service benefits while the member is on active duty or call to active duty status, and for 90 days following termination of active duty status.
  - 5. Counseling: To attend counseling for oneself, the military member, or child when the need for such counseling arises from the active duty or call to active duty status of the covered military member.
  - 6. Rest and recuperation: To spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment.
  - 7. Post-deployment activities: To attend arrival ceremonies, reintegration events, and any other official ceremony or program sponsored by the military for the approximately 90-day period following termination of active duty or death of the Servicemember while on active duty.
  - 8. Additional activities related to the call to active duty otherwise agreed to by the employer and employee.
- K. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves
- 1. inpatient care (overnight stay);
  - 2. incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider;

- 3 continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
- 4 prenatal care by a health care provider.

L. **“Continuing Treatment”** means

1. Two or more visits to a health care provider within 30 days of the commencement of the incapacity; or
2. Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider within 30 days of the commencement of the incapacity; or
3. A single visit to a health care provider within seven days of the commencement of the incapacity that results in a regimen of continuing treatment.

**Coverage and Eligibility**

To be eligible for family/medical leave an employee must have worked for the City of Brenham for at least 12 months total and have worked at least 1250 hours over the previous 12-month period.

**Intermittent or Reduced Leave**

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City of Brenham

**Use of Paid Leave**

An employee will be required to use accrued paid leave (including paid vacation, sick leave, and compensatory time) for any part of a family/medical leave. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Servicemember Family Leave time).

**Employee Notice Requirement**

- A. An employee must give 30 days notice in the event of a foreseeable leave. A **"Request for Family/Medical Leave"** form should be completed by the employee and returned to the City of Brenham Human Resources Department. In unexpected or unforeseeable

situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

- B. If an employee fails to give 30 days notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
- C. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City of Brenham's operations.
- D. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

### **Employer Notice Requirements**

- A. Notice of Eligibility Rights: Within five days after the employee requests leave or after the City of Brenham learns the leave may be for an FMLA-qualifying reason, the City of Brenham Human Resources Department will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
- B. Notice of Designation of Leave: Within five days after the employee requests leave or after the City of Brenham learns the leave may be for an FMLA-qualifying reason, the City of Brenham Human Resources Department will provide a written notice stating whether leave is available, and notifying the employee how much leave has been designated as FMLA leave, and how much leave remains. For an unspecified leave, the City of Brenham Human Resources Department will update the notification every 30 days as to how much leave was designated in the prior month, how much was rejected, and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the City of Brenham Human Resources Department will provide written notice of and reason for denial.

### **Medical Certification**

- A. Certification of Serious Health Condition: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "**Physician or Practitioner Certification**" form and return the certification to the City of Brenham Human Resources Department. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City of Brenham will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The City of Brenham may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.

- B. City of Brenham May Require Second Opinion: The City of Brenham may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
- C. Certification Related to Active Duty or Call to Active Duty: The employee requesting leave related to a family member's active duty or call to active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
- D. Certification for Extended Servicemember Family Leave: Employees requesting extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as the military medical information, orders for treatment, or other official Armed Forces communication showing that the injury or illness was incurred on active military duty and renders the member medically unfit to perform military duties.
- E. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

#### **Effect on Benefits**

- A. An employee granted a leave under this policy will continue to be covered under the City of Brenham's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
- B. Employee contributions will be required either through payroll deduction or by direct payment to the City of Brenham. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the City of Brenham may terminate the employee's insurance coverage.
- D. If the City of Brenham pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City of Brenham for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- E. If the employee fails to return from unpaid leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City of Brenham may seek reimbursement from the

employee for the portion of the premiums paid by the City of Brenham on behalf of that employee (employer contribution) during the period of leave.

- F. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.

### **Job Protection**

- A. If the employee returns to work within 12 weeks following a family/medical leave (or 26 weeks if combined with Service member Family Leave), he/she will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.
- C. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.

### **Unlawful Actions and Enforcement of FMLA Rights**

It is unlawful for the City of Brenham to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.



## ***FUNERAL LEAVE***

The City provides probationary and regular full-time employees paid time off, up to a maximum of three (3) work days in the event of a death in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as current spouse, child, brother, sister, mother, father, mother-, father-, brother-, sister-, son-, daughter, or grandparent-in-law, grandparent, or grandchild, or person residing with the employee at the time of death. Up to three (3) days additional leave charged to sick leave may be approved by the City Manager at the employee's request. Employees may take additional time off as vacation, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the City Manager. All bereavement leave time taken must be requested on the City's automated payroll and benefits system.

