



# Employee Handbook

Effective January 1, 2017

Adopted November 15, 2016, Resolution 2016-34



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# CHAPTER 1 - INTRODUCTION TO POLICIES

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## **1.00 Purpose and Objectives of Policies**

The purpose of this Handbook is to bring into the service of the Town of Argyle a high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of equitable procedures in personnel administration. This manual is also designed to provide a uniform policy for all employees, containing all the benefits such a program ensures. The basic objectives of this Handbook are:

- a. to promote and increase efficiency and economy in the service of the Town ;
- b. to provide fair and equal opportunity to qualified applicants to enter Town employment on the basis of demonstrated qualifications, merit and fitness as ascertained through fair and practical methods of recruitment and selection;
- c. to develop a program of recruitment, advancement and tenure that shall make service to the Town attractive as a career and shall encourage each employee to render his/her best service to the Town ;
- d. to establish and promote high morale among Town employees by providing a good working environment, uniform personnel policies, opportunity for advancement, and consideration for employee needs and desires;
- e. to endeavor to comply with all applicable federal and state statutes and regulations, including all confidentiality and security safeguards;
- f. to provide an attractive, efficient, and safe environment by maintaining good physical working conditions;
- g. to communicate freely, and to encourage communication from and among employees;
- h. to provide a work environment that is conducive to both personal and professional growth; and
- i. to safeguard any employee's right to be treated with respect, dignity, equity and fairness; where provided, the right to appeal any violation of these rights; and to assure the right of employees to present grievances through appropriate channels.

## **1.01 Applicability and Scope**

This Handbook applies to all Town employees unless specified otherwise by state or federal law or departmental policy, Town Manager or other official Town action. A person on

retainer or under contract is not considered to be a Town employee in the absence of a specific agreement to that affect.

Nothing in this manual shall be considered to create a property right in employment. It should be understood that employment is for an indefinite period and is at-will for both the Town and employee. This Handbook is not intended to constitute an employment contract and the Town reserves the right to amend this Handbook unilaterally and without notice.

### **1.02 Dissemination and Familiarity of the Handbook**

All Town employees shall be informed of the Handbook and each department head shall keep a copy available for reference by its employees. A copy of this personnel policy manual will be furnished to all employees for their personal use and reference. The department head shall require that all employees sign a statement that they have been furnished a copy of the personnel policy manual and that they understand the provisions contained therein. It shall be the employee's responsibility to become thoroughly familiar with such policies.

### **1.03 Amendments to the Handbook**

This Handbook may be amended, supplemented, or superseded at any time by the Town Manager. Upon any change, each employee will be given a copy of the revised policy changes in writing as soon as possible thereafter. Employees will sign off to acknowledge receipt of the revised Handbook.

### **1.04 Administrative Authority**

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

Each department head is responsible within the scope of his or her authority for enforcing the provisions of this Handbook and related procedures concerning matters involving his or her department. Department heads may prepare and enforce additional personnel policies within their department provided they are consistent with these policies/procedures and have been approved by the Town Manager.



## CHAPTER 2 - FEDERAL AND STATE LAWS

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### 2.00 Americans with Disabilities Act and Amendment Act of 1990 and 2008 (ADA/ADAAA)

As mandated by the Americans with Disabilities Act (“ADA” or “The Act”) of 1990 and the amended Act of 2008 (“ADAAA”) the Town does not discriminate against individuals with disabilities in the areas of employment, public services, and public accommodations. The Town Secretary has been named the ADA Coordinator and is responsible to coordinate compliance with the non-discrimination requirements as set forth in the Act and in Section 35.107 of the Department of Justice regulations as well as any other applicable regulations.

A disability is defined as:

1. Having a physical or mental impairment that substantially limits one or more major life activities;
2. Having a record of such an impairment; or
3. Being regarded as having such impairment.

In compliance with the ADAAA the definition has been expanded beyond the definition of “major life activities” to include:

“Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.”

The ADAAA definition adds the major life activity category to include “major bodily functions: such as, but not limited to:

“...functions of the immune system, cell growth, digestive, bladder, and bowel functions, neurological and brain functions, respiratory and circulatory functions, endocrine functions, and reproductive functions.”

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the use of mitigating measures such as medication, medical equipment, prosthetics, hearing aids, mobility devices, oxygen equipment, etc. If an employee’s condition would qualify without such aids, the person shall be considered to have a protected disability.

**Employment Policy** The Town does not discriminate against individuals with “qualifying disabilities” (as defined in the Act) who are otherwise qualified to perform the essential functions of a job, with or without reasonable accommodations. “Reasonable accommodations” will be defined as any accommodation for an individual with a disability that can be made without causing “undue hardship” as defined in the Act.

All applicants, including employees who have previously worked for the Town, applying or reapplying, for a position with the Town, must submit an application for employment for a specific job opening, and will be required to complete the entire hiring process before a final job offer is made. The process is determined by each position and the requirements of the essential job functions. The process may include a written test, physical assessment, psychological evaluation, credit check and reference check, and a medical examination including a drug and alcohol test.

**Applicant/Employee Accommodation Requests** Applicants or employees with qualifying disabilities, who are requesting reasonable accommodations to perform essential job functions, must contact the ADA Coordinator for an ADA/ADAAA **Reasonable Accommodation Request Packet**. The packet will include a job description for the position under consideration, to be given to the physician, a questionnaire regarding requested accommodations, a medical release form, and request for extended leave if the employee has been out for longer than 12 weeks for non-military leave, 26 weeks for military leave, under FMLA accommodations. The employee shall furnish verifying certification from the attending physician to the ADA Coordinator within fifteen (15) calendar days. If the physician's certification is not furnished within fifteen (15) calendar days of the Town's request, the request for accommodation may not be considered and protection of the statute will not be available. Any fee charged for the certification will be paid by the employee.

The ADA Coordinator and ADA Committee (made up of the hiring department head, the finance director, and legal counsel) will review the request. The ADA Coordinator and ADA Committee may meet with the applicant or employee to discuss reasonable accommodations and will provide a written proposal to the applicant or employee with a copy to the Town Manager within fifteen (15) working days of receipt of the **Reasonable Accommodation Request Packet**. If a mutually agreeable accommodation cannot be reached within fifteen (15) working days after submission of the request, the applicant or employee have five days to appeal the request to the Town Manager.

**Failure to Return Reasonable Accommodation Request Packet** If the documents are not returned by the applicant within fifteen (15) working days of receipt of the packet, and the applicant has not called the Town for an extension of time to submit the documents, the Town will consider the applicant to have decided not to continue in the hiring process.

Employees who have not completed and returned the documents within the fifteen (15) working days of receipt of the packet, and have not called the ADA Coordinator to discuss the need for an extension of time to get the documents completed, shall be considered to have abandoned his/her job and may be terminated.

**Public Accommodations** Public complaints of alleged ADA violations or requests for reasonable accommodations must be addressed in writing to the ADA Coordinator and should include the name, address, and telephone number of the person filing the complaint or request, with a brief description of the violation or request for accommodation.

In order to ensure prompt resolution of problems or complaints, reports of alleged violations must be filed, in writing, as soon as possible after the complainant becomes aware of the violation. Under provisions of the Act, all complaints must be received no later than 180 days after the occurrence of the alleged violation

**Verification of Disability Status** Compliance with the Act may require verification of the qualifying physical or mental disability requiring the requested accommodation in certain circumstances. In those instances, an Authorization for Release of Medical Information must be completed by the individual with the disability and submitted to the ADA Coordinator (this form is included in the Request for Reasonable Accommodation Packet). The release form must be completed before any contact is made with an individual's physician and prior to dissemination of any information regarding the applicant's medical condition or history to those with the need to know such information.

The Town Attorney may be present or consulted as an advisor; no written authorization for dissemination of medical information to the Town Attorney need be obtained from the applicant. All medical information will be treated as confidential medical records as provided for in the Act.

**Time Frames for Resolutions** The ADA Coordinator, on behalf of the ADA Committee, shall respond in writing to any requests for accommodations within five working days of the receipt of the written request. The Town Manager shall review all appeals, requests, and complaints, and will issue a written decision within 30 working days of the receipt of the written request. By mutual consent, in writing by the parties involved in the matter, the above-mentioned time frames may be extended at any time during the review process.

**Resolutions** The Town Manager recognizes that, as provided for in the Act, where appropriate, the use of alternative means of dispute resolution including, but not limited to, settlement negotiations, conciliation, fact-finding, and mediation is encouraged to resolve disputes. However, the Town Manager is free to resolve a request for accommodation solely on the submission of written documents, unless the individual submitting the request objects, in writing, to such a procedure. Should an individual take exception to the offered solution, the individual has the right to appeal the decision to the U.S. Equal Employment Opportunity Commission (EEOC) or in the event the applicant is a returning veteran, he/she may appeal to VETS at 1-866-4-USA-DOL.

## **2.01 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

On April 7, 1985, COBRA was enacted requiring the Town to offer employees and their families the opportunity for temporary extension of medical benefits coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end; i.e. employee's resignation, termination, or reduction in hours of employment, death of a spouse, termination of spouse's employment, or reduction in spouse's hours of employment; divorce or legal separation, separation from employment for military assignment, or spouse becomes eligible for Medicare.

## **2.02 Drug-Free Workplace**

The purpose of this policy is to identify and remove the adverse effects of alcohol and drugs on job performance, and to protect the health and safety of our employees by providing education and treatment.

### **A. Prohibitions**

The manufacture, distribution, dispensing, possession, sale, purchase, keeping of, or use of a controlled substance or alcohol on Town property is prohibited and violations are subject to severe disciplinary action including termination.

Being under the influence of alcohol or illegal drugs or unauthorized use of prescription or over-the-counter drugs while on Town property is prohibited and violations are subject to severe disciplinary action including termination.

### **B. Definitions**

**Town Premises** – All Town property, including Town vehicles, lockers, and parking lots.

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

**Controlled Substance** – Any substance listed in Chapter 481 Texas Health and Safety Code.

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

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

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

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

**Law Enforcement Official** – A person who is certified by the State of Texas as a peace officer or a person certified by the United States Government as a federal peace officer.

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

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

1. Use of a substance is affecting performance; or,
2. The employee is engaged in any of the prohibited acts or activities listed in this policy.

**Under the Influence** – A state of having an alcohol concentration of 0.08 or greater, or a state of not having the normal use of one’s mental or physical faculties by reason of introduction of alcohol or drugs into the body.

### **C. Violations**

Any of the following actions constitutes a violation of this policy and shall subject an employee to disciplinary action up to and including immediate termination.

1. Using, selling, purchasing, transferring, possessing, manufacturing, storing an illegal drug or drug paraphernalia, or attempting or assisting another to do so, while in the course of employment or engaged in a Town sponsored activity, or in owned, leased, or rented Town vehicles, or when on Town business.
2. Working or reporting to work, conducting Town business or being on Town premises or in a Town owned, leased or rented vehicles with any detectable level of alcohol, illegal drug or in an impaired condition, or under the influence as defined herein.
3. Refusing to submit to testing for drugs or alcohol where reasonable cause or suspicion exists.

### **D. Searches for Drugs or for Security Purposes**

Search procedures, conducted under reasonable suspicion, such as inspections of employee’s personal property including briefcases, lunch boxes, vehicle, or tool boxes, will be maintained as part of the Town’s security measures. All employees will be expected to cooperate as a condition of continued employment with searches of personal property. These searches may be conducted at any time.

### **E. Preventative Acts**

Employees taking drugs prescribed by an attending physician must advise their immediate supervisor in writing of the possible effects of such medication regarding their job performance and mental/physical abilities. All medical information will be kept confidential and the employer, without exception, will punish any breach of confidentiality in this regard.

### **F. Work Related Drug Testing**

Any employee involved in any work-related accident may be subject to urine, blood and breath testing for drug or alcohol use or abuse.

### **G. Coordination of Law Enforcement Agencies**

The supervisor will report information concerning possession, distribution, or use of any illegal drugs to appropriate law enforcement officials as defined in this policy and will turn

over any substances found during a search to law enforcement officials. The Town will cooperate fully in the prosecution and/or conviction of any violation of the law.

### **2.03 Equal Employment Opportunity**

The Town of Argyle hereby adopts the following Equal Employment Opportunity statement:

- a. Equal opportunity in employment shall be provided to all persons.
- b. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment or personnel management because of religious opinions or affiliations, or because of race, color, age, gender, national origin, disability, or other unlawful basis is prohibited.
- c. Unlawful discrimination on the basis of age, race, gender, color, national origin, religion, or disability is prohibited in the enforcement of this Handbook.
- d. Derogatory language against or about any person's age, race, gender, color, national origin, religion, or disability is prohibited.
- e. Retaliation, intimidation, coercion, or harassment against any applicant for employment or employee who may file a grievance under this policy and/or who may file a grievance in accordance with existing statutory rights of appeal to appropriate governmental authorities is prohibited.
- f. Any employee who violates the prohibitions, or the letter, or spirit of this policy shall be subject to disciplinary action, up to and including termination.

### **2.04 Fair Credit Reporting Act (FCRA)**

The FCRA requires employers utilizing consumer reports for employment purposes to notify applicants, in writing, that a consumer report may be obtained and obtain the written authorization of the applicant or employee prior to requesting the report. The employer is also required to notify the applicants or employee of any adverse action that is taken based on the consumer report.

### **2.05 Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act (FLSA) established minimum wage, overtime, record keeping, and child labor standards. FLSA provides the option for compensatory time in lieu of overtime compensation for non-exempt employees.

Details of the FLSA are outlined in Chapter 5 - Compensation, Section 5.01.04 of this [Employee Handbook](#).

## **2.06 Family Medical Leave Act (FMLA)**

Under the Family and Medical Leave Act (FMLA), eligible employees may take up to 12 weeks of unpaid family and medical leave in any 12-month period for the birth of a child or placement of an adopted or foster care child; to take care of a child, spouse, or parent who has a serious health condition; or for the employee's own serious illness. Upon return, almost all employees are entitled to be restored to their former positions or to equivalent positions.

All employees who have worked for the Town of Argyle for at least 12-months (need not be 12 consecutive months) and for at least 1,250 hours during the 12-months prior to the start of the Family Medical Leave are eligible for 12 weeks up to a maximum of 26 weeks of Family Medical Leave during a 12-month period as defined by this policy depending upon the reason for the leave. The 1,250 hours required does not include time paid but not worked (sick leave, vacation or workers' compensation leave), nor does it include unpaid leave or periods of layoff. The determining factor in all cases is whether the time constitutes hours worked. Family Medical Leave is unpaid except in cases where paid leave balances are available (sick leave, vacation, personal holiday hours) or where the employee is on paid on-the-job injury leave.

Effective January 16, 2009, Family Medical Leave was extended to covered time off to care for family members departing for active military duty and for returning disabled veterans.

### **A. Definitions**

**Spouse** - A husband or wife as defined or recognized under State law for purposes of marriage.

**Parent** - A biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a child. This term does not include parents-in-law. Persons who are "in loco parentis" include those with the day-to-day responsibilities to care for and financially support a child or, in the case of an adult, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Child** - A biological, adopted, foster child, stepchild, legal ward, or a child of a person standing "in loco parentis", who is under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

**Serious Health Condition** - An illness, injury, impairment, physical or mental condition (whether incurred on-the-job or off the job) that involves:

- a. any period of incapacity or treatment in connection with inpatient care (overnight stay) in a hospital, hospice or residential medical care facility; or
- b. any period of incapacity requiring absence from work, school or other regular daily activities, of more than three consecutive work days/shifts, that also involves continuing treatment by a health care provider; or
- c. any period of incapacity due to a chronic serious health condition even though treatment by a health care provider is not rendered during the absence and the absence does not last more than three consecutive work days/shifts (i.e. asthma attack, severe morning sickness or migraine headache); or
- d. continuing treatment by (or under the supervision of) a health care provider for a

chronic or long-term health condition that is incurable or so serious that if not treated would likely result in a period of incapacity of more than three consecutive work days/shifts, or for prenatal care. (Short-term conditions requiring only brief treatment and recovery are not serious health conditions. Normally, these types of conditions are covered under regular employee sick leave. This would include surgery that requires neither hospitalization nor a prolonged recovery period. Voluntary or cosmetic treatments (i.e., treatment for orthodontia or acne) which are not medically necessary are not “serious health conditions” unless patient hospitalization is required.)

**Continuing Treatment by a Health Care Provider** - defined as:

- a. the employee or family member is treated two or more times for the injury or illness by a health care provider; or
- b. the employee or family member is treated for the injury or illness two or more times by a provider of health care services under orders of a health care provider or is treated by a health care provider on at least one occasion which results in a regimen of continuing treatment; or
- c. the employee or family member is under continuing supervision of, but not necessarily being actively treated by, a health care provider due to a serious long-term or chronic condition or disability which cannot be cured.

**Health Care Provider** - a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any health care provider recognized by the employer or accepted by the employer’s group health plan; or any other person determined by the Secretary of Labor to be capable of providing health care services; podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice under state law; nurse practitioners and nurse-midwives authorized to practice under state law and performing within the scope of their practice as defined under state law; Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or a health care provider listed above who practices in a country other than the United States and is authorized to practice in accordance with the law of that country.

**Needed to Care for** - medical certification provision which encompasses both physical and psychological care.

**Unable to Perform the Functions of the Position** - health care provider finds that the employee is unable to work at all or is unable to perform the essential functions of the employee’s position within the meaning of the American with Disabilities Act and Amendment Act (ADA/ADAAA). A serious health condition exists when an employee is unable to perform more than one essential function of the job. It does not exist when there is only one essential function of the job an employee cannot perform.

**Family Medical Leave** - family and medical leave as defined in this policy which is unpaid except when other paid leave balances are available as outlined in this policy or when qualifying leave is necessary due to on-the-job injury leave.



**Intermittent Leave** - leave taken in separate blocks of time (one hour or more) due to a single illness, injury, or disability.

**Reduced Leave Schedule** - leave schedule that reduces an employee's usual number of working hours per work week or per work day.

**Key Employee** - A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent of employees.

**Active Duty** – The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101 (a) (13) (B) of title 10, United States Code.

**Contingency Operation** – The term "contingency operation" has the same meaning given such term in section 101 (a) (13) (B) of title 10, United States Code.

**Covered Service Member** – The term "covered service member" means a member of the Armed Forces, including a member of the national Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

**Outpatient Status** – The term "outpatient status", with respect to a covered service member, means the status of a member of the Armed Forces assigned to –

- A) a military medical treatment facility as an outpatient; or
- B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**Next of Kin** – The term "next of kin" used with respect to an individual, means the nearest blood relative of that individual.

**Serious Injury or Illness** – The term "serious injury or illness", in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

## **B. Procedures**

**Reasons for Leave** - Eligible employees may request Family Medical Leave for any of the following reasons:

1. Birth of a son or daughter of the employee, and in order to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. Because of a serious health condition that makes the employee unable to perform more than one essential function of the employee's job.

5. Because of any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
6. To prepare for departure of service member in immediate family.
7. To care for service member injured or with an illness acquired while in the line of duty on active duty and renders the service member medically unfit to perform the duties of the member's office, grade, rank, or rating.

**Duration of Leave** - Eligible employees may request leave for up to 12 work weeks during the 12-month period for the reasons stated above (1 – 6). A work week shall begin at 12:01 AM Sunday and end at midnight the following Saturday. The 12-month period is measured forward from the date the individual begins Family Medical Leave. This date will likely change from year to year at the beginning of each new request for Family Medical Leave. Multiple reasons for Family Medical Leave within the same 12-month period are not eligible for additional 12-week entitlements.