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

Employees who wish to take bereavement leave must notify their supervisor immediately.

Employees who wish to attend funerals for other than immediate family may be granted absence with pay for up to two hours and must use vacation, compensatory time or unpaid leave for additional time off with approval of Department Head.

Any exceptions to the funeral leave described in this section require the approval of the City Manager and shall be documented in the employee's personnel records with the City Manager's signature.

## **HOLIDAYS**

The City provides paid holidays to probationary, and regular full-time employees. Every other employee is extended the official holiday, but without pay.

Official holidays are approved each year by action of the City Council.

**Holidays.** A holiday is a period of 8 hours, paid at the employee's regular rate

**Scheduling of Holiday.** Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday for employees working a Monday-Friday, 40 hour workweek schedule. Employees working a 24 hour/7 days a week schedule (Police, Fire, Water Production,) will observe the holiday on the actual holiday.

**Part-time, Temporary and Seasonal Employees.** Part-time, temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for part-time, seasonal or temporary employees who do not work on a holiday.

**Employees required to work on a Holiday.** Nonexempt employees required to work on a holiday will be paid overtime for the hours worked.

**Nonexempt Emergency Personnel Called Back on a Holiday.** Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the overtime rate.

**Holiday Occurring During Vacation Leave.** A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

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

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

**Other Religious Holidays.** Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

**Holiday Pay During Workers' Compensation Leave.** An employee on worker's compensation leave will not receive holiday pay.

Holidays are considered hours worked for computation of overtime unless otherwise provided in City policies.

### ***INCLEMENT WEATHER/EMERGENCY SITUATIONS***

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his/her immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted “administrative leave” with pay for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who are required to work may be given equivalent time off at a later time if possible. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

With the approval of the City Manager, exempt employees may be granted additional pay if required to work during inclement weather conditions or other emergency situations. Notwithstanding the preceding sentence, an exempt employee that works additional hours during a local, state or national declared state of emergency in excess of the employee’s normal working hours shall be paid overtime and/or given compensatory time off for the additional hours worked during said state of emergency. The overtime pay (using the exempt employee’s hourly rate of pay) or compensatory time off shall be calculated at the rate of 1.5 times the additional hours worked; that is, each additional hour worked shall earn 1.5 hours of overtime pay or 1.5 hours of compensatory time. Nothing herein shall be construed to affect the exempt status of such employees.



## ***JURY DUTY***

The City provides paid leave to regular full-time employees and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off will be considered a leave without pay.

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

Employees on jury duty leave should keep up with their job responsibilities if possible. An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request prior approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

## ***NURSING MOTHERS POLICY***

The City of Brenham is committed to providing a mother-friendly workplace in accordance with all state and federal laws as they relate to workplace breastfeeding. The City of Brenham recognizes a mother's responsibility to both her job and her child and acknowledges a woman's choice to breastfeed benefits the family, the City, and society. The City provides a work environment that is supportive of lactating mothers and encourages breastfeeding of their children for up to one year or beyond following their birth.

For breastfeeding employees, lactation times shall be established based on the individual's work schedule. The City will provide a private, accessible area, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for the purpose of expressing breast milk each time such employee needs to express milk. Employees are to inform their supervisor of their lactation schedule and needs prior to or immediately upon returning to work. It is the employee's responsibility to contact the Human Resources department for assistance finding a lactation room.

Department Directors and supervisors will ensure this policy is fully implemented and adapted to the needs of their department and work location and ensure the requirements of this policy are enforced

## ***MILITARY LEAVE***

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

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

### **Paid Leave for Training and Duty.**

**Full Pay For Up to 15 Days.** Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 5 day -40 hour work week during military absences of one workweek or more. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

**Other Paid Leave.** Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

**Unpaid Leave.** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

**Benefits.** The City will continue to provide employees on paid military leave with applicable City benefits.

**Medical and Dental.** While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/herself and eligible dependents. Employees must pay 102% of the applicable

premium to cover the cost of elective continuation coverage under the City's group health plan.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

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

**TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application.

### **Returning from Leave.**

**Reemployment Rights.** Employees who complete their military service will be re-employed in accordance with federal law.

**Deadline to Notify City of Intent to Return to Work.** The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

- A) For service of less than 31 days, employees have 8 hours following their return home from service to report for their next scheduled work period.
- B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- C) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits



impossible or unreasonable.

**Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

## ***SICK LEAVE***

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

**Eligibility.** All full-time employees begin accruing paid sick leave on first day of hire. Part-time, temporary and seasonal employees do not accrue sick leave. Full-time employees who are in their initial probationary status may use accrued sick leave if approved by their supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

**Accrual Rate.** Sick leave accrual, except for the Fire Department, is based upon an 8-hour work day, 40 hours per week.

Sick leave for employees other than Fire Department shall be computed on the basis of one (1) 8 hour working day for each full month employed in a calendar year, so as to total twelve (12) working days or 96 hours per year, to a maximum accrual of eighty-seven (87) 8 hour days (696 hours). Fire Department employees working shift schedules will accrue up to six (6) 24-hour days (144 hours) per year up to a maximum accrual of forty-one (41) 24-hour days (984 hours). Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours, or 106 hours for firefighters working shift schedules.

**Maximum Accrual.** The maximum sick leave time which may be accumulated by any employee shall be 600 hours (75 8-hour days) except that Fire Department employees working shift schedules shall be allowed to accrue up to 840 hours (35, 24-hour days). All days in excess of the maximum accrual are lost at the beginning of each calendar year. Employees will not be paid for sick leave in excess of the maximum accrual.

**Donation of Sick Leave Time. Sick leave time may be donated to employees that meet the qualifications to receive donations. An employee may elect to donate a maximum of 40 hours of sick leave time in a calendar year, provided that the donation does not deplete the donating employee's accrued sick leave time balance existing at the time of the donation by more than fifty percent (50%). Sick leave donations will be credited to a qualified employee's sick leave time balance on an as-needed basis, and any unused donated sick time will be returned to the donor if no longer needed.**

**Reinstatement of Employment.** Employees returning to employment in good standing within one (1) year of resignation or reduction in force, will have the sick leave balance reinstated to amount as it existed upon the date of separation from employment with the City, and longevity reinstated to previous date of hire.

## **Authorized Use of Sick Leave.**

**For the employee.** Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents him/her from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for childbirth falls under the section below).

**For the employee's immediate family.** A specified amount of sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured. (Immediate family is defined as spouse, child/stepchildren, parent, spouse's parent or other person who resides with the employee.) Other persons who may be dependent on the employee for medical care may be considered to meet the definition of "immediate family" under special circumstances approved in advance by the Departmental Director.

In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use accrued sick leave with approval by the City Manager.

An employee can use up to five (5) days of accrued sick leave to care for immediate family members. Thereafter, employees must use accrued paid leave (vacation and/or comp time) if more than 5 days are needed for immediate family members.

### **Qualification to Receive Donations for injury or illness:**

In the event of a life-threatening illness or injury of the employee or employee's immediate family member, and the employee has exhausted all paid leave to a minimum of 40 hours of paid vacation and compensatory time, (5 eight hour days, or 120 hours (5 – 24 hour days) for the Fire Department, the employee can ask for donations of vacation or sick time to be placed in their sick leave.

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

**Minimum Increments.** Sick leave must be taken in minimum increments of one-half hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

**Notification.** Unless otherwise established by the department, employees shall notify the supervisor within one hour of the time set for beginning work the same day that the employee is absent where such time is chargeable to sick leave. The employee is expected to notify the supervisor each day during the absence unless such absence is documented by proof of illness/injury.

**Failure to Report Absence/Abuse of Sick Leave.** Supervisors are to closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are

acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

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

**Use of Other Leave.** If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial probationary period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex his /her work schedule (“time management”) to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which time management was approved. Under no circumstances can time management extend beyond the affected workweek, or work cycle.

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

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

**Assistance for Long Term Illness.** In order to assist an employee who has exhausted all personal leave because of a long term illness, employees may donate a portion of their accumulated sick and or vacation leave to that employee. The donated leave will be on an hour-for-hour basis. Donations will be credited to a qualified employee’s sick leave time balance on an as-needed basis, and any unused donated time will be returned to the donor if no longer needed. An employee may elect to donate a maximum of 40 hours of sick leave time in a calendar year, provided that the donation does not deplete the donating employee’s accrued sick leave time balance existing at the time of the donation by more than fifty percent (50%).The employee receiving the donated leave

must have a medically verifiable long-term illness and have exhausted all available personal leave (vacation, sick, compensatory) before becoming eligible to receive donated leave. If the employee becomes eligible for long term disability benefits, use of donated leave may continue but the sum of donated leave and long term disability benefits shall not equal more than 100 percent of base salary at the time absence commenced.