The actual leave entitlement depends on the employee's regular work schedule. Full-time employees scheduled to work 40 hours per week will be eligible for 480 hours of Family Medical Leave every year; regular part-time employees who regularly work 3-day weeks (24 hours) are entitled to 288 hours of Family Medical Leave every year. For regular part-time employees who work variable hours or whose work schedule varies from week to week, the average weekly hours worked during the 12-weeks prior to the start of the Family Medical Leave will be used to calculate the employee's normal work schedule and Family Medical Leave entitlement.

If both spouses are employed by the Town of Argyle, the combined leave for both of them to care for the employee's parent with a serious health condition, to care for a child at birth or for the placement of a child with the employee for adoption or foster care, or to prepare for immediate family service member's departure for military leave, is limited to 12-weeks during the 12-month period. An employee is entitled to the difference between the weeks he or she has taken, as captioned above, and 12-weeks to care for a child or spouse with a serious health condition or due to his or her own serious health condition.

### **Duration of Leave for Families of Military Service Members**

An eligible employee who is the spouse, son, daughter, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave shall only be available during a single 12-month period.

Combined leave total, during the single 12-month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave. Nothing shall limit the availability of leave during any other 12-month period.

In the event a service member has two or more family members who work for the same employer, the aggregate number of workweeks of leave to which family members may be entitled is an aggregate total of 26-weeks in a 12-month period for an injured or ill service

member, and no more than 12-weeks total between the family members for a service member of the family leaving for active duty.

### **Restoration of employment for Key Employees**

“Key employees” are not excluded from coverage under FMLA leave, although the Town is allowed to deny them restoration to their job in certain situations. These employees may be denied restoration under the following conditions:

- a. if the denial of restoration is necessary to prevent substantial and grievous economic injury to the operations of the Town ;
- b. if the Town notifies the employee of its intent to deny restoration as soon as the Town determines that substantial and grievous economic injury would occur; and
- c. in any case where after leave has already commenced, the employee elects not to return to employment after receiving such notice.

If the Town determines that grievous economic injury will occur, the “key employee” will be offered an opportunity to elect to return to work from Family Medical Leave after receiving notice from the Town of its intent to deny job restoration. A final determination as to whether reinstatement will be denied at the end of the leave period will be made if the employee then requests restoration.

### **Intermittent or Reduced Leave Schedule**

Family Medical Leave may be taken intermittently or on a reduced leave schedule under the following circumstances:

1. Family Medical Leave may be taken intermittently whenever it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the employers operations, subject to the approval of the health care provider.
2. Exempt employees who work intermittent or reduced schedules under this policy, and use unpaid leave hours to cover the balance of their Family Medical Leave period, will not be paid for hours not worked. Under these circumstances, the exempt employee’s regular salary will be reduced when partial days are taken off or for working on an intermittent schedule without affecting their exempt status.
3. Prior to the birth of a child or the placement of a child with the employee for adoption or foster care, an employee may work either an intermittent or reduced work schedule. After the birth or placement, the employee may continue on an intermittent or reduced work schedule as long as all Family Medical Leave due to this event is taken prior to returning to the regular work schedule. The leave cannot be spread throughout the 12-month period following the birth or placement.
4. The Town may also transfer the employee temporarily to an alternative job with equivalent pay and benefits that better accommodate recurring periods of leave than the employee’s regular job.

**Use of Accrued Paid Leave Hours** - For the birth of a child, placement of a child for adoption or foster care, for the serious health condition of the employee’s child, parent or

spouse or for the serious health condition of the employee, or for preparing for service members departure, or for service member who has returned and requires care for medical reasons, the employee shall use all accrued sick leave, vacation leave and personal holiday hours (in any order) prior to being on unpaid status for any part of the 12-week period. The employee shall furnish verifying certification from the attending physician. If the physician's certification is not furnished within 15 calendar days of the Town's request, the leave may not be considered Family Medical Leave and protection of the statute will not be available. Any fee charged for the certification will be paid by the employee.

The use of the aforementioned types of paid leave (vacation, personal holiday and sick leave) will run concurrently with Family Medical Leave.

Whether the employee uses Family Medical Leave for their own serious health condition or the serious health condition of another covered individual, or for the birth of a child or placement of a child for adoption or foster care, or for the departure of a family service member, non-exempt employees may substitute their accrued compensatory time for unpaid Family Medical Leave, at the employee's option. The absence which is paid from the employee's accrued compensatory time "account" may not be counted against the employee's Family Medical Leave entitlement.

If an employee is entitled to workers' compensation benefits due to a work related injury or illness and the employee qualifies for Family Medical Leave, Family Medical Leave will run concurrently with on-the-job injury leave. If the workers' compensation claim is denied, a qualifying employee could still utilize Family Medical Leave as outlined in the previous paragraphs.

When an employee is receiving workers' compensation or other Town paid disability benefits, the employee may not elect to exhaust any form of accrued paid leave during any portion of the absence covered by workers' compensation payments. Under workers' compensation, an employee can be offered "light duty", and if such light duty is refused, it may result in the loss of "salary continuation" benefits. If the leave also qualifies for Family Medical Leave and light duty is offered by the Town, the employee cannot be compelled to take the light duty during the twelve week Family Medical Leave if taken prior to returning to the regular work schedule. The leave cannot be spread throughout the 12-month period following the birth or placement of a child.

The Town may also transfer the employee temporarily to an alternative job with equivalent pay and benefits that better accommodate recurring periods of leave than the employee's regular job.

The denial of a Family Medical Leave request will also require consultation between the department head and the Town Manager.

The employee may be required to keep in contact on a regular basis regarding the employee's intention to return to work and return to work date. The employee must be notified of such requirement in writing when the employee provides notice of the need for Family Medical Leave.

When planning intermittent medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule Family Medical Leave so as not to unduly disrupt Town operations, subject to the approval of the health care provider. The

supervisor and employee shall agree on the intermittent or reduced work schedule and shall reduce their agreement to a written record and forward to the Town Secretary for Family Medical Leave required recordkeeping purposes.

In the case of a request for intermittent or reduced leave schedule which is medically necessary, an employee shall advise his supervisor of the reasons for the request and the schedule for treatment. The Certification of Physician or Practitioner form (available from the Town Secretary) shall be completed and returned to the Town Secretary to be filed with other confidential medical records. If the Certification of Physician or Practitioner form is not completed and returned within 15 calendar days of the Town's request, the Family Medical Leave designation may be rescinded and protection of the statute will not be available.

Employees requesting leave due to serious health conditions of the employee or family members shall have the Certification of Physician or Practitioner (available from the Town Secretary) completed and returned to the Town Secretary to be filed with other confidential medical records. If the Certification of Physician or Practitioner form is not completed and returned within 15 calendar days of the Town's request, the Family Medical Leave designation may be rescinded and protection of the statute will not be available.

**Return to Work** - When an employee returns from Family Medical Leave, the employee must be returned to either the same or equivalent position and pay, benefits, and other terms and conditions of employment.

The employee must notify his supervisor and the Town Secretary as soon as the employee has knowledge of his/her anticipated return to work date.

Employees seeking to return to work after Family Medical Leave must complete a Notice of Intention to Return from Family and Medical Leave form, which is available from the Town Secretary, and file it with the Town Secretary before returning to work.

Employees returning to work from Family Medical Leave because of their own serious illness or injury must have a physical required by the nature of the employee's job and a drug screen, regardless of the job held by the employee, in compliance with the Town's policy regarding "Employment Related Physicals".

The employee's attending physician will be provided a copy of the employee's job description, which outlines the essential functions of the job. The physician may complete the bottom portion of the Notice of Intention to Return from Family and Medical Leave form or provide his own statement indicating the employee is able to return to work. If there is a charge for the completion of this form, it shall be paid by the employee.

Reinstatement will be denied until such certification is provided and results of the drug screen and physical, if applicable, have been received by the Town Secretary. If the employee does not return the Notice of Intention to Return from Family and Medical Leave form from the attending physician, within 15 days of notice by the physician that the employee is eligible to return to work, then the employee shall be terminated for job abandonment.

**Requests for Extension of Leave** - If the physician does not release the employee to work after the completion of his/her 12 or 26 weeks of leave for his/her personal medical issues, the employee may submit a request for an extension of his/her leave of absence through the ADA Coordinator.

The ADA Coordinator will provide the employee with an ADA/ADAAA Reasonable Accommodation Packet and the employee shall follow the same guidelines for return to work as outlined in the ADA/ADAAA policy. The unpaid leave of absence will be approved for 30 days, and the employee shall reapply for a leave extension every 30 days until such time as the employee returns to work, or the employee is no longer approved to return to work under the ADA guidelines. Should the employee fail to complete the documents in the ADA/ADAAA Reasonable Accommodation Packet within the timelines outlined, the employee shall be informed to return to work or shall be terminated for job abandonment.

**Benefits During Leave** - While using accrued leave balances to cover the Family Medical Leave request or while receiving on-the-job injury salary continuance, employees will continue to receive all benefits as outlined in the Employee Handbook. Holidays that fall during paid Family Medical Leave are charged to holiday pay and counted as Family Medical Leave. Holiday pay shall take precedence over paid leave accruals the employee is using during Family Medical Leave.

If the employee does not have the necessary paid leave balances for Family Medical Leave and the leave is not due to an on-the-job injury, the employee will be placed in an unpaid leave status. At any time that an employee enters into an unpaid leave status, the accrual of vacation and sick leave that month ceases, as long as the unpaid leave status is for more than half of the calendar days of that month. An employee on an unpaid leave status on the scheduled work day immediately preceding and following a holiday shall not accrue or be compensated for that holiday.

The Town will continue to pay the same share of the employee's health care benefits as if the employee was actively at work while that individual is out on family and medical leave. The employee will continue to be responsible for payment of his/her portion of health, dental, vision and life insurance premiums and Flex-Med contributions, if any. During an unpaid leave of absence, service credits for all employment benefits and privileges will discontinue, except for payment of the Town's portion, if any, of employee health, dental, vision and life benefits.

Whether an employee is on paid or unpaid Family Medical Leave, the employee's wage or salary will increase at the beginning of the fiscal year, based on Council approval. Longevity pay will continue to accrue while the employee is on Family Medical Leave. If an employee is on Family Medical Leave when longevity checks are issued by the Town, the employee will receive the check whether the employee is on paid or unpaid leave. If an employee is on Family Medical Leave on January 1, Personal Holiday hours will automatically accrue. The Town will continue to pay contributions to TMRS based on any salary the employee is paid while on Family Medical Leave.

**Medical Certification** - The employee shall be required to provide medical certification for the employee's or family members "serious health condition". A Certification of Physician

or Practitioner form shall be used for this purpose and is available from the Town Secretary.

The original medical certification form must be returned by the employee within 15 calendar days of the Town's request or the Family Medical Leave designation may be rescinded and protection of the statute will not be available. This certification must contain the date on which the health condition began, the probable duration, appropriate facts regarding the condition, and a statement that the employee is needed to care for the spouse, parent, child, or service member, along with an estimate of the time required, or an estimate of the time that the employee is unable to perform his/her duties.

If the request is for intermittent leave or a reduced work schedule, the dates and duration of treatments must also be included in the certification.

The employee may be asked to provide a second medical opinion. If a second opinion is requested, the Town will select the health care provider and will cover the costs. In addition, the second opinion must be provided by a health care provider not employed on a regular basis by the Town of Argyle.

If the initial and second opinions conflict, a third opinion may be requested. This opinion is final and binding and at the Town's expense. The third opinion must be provided by a health care provider approved jointly by the Town and the employee.

The Town may require subsequent recertification on a reasonable basis. Recertification shall be paid for by the Town of Argyle.

If the employee is incapacitated so that he/she cannot provide the application, certification, or recertification, an employee spokesperson (family member or physician) may provide the information to the Town.

**Expiration of 12 week Period** Except those employees using on-the-job injury leave, all regular full-time employees who have exhausted their 12 week Family Medical Leave entitlement and all paid leave accruals and are unable to return to work due to their serious health condition supported by a physician's certification, may request a Personal Leave. Insurance coverage and benefit accrual will be suspended during a Personal Leave, but employees will be eligible for continued medical coverage under COBRA federal regulations.

Regular full-time employees, on Family Medical Leave due to their own serious health condition, who have exhausted their 12 week Family Medical Leave entitlement, but have not exhausted all their paid leave accruals, may continue to use those accruals until the employee becomes eligible to apply for long-term disability or requests an extension of leave as outlined under the "Request for Leave Extension" in this policy. The employee may be required to keep in contact on a regular bi-weekly basis regarding his/her intention to return to work and return to work date.

Medical recertification may also be required on a reasonable basis. While using accrued leave balances, employees will continue to receive all benefits as outlined in the Employee Handbook. The Town will continue to pay the same share of the employee's health care benefits as if the employee was actively at work, and the employee will continue to be

responsible for payment of his/her portion of health, dental, vision and life insurance premiums and Flex-Med contributions, if any. If the employee exhausts all paid accruals after the 12 week entitlement and still requires additional time off, unpaid Personal Leave may be requested. Insurance coverage and benefit accruals (including sick leave, vacation, longevity pay and holiday pay) will be suspended during a Personal Leave, but employees will be eligible for continued medical coverage under COBRA federal regulations.

If an employee uses all accrued sick and vacation benefits and has been absent for six-months with or without pay, and is still unable to return to work, the employee may apply for long-term disability and request an extension of leave as outlined in this policy under “Request for Extension of Leave”.

**Repayment of Insurance Premiums** - If an employee does not return from Family Medical Leave for personal rather than medical reasons, the Town will require reimbursement of all premiums paid by the Town for employee or employee and dependent insurance coverage. However, if an employee is unable to return to work due to the continuation, recurrence, or onset of a serious health condition, or a situation beyond the employee’s control, reimbursement will not be required. At the end of an employee’s 12 weeks of Family Medical Leave if an employee notifies his/her supervisor and the Town Secretary that he/she will not be returning to work, this will constitute a qualifying event for COBRA (continuation of insurance). On this date, all benefits will end, and the employee will be sent COBRA Notification Forms to determine if he/she wishes to continue medical insurance coverage by paying monthly premiums.

**Non-Retaliation Policy** - This Act prohibits retaliation against employees for exercising their rights to take Family Medical Leave. It is unlawful to discharge or in any other manner discriminate against any individual for exercising their rights to take Family Medical Leave. For instance, time spent on Family Medical Leave cannot be counted against employees as abuse of sick leave and/or attendance policies.

The Town of Argyle reserves the right to change, modify, amend, revoke, or rescind all or part of this policy in the future.

## **2.07 Genetic Information Nondiscrimination Act (GINA)**

The Genetic Information Nondiscrimination Act (known as GINA) effective November 21, 2009, prohibits employers from discriminating in employment practices and health care coverage based on genetic testing information against job applicants, current and former employees, labor union members, and apprentices and trainees based on their genetic information.

In particular, GINA imposes the following restrictions: prohibits the use of genetic information in making employment decisions; restricts the acquisition of genetic information by employers and others; imposes strict confidentiality requirements; and prohibits retaliation against individuals who oppose actions made unlawful by GINA or who participate in proceedings to vindicate rights under the law or aid others in doing so.



Employees who feel they have been discriminated against based on this act have the right to contact the Equal Employment Opportunity Commission.

## **2.08 Harassment**

Harassment of an applicant, client, contractor, business associate, customer or employee by a supervisor, manager, director, or co-worker on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, gender, or age is explicitly in violation of State and/or Federal law and will not be tolerated by the Town. All employees are expressly prohibited from displaying any conduct that has the purpose or effect of interfering with the performance of others, or intimidating the work environment for any person. The Town will not tolerate any form of harassment, nor will it tolerate reprisals against any employee who makes a harassment complaint.

### **A. Responsibilities**

Employees who perceive harassment, personally or directed toward a co-worker, should report it immediately, or no later than five days of the incident. If an employee feels he/she is being harassed, report the incident immediately to the Town Manager. The Town Manager shall follow the harassment complaint procedures, see "Complaint Procedures". The Town shall make every possible effort to ensure that a person who complains of harassment does not later become a victim of retaliation.

Harassment is considered misconduct that could lead to demotion, suspension, or termination. The Town recognizes that false accusations of any kind of harassment can have serious effects on an innocent employee, his/her reputation, and his/her family. Therefore, false accusations shall result in disciplinary action up to and including termination.

### **B. Prohibited Retaliation**

No employee will retaliate against another employee who files a complaint of harassment or cooperates with a harassment investigation. Any employee retaliating against another employee shall be subject to disciplinary action up to and including termination.

### **C. Definitions**

For purposes of clarification, harassment includes but is not limited to the following behaviors:

#### **Verbal Harassment**

Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, gender, or age, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words, and race oriented stories.

#### **Physical Harassment**

Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, gender, or age. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

### **Visual Forms of Harassment**

Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, gender, or age. This applies to both written and digital material.

### **Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

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

### **D. Workplace Relationships**

Anyone is allowed to associate with anyone they desire. It is not the Town's intent to interfere with any dating relationships. It is inappropriate for any relationship to interfere with work operations in any manner. Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines:

1. There shall be no dating activities on Town time or on Town property.
2. There shall be no use of Town property to arrange dating activities.
3. All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on Town property or on Town time. Hand holding, kissing, hugging, sexual comments, and other behavior generally associated with a dating relationship are inappropriate while on Town time or Town property.
4. Any relationship involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be reported by the person of higher rank to his/her supervisor immediately. Failure to report this relationship is a violation of this policy. The manager receiving this information shall immediately advise the Town Manager of the relationship. The Town Manager shall make recommendations to ensure that this relationship does not detract from a sound professional work environment. Such recommendation may

include the transfer of one of the individuals to another area, reference nepotism policy.

#### **E. Complaint Procedures**

If any person feels he/she is a victim of any form of harassment, the person should inform the person(s) participating in this behavior that he/she finds it offensive. If the inappropriate behaviors do not stop, the offended employee can initiate a complaint using the following procedure.

1. Any employee, who believes he/she has been subject to harassment of any kind, may file a complaint with the Town Secretary within five days of the incident. If the employee complains to his/her supervisory personnel, the supervisor shall immediately contact and inform the Town Secretary of the nature of the complaint.
2. The Town Secretary will inform the individual alleging harassment that in order to pursue the complaint, he/she must submit the complaint in writing, which should include, who, what, when, where and how the harassment took place and note any witnesses to the harassment. The complainant must sign and date the form; refusal to sign the complaint will void the complaint unless circumstances clearly indicate action must be taken. The Town Secretary will make the Town Manager aware that a complaint has been filed in order for the Town Manager to select a committee to investigate the complaint.
3. The Town Manager may assign a committee of two department heads, excluding the one who supervises the alleged harasser or complainant, who shall conduct a thorough investigation in a timely manner. Interviews will be held with other employees if they were witnesses to or had knowledge of the alleged behavior or incident.
4. The alleged harasser and the department head will be promptly summoned to the Town Manager's office and will be given a copy of the complaint, and be informed of the seriousness of the allegation(s) by the Town Secretary. The alleged harasser will then have five business days to respond to the allegation in writing. If the situation warrants, the alleged harasser may be placed on administrative leave, with or without pay, pending a complete investigation per the Towns Administrative Leave policy.
5. The assigned committee will conduct the investigation, review all documentation submitted for review, and determine what action, if any, shall be taken. The committee will provide the Town Secretary with the final report.

#### **F. Disciplinary Action**

The disciplinary action taken with respect to each violation of this policy will be determined in conjunction with the seriousness of the particular offense.