## ***UNPAID LEAVE OF ABSENCE***

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted to the Human Resources department. Department Directors are authorized to grant an unpaid LOA for up to 5 working days. Any LOA beyond the 5 working days must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of 90 calendar days away from work. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

**Use of All Other Available Leave.** All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

**Criteria.** Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

**Documentation.** Requests for LOA without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Human Resource Director. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on his/her condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties. The City may also impose additional return to work requirements as set out in the City's Health/Fitness policy.

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

**Reinstatement.** Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned his or her employment with the City.

**Benefits/Premium Payments.** All LOA'S are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by the Human Resource Director and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will be paid by the City beginning the first day of the month following the starting date of a LOA. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay his or her portion of insurance premiums during a LOA may result in cancellation of coverage.

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

**Termination.** Employees who are absent from work for a period exceeding six consecutive months shall be considered as having abandoned their position and shall be automatically terminated as an employee regardless of the reason for the absence.

## ***VACATION LEAVE***

Regular full-time employees accrue vacation leave each pay period.

Vacation leave accrues at the following rate according to number of years of service (see schedule). Regular full-time employees of the City, except for the Fire Department, shall earn paid vacation leave based on an 8-hour work day, 40 hours per week. Vacation accrual begins with the first day of employment; however vacation leave may not be taken until after six months of employment.

### General Government and Police Vacation Leave Accrual Schedule:

0-5 years of employment	80 hours per year
6 <sup>th</sup> year of service and thereafter	additional 8 hours per year up to the maximum accrual of 160 hours

### Fire Department Vacation Leave Accrual Schedule:

0-5 years of employment	144 hours per year
6 <sup>th</sup> year of service and thereafter	additional 14.4 hours per year up to the maximum accrual of 288 hours

Directors, as designated by the City Manager, will be entitled to an additional five (5) days of vacation leave each year.

An employee may not use any accrued vacation leave until he/she has successfully completed his/her initial employment probationary period. Employees may not “borrow” unearned vacation time; employees shall not receive payment of vacation in lieu of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn vacation leave. Employees promoting from a part-time position will be credited with fifty percent (50%) of the vacation and sick leave they would have earned in the prior six months (maximum of six months of credit) of part-time employment. This leave can be used during the first six months of full-time employment.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Paid vacation leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as vacation days.

An exempt employee may be charged with the use of vacation or sick leave when disciplinary action of less than one full day is given. Additionally, deductions from an exempt employee’s pay may be made for unpaid disciplinary suspensions of one or more full days for infractions of



workplace conduct rules, safety rules of major significance, and as additionally authorized by applicable law. “Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the City Manager.

**Use and Scheduling of Vacation Leave.** Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in hourly increments. Employees must schedule their annual vacation leave in accordance with their Department’s guidelines governing vacation scheduling. Whenever possible, vacation time will be scheduled at the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation.

**Maximum Accrual Carryover.**

- Employees with less than 10 years of service will be eligible to carryover not more than two weeks (80 hours or 240 hours for Fire Dept.) accrued vacation at the end of each calendar year.
- Employees with 10 or more years of service will be eligible to carryover not more than three weeks (120 hours or 360 hours for Fire Dept.) accrued vacation at the end of each calendar year.

All days in excess of the maximum allowed carryover are lost at the beginning of each calendar year. Employees will not be paid for vacation in excess of the maximum accrual.

Directors and/or Department Head shall schedule vacation so that the City work load is not adversely affected. Employees may not elect to receive pay in lieu of vacation leave except in cases where City demands prevented the employee from taking vacation leave. Payment for vacation leave must have the written approval of the City Manager.

**Compensation for Vacation Leave.** Vacation is paid at the employee’s base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees will be allowed to receive payment for up to 5 days of vacation (40 hours, or 120 hours for Fire Department) at any time per calendar year. Requests must be in writing and submitted to the Human Resource Department for processing.

Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed their initial probationary period of employment with the City are entitled to this payout provision upon separation.

## **Definitions**

**Compensable Hours** - The hours worked or taken in a biweekly pay period must equal 80 for full-time employees, and 106 for 24-hour fire department employees before vacation hours will be accrued.

**Vacation Day** – A “vacation day” is defined as an 8-hour period for all employees, other than 24-hour fire shift employees. A “vacation day” for Fire Department shift personnel is defined as a 24-hour period. Although discouraged, employees are not required to take a full day of vacation; they may take vacation in one hour increments.