1. In the event that a thorough investigation of an alleged incident of harassment reveals that an employee **has not** engaged in any actions or conduct constituting harassment, the assigned investigating committee members and the department

head will inform the complaining employee and the alleged harasser that no grounds or basis exist to substantiate the harassment charges.

2. In the event that a thorough investigation of an alleged incident of harassment reveals that an employee **has** engaged in actions or conduct constituting harassment, disciplinary action shall be taken up to and including termination. The investigating committee members shall determine the disciplinary action to be taken and meet with the complainant to inform him/her of the action to be taken. The committee members will also meet with the department head and the harasser to discuss the findings of the investigation and proceed with the disciplinary action determined to be in the best interest of the Town.
3. The employee being disciplined for charges of harassment has the right to appeal the decision to the Town Manager in accordance with the Town appeals process.

#### **G. General Provisions**

1. There shall be no action taken against an employee for making a report of harassment unless the report is proven to be made in malice.
2. The investigative committee assigned to the harassment complaint shall document all matters related to the alleged harassment, including interviews, contents of statements made in meetings, and all other actions attendant to the allegation. Such documentation shall be maintained for all charges, substantiated or unsubstantiated, for an indefinite period of time. All documents will be submitted to the Town Secretary to be maintained in the Town files.

#### **2.09 Health Insurance Portability and Accountability Act 1996**

HIPAA requires the Town to ensure that all medical information regarding an employee is maintained in a confidential manner; and protects health insurance coverage for employees and their families when they change or lose their jobs. In compliance with this Act, the Town maintains all medical information separate from all personnel files; and provides employees with notices regarding their rights to continued coverage and ensures the Town health insurance providers comply with this Act. (Contact the Town Secretary for more information on this Act.)

#### **2.10 Immigration Reform and Control Act**

The Immigration Reform and Control Act of 1986 makes it unlawful to “knowingly” hire, recruit, refer for a fee, or continue to employ any alien not authorized to work in the United States. The Act also prohibits an employer’s use of contract, day labor, or subcontracting arrangements designed to circumvent the law and hence, the technical act of “knowingly” obtaining the services of an unauthorized alien. Criminal and civil sanctions may be imposed on the employer for non-compliance of the Act. Any employees violating this section may be subject to disciplinary action up to and including termination.

#### **2.11 Life-Threatening Illnesses**

The Town recognizes that many employees with life-threatening illnesses desire to lead normal lives, which include working for as long as their health permits. Employees are

encouraged to continue working as long as they are able to perform the essential functions of their jobs safely and satisfactorily.

Employees with life-threatening illnesses are entitled to the same employment benefits, as are other workers in the organization who have medical problems.

Refusal to work with an employee or to provide services to anyone who has been diagnosed as having a life-threatening illness shall be cause for disciplinary action. Employees will not be granted transfer requests inconsistent with other transfer policy requirements simply because of the presence of persons with a life-threatening illness.

At all times, and in the interest of public and employee safety, the Town retains the right to require a “fitness for duty” determination by a qualified health care provider.

## **2.12 Preventive Immunizations**

To the extent required by law, any employee of the Town who is exposed or subject to exposure, during the course of performing official duties, to certain contagious diseases shall have all expenses paid for by the Town or the Town’s insurance plan for the immunizations, prevention of, or for reasonable medical expenses in treatment of the disease if:

1. The disease is not an “ordinary disease of life” as that term is used by the Texas Workers’ Compensation Commission; and
2. The exposure or possible exposure to the disease occurs or may occur during the performance of assigned job tasks.

Any public works employee working in wastewater collections, police officer, or other employee who responds to emergency medical calls is also entitled to vaccination or preventive immunizations for the members of his/her immediate family within the same household.

For the purposes of this policy, “immediate family” shall include any person who is residing in the household of the employee at the time of the employee’s exposure to the diseases during the course of his/her official duties.

The Town shall pay for the expense of all preventive immunizations or vaccinations for employees and reimburse the employee any remuneration in excess of the amounts reimbursed by his/her medical insurance for the immunizations or prevention of the disease for immediate family members.

## **2.13 Uniformed Services Employment and Reemployment Rights Act (USERRA)**

The Town supports and will fully comply with the USERRA federal law enacted in 1994, which protects employees in Uniformed Services and to individuals who have applied for membership, have performed service, have applied for service, or are obligated to serve in

the uniformed services. An employee's rights under USERRA are not diminished because the employee holds a temporary, part-time, probationary, or seasonal position, or because the employee is an executive, a manager, or a professional employee.

Service includes full-time active duty for employees who volunteered or were drafted into active duty, as well as, for employees participating in active duty for training, inactive duty training, or full-time National Guard duty. It also covers a period of time when an employee is absent from work for an initial or recurring military fitness examination or to perform authorized funeral honors duty.

Following are guidelines to follow in compliance with the law and regulations:

**A. Notice of Service**

1. An employee or an appropriate military official must provide advance notice (as far in advance as is reasonable) to the employer that the employee intends to leave employment to perform service;
2. The notice can be either verbal or in written form. A copy of the service orders is preferred;
3. The employee is excused from providing notice if military necessity prevents such action;
4. Prior to departure an employee does not need to provide notice to the employer of intent to return to work after completing uniformed service. An employee's re-employment rights are protected; even if the employee tells the employer before entering or completing uniformed service that he/she does not intend to seek re-employment after completing service.

**B. Criteria for Employees Eligibility for Reemployment**

1. The employer has received advance notice of service;
2. The employee's service is for a cumulative period of five years or less;
3. The employee timely returns to work or applies for reemployment;
4. The employee's separation or dismissal from service does not disqualify the employee.

**C. Application for Reemployment**

Service members have a set period of time in which to report back to work to preserve their USERRA reemployment rights.

1. Service members who were in service for more than 180 days must submit an application for reemployment (written or verbal) within 90 days after completing service.
2. If the employee was gone for more than 30 days (but less than 181 days), the employee is required to submit an application for reemployment within 14 days after completing service, unless it is impossible or unreasonable for the employee to do so, in which case the employee must submit the application not later than the next full calendar day after it becomes possible to do so.
3. Service members gone less than 30 days must submit an application not later than the first full, regularly scheduled work period after a period of eight hours for safe transportation.

4. These reporting timelines are extended for service members who are hospitalized for, or convalescing from, an illness or injury incurred or aggravated during military service. Those individuals have an additional two years from the date of completion of service to apply for reemployment. This time can be extended to accommodate circumstances beyond the employee's control that make reporting impossible or unreasonable.
5. 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 Town if the military leave lasted more than 31 calendar days.

**D. Employee Reemployment Rights**

1. Upon return from service, the Town shall promptly reinstate the employee. Prompt reemployment means as soon as practicable and, absent any unusual circumstances, must occur within two weeks of the employee's application for reemployment.
2. The employee is entitled to reemployment in the position that the employee would have attained with reasonable certainty if not for the uniformed service, including seniority, status, and rate of pay that the employee would have ordinarily attained in that position (known as an "escalator position").
3. The employee must be qualified for the reemployment position, and the employer is required to make reasonable efforts to help the employee become qualified to perform the duties of the position.
4. The employee must reapply by submitting an application for reemployment, for a specific job opening, and will be required to complete the entire hiring process before a final job offer is made. The process is determined by each position and the requirements of the essential job functions. The process may include a written test, physical assessment, credit and reference check. A psychological evaluation and medical examination with a drug and alcohol test may be required after a conditional offer of employment is made by the Town.
5. Disabled employees have special rights with respect to the position in which they are reemployed after returning from uniformed service. Individuals who have a disability that was incurred in, or aggravated during, the period of service are entitled to the "escalator position".
6. If the employee is unable to perform the duties of the position after reasonable accommodation efforts by the Town, the employee must be reemployed in a position that the employee is able to perform and that is equivalent in seniority, status, and pay to the "escalator position".

**E. Protections from Discharge**

1. An employee whose period of service in the uniformed service was for more than 30 days (but less than 181 days) may not be discharged, except for cause, for 180 days after the employee's date of reemployment.

2. If an employee's period of service was for more than 180 days, the Town may not discharge an employee, except for cause, for one year after the employee's date of reemployment.
3. Discharge "for cause" includes discharge based on an employee's conduct or for other legitimate nondiscriminatory reasons, such as the elimination of an employee's position or laying off an employee.

**F. Pay for Employee in Uniformed Services**

1. There is no requirement under USERRA for a Town to pay an employee who is serving in the uniformed services.
2. Under state law, an employee who is a member of the state military forces or the armed forces is entitled to a paid leave of absence of up to fifteen working days for authorized training or duty.
3. Military leave in excess of 15 days will be charged to vacation leave or leave without pay; the decision is up to the employee.

**G. Employee Benefits**

1. **Medical and Dental.** While an employee is on paid military leave (or any military leave of less than 31 days), the Town 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 dependants. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the Town's group health plan.

Upon an employee's return to employment following military service, the Town 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.

2. **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 Town will also continue to pay the premium for any Town-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most Town-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
3. **Pay Raises.** Service members shall be eligible for any pay raises he/she would



have received had the individual never left service of the Town upon reemployment.

4. **Promotions.** A service member who was on active duty while a promotion took place, of which he/she would have been qualified to apply, will be provided the opportunity to test for the position within two weeks of return. Should the service member pass the tests that would have qualified him/her for the position, the service member will be assigned to such position.
5. **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 Town within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

## 2.14 Violence in the Workplace

The Town has “zero tolerance” for violence in the workplace and will not tolerate threats of violence, intimidation, or violence among employees, no exceptions. In accordance with this policy the Town will conduct:

- **Employee Screening** All employees will be subject to a background check including employment history verification and criminal history verification.
- **Employee Training** All new and current employees will be trained in reference to: cause, effect, risk factors, and true signs of workplace violence.
- **Intervention** The Town requires employees who are the victims of threats or any other intimidation or violent behavior to report the conduct.
- **Investigation** All reports will be investigated for violation of Town policy.
- **Discipline** When the investigation has been completed and it is determined that a violation of the policy has occurred, disciplinary action will be taken against the violator(s). Depending on the totality/severity of the violation, the disciplinary action will include verbal warnings, written reprimands, suspension without pay, and/or termination. Any steps may be surpassed directly to immediate termination depending upon the totality/severity of the violation.
- **Violations** It is not possible to list all forms of behavior that are considered acts of violence in the workplace. The following are examples, but are not limited to the types of acts that will result in disciplinary action up to and including termination.
  - a. Possession of a firearm (licensed or not) or weapons of any kind on Town property is strictly prohibited. Employees with a concealed handgun license are allowed to have their weapon with them when they come to work, but

- must leave the handgun preferably in a locked box, out of the view of the public, in their locked vehicle.
- b. Threatening another employee, physically or verbally.
  - c. Inflicting physical harm.
  - d. Abusive language towards an employee or any other individual.

The Town is dedicated and legally obligated to provide a safe environment for all employees. All employees must follow this workplace violence policy in order to maintain a safe work environment. There will be no exceptions to this policy for violators.

## **2.15 Whistleblower Act**

The “Act” states that a “state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority.” Texas Government Code Ann. §554.002, as amended.

**Appeal Procedures** Section 554.006 of the Texas Government Code states “A public employee must initiate action under the grievance or appeal procedures of the employing state or local government entity relating to suspension or termination of employment or adverse action before suing under this chapter.

## **2.16 Worker’s Compensation**

All employees in the Town, both full-time and part-time, regular and temporary, are covered by Workers’ Compensation. If an employee is injured on-the-job, he/she may be eligible for benefits under Workers’ Compensation that may cover the entire cost of hospitalization, doctors, drugs, treatments, pharmaceuticals, and other related expenses. Workers’ Compensation benefits may also include partial salary compensation during the recovery period. Workers’ Compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job. It is not designed to cover “ordinary diseases of life.”

If an employee is unable to perform the essential functions of his/her job due to an on-the-job injury and is off work for more than three days, the employee will be placed on Family Medical Leave. (See Family Medical Leave) If an employee is unable to return to work after his/her 12 or 26 weeks of Family Medical Leave, the employee may apply for a leave extension by completing an ADA/ADAAA Reasonable Accommodation Request form from the ADA Coordinator. The employee will be required to complete the Reasonable Accommodation Packet, including medical documentation from his/her attending physician, every 30 days. The ADA Committee will review the application and medical documentation to determine the employee’s eligibility for the leave extension.

When an employee is unable to perform the essential functions of his/her job, with or without reasonable accommodations for more than 180 days due to an on-the-job injury, the

employee may be eligible for long-term disability. The employee may submit a request for an extension of his/her leave of absence through the ADA Coordinator. (See 10.07 Requests for Extension of Leave policy).

#### **A. Notice of Injury**

If an employee requires transport to a hospital or other medical facility for an on-the-job injury, the supervisor must call the Town Secretary prior to transporting the employee.

An employee injured on-the-job shall notify his/her supervisor immediately after being injured and complete a written accident report within 24-hours of the injury. The report must be submitted to the department head who shall forward the form to the Town Secretary. The department head is responsible for ensuring employee compliance of reporting accidents within the 24-hour time frame. If the employee has sustained such injuries that would prohibit him/her from completing an accident report, the supervisor or department head must file the report for the employee within the 24-hour time frame. The supervisor or department head is also required to investigate the incident and submit a written report detailing the accident to the Town Secretary. Employees failing to report injuries within 24-hours of the incident may not be eligible for salary continuation benefits from the Town.

#### **B. Salary Continuation Benefits**

Town employees who sustain physical injury in the line of duty may receive salary continuation payments as outlined by this section. The salary continuation benefit shall be subject to the following provisions:

1. The total amount paid to an injured employee while absent from work, including any combination of worker's compensation benefits, sick leave, vacation leave, and salary for work performed shall not exceed one hundred percent (100%) of full pay which he or she should have received working regular hours with regular pay.
2. The injury or illness must be the direct result of the employee performing his/her job for the Town.
3. The employee must report the accident or personal injury to his/her supervisor and file an injury report to the Town Secretary within 24-hours of the incident.
4. The employee shall be seen by the medical facility approved by the WCC for on-the-job injuries. If the employee is taken to a hospital in an emergency, the employee shall complete his/her follow-up visits with a physician approved by the WCC. An employee who is unable to return to work shall contact his/her supervisor (no substitutes) every other day, and call the Town Secretary every Friday until the doctor has released the employee to return to work.
5. An employee who is on probation due to disciplinary action is not eligible for salary continuation.
6. An employee who has been released by his/her attending physician to return to light duty shall be required to perform light duties for his/her own department, or that of another department in the Town if available.
7. Injuries or illness that occur while traveling to and from work, or while engaging in horseplay, attending to personal business, or failing to follow reasonable safe practices shall not be deemed as on-the-job injuries to qualify for salary continuation.

8. Upon return to work, light duty or full-duty, the employee shall be required to arrange physical therapy or doctor visits after hours, if at all possible.
9. An employee who is off work due to an on-the-job injury shall not be allowed to work a second job, if the employee is unable to work in his/her regular position for the Town.
10. An employee on Worker's Compensation leave will be paid for a given week only after providing verification of payment by the Worker's Compensation Commission. Checks only will be issued on regular pay dates.

Seasonal and temporary employees will not be eligible for salary continuation benefits from the Town. Salary continuation benefits are purely voluntary on the part of the Town and may be terminated at any time.

If an employee is not granted salary continuation, or the injury lasts longer than 90 days and the employee is no longer eligible for salary continuation, the employee will be allowed to use comp time, sick leave, and/or vacation leave to supplement the remainder of the employee's income, after taxes, that Workers' Compensation does not pay to the maximum of the employee's regular gross salary. If an employee runs out of sick leave or vacation before being released by the attending physician to return to work, the employee may be granted a leave of absence without pay for the remainder of the 180 days. After an absence of 180 days, the employee may apply for a reasonable accommodation for return to work through the ADA Coordinator or apply for an extension of leave. (See Policy 10.07 Requests for Extension of Leave)

## CHAPTER 3 - EMPLOYMENT

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### **3.00 Vacancies**

Department heads shall notify the Town Manager and the Town Secretary immediately when job vacancies occur in their department. Only those vacancies allocated in the annual budget or new positions authorized by the Town Council shall be filled. Vacancies may be filled through public announcement, promotions, transfers, demotions, or reinstatement.

### **3.01 Announcement of Vacancies**

The Town Secretary shall announce by appropriate means all job vacancies. Each job announcement insofar as practicable, shall specify the title, starting salary, and nature of the job; the required qualifications; whether competition is open to the general public or restricted to Town employees; and the application deadline. Each announcement shall also contain a statement affirming the Town's commitment to a policy of equal employment opportunity.

### **3.02 Applications**

Applications for employment or reinstatement shall be submitted on forms as prescribed by the Town Manager. Only applications received in the prescribed manner shall be considered. All information submitted in connection with applying for Town positions is subject to verification. All applications received shall be kept on active file for a period of two years.

### **3.03 Evaluation**

The primary goal of the Town is to fill vacancies with the most qualified applicants available. The Town Manager and/or the department head shall determine the most appropriate means of evaluating applicants against job requirements to identify the best-qualified applicants.

Reference checks, interviews, medical and psychological examinations, criminal history checks, verification of citizenship or employment eligibility, skills tests, written tests, driver's license checks, and/or other screening methods may be used as deemed appropriate, and shall, in all cases, be consistent with applicable employment laws and regulations. All information will be kept confidential, except as otherwise provided by law. Applicants may be required to provide work experience and qualifications information necessary to demonstrate compliance with prescribed qualification or proficiency requirements. Where appropriate and to the extent lawful, drug tests, psychological exams, and polygraph examinations may be required.

### **3.04 Disqualification**

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

- a. does not meet the minimum qualifications necessary for performance of the duties of the position;

- b. has made false statements of fact on the application, based upon the seriousness, willfulness and applicability of the false information to the position;
- c. is not lawfully authorized to work in the United States;
- d. would be in violation of the nepotism policy or laws; or
- e. can be disqualified from consideration based upon other reasonable grounds relating to job requirements.

**3.05 Authority for Employment**

Except as otherwise provided by this Handbook, state law or Town ordinance, the authority to offer employment for all Town positions shall rest with the Town Manager. The Town Council reserves the authority to offer employment for the position of Town Manager. The Town Manager may delegate hiring authority to department heads for those positions under their supervision. Employment shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods.

**3.06 Types of Employment**

Employment is typically for an indefinite duration and may be a full-time or part-time position. Regular full-time employment is when an employee works 40-hours in a regular workweek. Regular part-time employment, with benefits, is an employee who works 20 or more hours per week. Employees who work 19 or hours a week or less may be regular part-time employees without benefits, or seasonal part-time employees.

Employment may be for a limited term in unusual circumstances. Temporary employment is ordinarily limited to six months or less and may be made to full-time or part-time positions requiring continuous, seasonal or intermittent performance.

**3.07 Nepotism**

No person related with the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to the Mayor or any member of the Town Council shall be appointed to any office, position, or other service of the Town. This prohibition shall not apply to officers or employees who have been employed by the Town continuously for more than six months prior to the election of the Mayor or Council Member. The Town Manager shall not approve the appointment to any supervisor’s work group, any person who is related with second degree by affinity or consanguinity to that supervisor.

**Affinity (Marriage Relationship)**

<b>First Degree</b>	<b>Second Degree</b>
Wife	Mother-in-Law
Husband	Father-in-Law
	Sister-in-Law
	Brother-in-Law
	Daughter-in-Law
	Son-in-Law

### **Consanguinity (Blood Relationship)**

<b>First Degree</b>	<b>Second Degree</b>	<b>Third Degree</b>
Mother	Grandmother	Great-Grandmother
Father	Grandfather	Great-Grandfather
Sister	Granddaughter	Great-Granddaughter
Brother	Grandson	Great-Grandson
Daughter	Uncle	Great-Uncle
Son	Aunt	Great-Aunt
	Niece	Great-Grand Niece
	Nephew	Great-Grand Nephew
	First Cousin (Aunt/Uncle's, Son or Daughter)	Second Cousin (Your mother or father's first cousin's children)
		First Cousin Once Removed (your cousin's children)

### **3.08 Residency Requirements**

There are no absolute residence requirements for Town employment. Those employees likely to be called to work in cases of emergency may be required to reside within a reasonable commuting range of their place of work. A reasonable commuting distance shall be within 30 minutes of the Town. Employees operating Town vehicles between their places of residence and work may be required to reside within the Town or within 30 minutes of the Town.

### **3.09 Medical Examinations**

A person who has been offered employment may be required to take a medical, physical and/or a psychological examination, including pre-employment drug and alcohol testing at Town expense given by a doctor designated by the Town. The offer of employment will be conditioned upon the results of these examinations. However, these results will not be used to discriminate on the basis of a qualified disability and the information obtained regarding medical conditions or history will be collected and maintained in separate forms and in separate medical files and shall be treated as confidential medical information. The Town Manager, acting upon information provided by medical personnel, shall be the final authority in determining medical suitability for employment. The Town Manager may waive or modify the medical examination requirements for any or all part-time positions, temporary employees, or emergency appointments.

With the approval of the Town Manager, a department head may require that a current employee successfully undergo a medical, physical or psychological examination at Town expense, to determine fitness for continued employment or for promotion or other personnel action. In cases of the Town Manager and Town Secretary, the Town Council may require such employees to successfully undergo a medical, physical or psychological examination at Town expense to determine fitness to continue employment.

### **3.10 Emergency Temporary Appointments**

The Town Manager may hire temporary or part-time employees in cases of emergencies or unusual or extraordinary circumstances which exceed the work force capabilities of the Town. Emergency temporary appointments shall not be used to circumvent the normal appointment procedures. The employees involved shall not acquire any status or rights in the position to which they are temporarily appointed. Emergency appointments may only last duration of 30 days or less, and shall only be renewed with the approval of the Town Manager.

### **3.11 Promotions**

A promotion is the assignment of an employee from one position to another higher-level job requiring more responsibility, experience, education, technical or professional expertise and which is usually at a higher salary. It shall be Town policy to provide promotional opportunities whenever possible and practical. The selection process may be limited to qualified Town employees or such other persons that may be given preference in the application and/or consideration process.

If an employee's pay is not within the range of the new pay grade, the employee may be moved to the first step of the new pay grade. If the employee's current salary is within the range of the new position, the employee may advance to the next step of the pay range or receive no less than a 5% increase.

### **3.12 Temporary Promotions**

The Town Manager may authorize a temporary promotion to insure the proper performance of Town functions if a position is vacant or its regular incumbent is absent, except in the case of the Town Manager. The Town Council may make temporary promotions in order to fill these positions. Employees so promoted may be additionally compensated for the duration of their temporary assignments in amounts to be determined by the Town Manager or Town Council, accordingly. However, temporary promotions shall not be used to circumvent normal selection procedures, and those employees involved shall not acquire any status or rights in the position to which temporarily promoted.

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

### **3.13 Transfers**

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be affected at any time for administrative convenience or necessity, or upon request of the employee to the department head or if interdepartmental, to the Town Manager; provided that the employee is qualified to perform the duties of the position to which the transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process. Transfer between classes or between departments shall become effective following approval of the Town Manager.



Transfers may be requested to other positions in the employee's same salary level (called a lateral transfer) to positions in lower-paying levels, or to positions in higher-paying levels. A lateral transfer will not affect the employee's salary; however, a transfer to a lower-paying job may require an adjustment in salary and other salary-related benefits (if the employee's salary is higher than top pay for the position, the employee's salary may be lowered to the top of the pay range; or if the employee's salary is within the salary range, the employee may be transferred without a reduction in pay by being placed closest to the salary within the pay plan for the lower level). If the employee is transferring to a higher-paying position with a starting salary higher than the employee's current salary, a salary increase may be authorized to bring the employee up to the pay grade for the position.

### **3.14 Demotions**

A demotion is the assignment of an employee from one position to another position having fewer responsibilities or requiring less experience, education, technical, or professional expertise, and which is usually at a lower salary. 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 with the approval of the Town Manager. Such demotions shall not be considered as disciplinary actions or to disqualify the employee involved from consideration for later advancement. Demotions, when used as an alternative to layoff, may be fully or partially rescinded at any time.

When a demotion is approved by the Town Manager, the employee's salary will be reduced to the same salary range as the lower position. If the employee's salary is already within the lower range, no salary reduction will be made. An exception would be in the case of disciplinary action, which would require approval by the Town Manager for a reduction in salary.

### **3.15 Reemployment**

An employee of the Town may be re-hired after having resigned from service, providing his/her prior service with the Town was terminated in good standing. The former employee must have demonstrated acceptable prior service with the Town and the employee must meet the current minimum qualifications for the position for which he/she is applying. (See Benefits - Bridging of Service for reinstatement of benefits.)

### **3.16 Employee Orientation**

The Town Secretary shall provide a thorough orientation to all new employees. The orientation will provide complete information about the nature of the job, the benefits, obligations and responsibilities of the position, and the general policies and procedures of both the Town and the department in which he or she is to be employed. In addition, the Town will obtain information needed for insurance programs, determining citizenship status, etc., such as date of birth, that were not provided for in the application for employment. The employee shall also be furnished a copy of the Town **Employee Handbook**, which covers Town policies and procedures, for personal use and reference at the time of employment. The

employee, by signature, shall acknowledge its receipt for placement in the employee's personnel file.

## CHAPTER 4 - PROBATION AND PERFORMANCE EVALUATIONS

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### **4.00 Probationary Period**

Every newly employed person or promoted employee shall be required to successfully complete a probationary period of six (6) months. Police officers must complete a probationary period of one year. Employees shall not be deemed to have completed their probationary period unless they have successfully passed a written probationary period evaluation. Failure to pass the probationary period evaluation will result in the dismissal of the employee.

Whenever a license or certification is required for a position, the probationary period shall be extended for a period of time permitted by state or federal law to obtain such license or certification. An employee's probationary period may be extended up to three additional months, if, in the opinion of the department head or Town Manager, such additional time is necessary or warranted in order to adequately evaluate the employee or to secure any license or certification required for the position.

During or at the end of the probationary period, the Department Head or Town Manager may discharge or discipline any employee at will and such disciplinary action or discharge shall not be subject to any grievance or arbitration.

### **4.01 Purpose of Probation Period**

Department heads and supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs. Only those employees who meet acceptable standards during the probationary period shall be retained.

To encourage communication between supervisors and new employees, and to ensure the new employee understands his/her job responsibilities, the supervisor may conduct a one, three and six-month evaluation during the probation period (Police Officers may receive evaluations at three, six and nine months). The evaluation should include both positive and negative specific feedback to ensure the new employee understands his/her performance level during the probationary period. The evaluation forms will be placed in the employee's permanent personnel file maintained by the Town Secretary.

Department heads shall submit an evaluation report on each probationary employee to the Town Manager prior to the completion of the probation. In the case of appointing or promoting the Town Manager or Town Secretary, the Town Council shall evaluate the employee in each position at the completion of the probationary period.

#### **4.02 Failure of Probation**

An employee shall fail probation when, in the judgment of the department head or supervisor, the employee's fitness and/or quality of work is not such as to merit continuation in the job. Failure of probation may occur at any time within the probationary period and shall not be considered part of the disciplinary process. Failure to pass probation will result in a "no fault" termination. However, if desirable, or if a position is available, the employee may be administratively transferred to a more suitable position.

A newly promoted employee who fails probation may be returned to his or her former job if a vacancy exists and will be eligible for consideration for later advancement. Department heads shall insure the thorough documentation of all cases of failure of probation and provide the same to the Town Secretary for filing in the employee's personnel file.

#### **4.03 Appeal of Probation Failure**

An employee failing probation shall have no right to appeal except on the grounds of discrimination, which is prohibited by law and this Handbook. In the event an employee wishes to appeal, the appeal must be in writing and submitted to the Town Secretary within five working days following notice of failure of probation. Upon receipt of the written intent to appeal, the Town Secretary shall forward the appeal to the Town Manager. The Town Manager will review the appeal and respond to the appealing employee within 10 working days of receipt of the appeal. The decision of the Town Manager shall be final.

Employees in the position of Town Manager or Town Secretary, may appeal their cases to the Town Council within five working days of termination. The decision of the Town Council shall respond within 30 days and their decision will be final in these cases.

#### **4.04 Employee Performance Evaluations**

The performance evaluation is designed to help supervisors measure the performance of their employees and to provide tools for management decisions regarding pay increases, promotions, and retention of employees. Supervisors, when preparing the evaluations, should consider the employees performance for the entire review period and provide specific positive and negative feedback to the employee, with specific recommendations for improvement that is desirable and/or necessary. The supervisor should then discuss the evaluation results individually with his/her employees and should counsel them regarding their careers.

The work performance of each regular employee should be evaluated by his or her immediate supervisor. Supervisors shall forward their evaluation to the appropriate department head. The department head shall review and sign the evaluation. The department head may amend the evaluation by initialing the change and meeting with the supervisor and employee to discuss said changes. Performance evaluations cannot be grieved to the Town Manager.

An employee shall be evaluated at least annually. Additional evaluations may be made if requested by the department head. Performance evaluation reports shall be on forms provided by the Town through the Town Secretary's office. All performance evaluation reports shall

be kept in the employee's personnel file for a period of at least two years after the employee has left employment with the Town. Employees shall be provided copies of their performance evaluation reports.

## CHAPTER 5 - BENEFITS AND COMPENSATION

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### 5.00 Benefits

#### 5.00.01 *Bridging of Prior Service Credits*

Prior service from an employee's first employment period with the Town will be bridged after the employee has been back at work for a period of 12 consecutive months, after which the employee's total length of service from both periods of employment will be used to calculate the employee's longevity pay and vacation accrual rates. However, a break in service will permanently cancel all sick leave accrued. In the event of rehire, sick leave shall be computed only from the rehire date.

Example: An employee left the Town after five years of service and two years later was rehired. After working for one full year, the employee on his/her anniversary will be eligible to accrue vacation at the rate for five years of service instead of one.

#### 5.00.02 *Civic Duty*

a) Regular full-time employees on duty on the date of any national, state, or local election and who are eligible to vote in such elections shall be granted time off not exceeding one (1) hour without loss of pay or benefits to exercise this right if they cannot reach their polling place outside of working hours before they close. The supervisor may require evidence of voter registration and voting.

b) Regular full-time employees shall be granted sufficient leave with pay when called for jury service or court duty. The employee shall provide his or her supervisor a copy of the jury or court summons. Employees excused or released from jury service or court duty shall immediately report to work for the remainder of their shift.

c) Regular full-time employees who make donations of blood without receiving compensation will be excused from duty without loss of pay or benefits. Employees will be excused for the necessary time to make blood donations and to recuperate, if needed. The excused absence shall not exceed four (4) hours and is authorized for the day of the donation only.

#### 5.00.03 *Deferred Compensation*

The deferred compensation plan is an optional retirement plan offered by the Town to provide employees an opportunity to invest and save money for retirement. The money invested in the deferred compensation plan temporarily defers the payment of federal income taxes on a portion of the employee's salary.

The deferred compensation plan is not a short-term savings plan. The money invested cannot be withdrawn until retirement or termination, except in the case of an extreme hardship, which is subject to IRS regulations.

The Town does not contribute to the deferred compensation benefit. Contact the Town Secretary for more information about the providers.

#### *5.00.04 Medical, Dental, Life, Disability, and Vision Insurance*

All regular full-time employees are provided with insurance benefits in effect at the time of hire. Such benefits may include medical, dental, life, long and short-term disability and vision insurance. All insurance benefits are contingent upon availability of a carrier and the insurability of the employee.

- a. Insurance coverage shall begin upon acceptance of the employee by the insurance underwriter, typically on the first day of the month following 30 days of continuous employment.
- b. Coverage for family members is at the option of and payable by the employee through payroll deduction at the prevailing rates.
- c. The Town provides insurance benefits for all regular full-time employees at the expense of the Town. The Town may require the employee to pay a portion or all of said insurance costs in accordance with the adoption of the annual budget of the Town.

#### *5.00.05 Employee Assistance Program*

Recognizing that an employee may experience difficulties in his/her personal life that may adversely affect his/her well-being and job performance, the Town provides a voluntary and confidential Employee Assistance Program (EAP) to assist the employee and eligible family members to resolve a variety of issues. These issues may include drug and alcohol dependence, family or marital discord, emotional problems, and/or financial difficulties.

The Town recognizes that many personal or medical problems may result in poor job performance, and as such, the Town has a legitimate concern for the appropriate provision of care for these problems and the resolution of such. Therefore, the Town advocates early intervention and referral for help in a confidential manner.

Self-referral is encouraged, as the earlier a problem is addressed, the easier it is to deal with and the higher the success rate. Participation in the program will not jeopardize an employee's job security, promotional opportunities, or reputation.

Personal problems that affect job performance concern the Town. Any referral to the Employee Assistance Program will be based on job performance and behaviors that negatively affect job performance. When an employee's performance has deteriorated to the point of referral, the Department Head or Town Manager shall be consulted.

A department head or the Town Manager may require an employee to seek assistance, using the EAP, should his/her performance reflect personal issues are interfering with job

performance. The Town Secretary will provide the department head with information regarding this referral process.

In all cases, State and Federal laws regarding confidentiality shall be observed.

An employee may contact the Town's EAP counselor to obtain additional information and/or schedule an appointment for assistance with these issues. Generally, employees should schedule appointments during non-working hours, including meal periods and before or after completion of the workday. All discussions, meetings, and records of employees' EAP counseling will be kept confidential to the extent allowed by law.

#### *5.00.06 FICA / Medicare Deductions*

All employees of the Town are covered under the Federal Insurance Contributions Act (FICA). This insurance is financed by social security taxes, which are paid through payroll deductions by the employee.

#### *5.00.07 Holidays*

The Town Manager shall designate the official holiday schedule on or before January 1 of each year based on the official holiday list. The designated holidays will be posted at Town Hall in full view for employees to reference. Holidays shall be observed in accordance with the following regulations:

- a. All full-time regular employees are entitled to all paid holidays. Holiday pay shall be based on eight hours regardless of normal length of shifts.
- b. Part-time employees working 20 or more hours per week may accrue holiday pay at half the accrual of a full-time employee (4 hours per holiday). Temporary and seasonal employees are not eligible for holiday pay.
- c. Effective January 1, 2017, holiday hours will not be permitted to be banked. Employees hired prior to January 1, 2017 with a balance in their holiday bank, may continue to draw down on their holiday bank until there is a zero balance.

Working on holidays:

1. All non-exempt employees who are required to work a designated holiday shall be given equivalent hours off\* (the date of time off is subject to supervisor's approval), or may be paid regular rates for the hours worked in addition to their regular pay.
2. When the holiday and regular day off occur on the same day, those non-exempt employees who are scheduled off duty on that day will be entitled to additional pay at regular rates or an alternate holiday off\*.



Exempt employees will be given an alternate day off. The date of the day off is subject to the supervisor's approval, but should typically be granted during the same pay period the holiday occurs. Hours that are not taken as an alternate holiday will NOT be "banked" nor paid out upon an employee's termination.

\*Equivalent hours off or an alternate holiday must be granted for non-exempt employees in the same pay period, or they shall be paid their regular rate for the hours worked or the holiday, whichever is great

- d. An official holiday occurring while on vacation leave or sick leave will be reflected as a holiday on the payroll and no deduction from the vacation or sick leave balance will be made for the holiday.
- e. To receive the paid holiday benefit, an employee shall be required to work the day preceding the holiday and the day after the holiday in accordance with the employee's normal work schedule, unless the absence is an excused absence approved by the supervisor.
- f. Employees desiring to observe religious holidays not coinciding with official holidays shall be given time off without pay or to use accrued vacation leave. The employee must request leave in writing to his or her supervisor.
- g. Since final settlement of monies due an employee separated from the payroll because of death or termination is paid in a lump sum, no holiday occurring after the date of death or termination will be included in the determination of the settlement. (All pay is subject to annual funding in the budget.)

The following holidays will be observed:

New Year's Day	Martin Luther King Day	President's Day	Good Friday
Memorial Day	Independence Day	Labor Day	Veteran's Day
Thanksgiving Day	Day after Thanksgiving	Christmas Eve	Christmas Day

In addition to the above named Official Holidays, each employee may take two Personal Days per each calendar year. Personal Days must be used before the end of each calendar year; they will not carry over to the next year. Personal days may be used by new employees during the probation period; employees hired after June 30 will only accrue one personal day.

**5.00.08 Longevity Pay**

All full and part-time regular employees who have completed a minimum of one full year of employment as of October 1 shall be eligible to receive longevity pay retroactive to the date of hire. Longevity pay shall be granted in accordance with the following procedures:

- a. Regular full-time employee's longevity pay shall be \$5 for each full month of employment; regular part-time employees working 20 or more hours per week shall be eligible for \$2.50 for each full month of employment.

- b. Employees shall receive this pay in a lump-sum distribution and in conjunction with the first paycheck issued in November following the completion of one year of employment.
- c. Terminating employees will not receive pro-rated longevity pay upon termination.

#### **5.00.09 Retirement**

The Town of Argyle is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a plan for retirement and disability of employees of Texas municipalities.

- a. Participation is required for all employees who have not reached the age of sixty (60) years and work 1,000 hours or more annually.
- b. Participation in this system begins upon employment with the Town.
- c. The employee will contribute seven percent (7%) of his or her salary through payroll deductions into the retirement plan with the Town matching this amount on a 2 to 1 basis at the time of retirement. The Town also offers optional supplemental retirement through the ICMA Retirement Corporation and Nationwide Retirement Solutions. All employees, full and part-time, are eligible to participate (See Deferred Compensation Benefits).

#### **5.00.10 Sick Leave**

All regular full-time employees are entitled to accumulate sick leave benefits. Part-time working 20-hours or more per week will accrue sick leave at half the rate of a full-time employees. Temporary and seasonal employees are not eligible for sick leave.

- a. Sick leave accumulates for full-time employees at the rate of 3.69 hours per pay period for a maximum of 96 hours (12 days) per year. An employee may not accumulate more than 320 hours (40 days). Part-time employees will accrue at the rate of 1.845 hours per pay period for a maximum of 48 hours (6 days) per year. A part-time employee may not accumulate more than 160 hours (20 days).
- b. Sick leave is granted by the Town for the purpose of permitting an employee to be relieved of his or her duties during an illness or injury.
- c. Sick leave may be granted when a spouse, minor child or parents of an employee is ill or incapacitated.
- d. Sick leave also may be used for dental, medical, and ocular appointments.
- e. Employees who use their sick leave without just cause may be dismissed. Supervisors may require a physician's statement from any employee who uses sick leave credit if

- deemed warranted. Employees who miss more than three (3) consecutive workdays due to illness or injury are required to provide a statement from his or her physician regarding the illness or injury. Failure to do so may result in dismissal, suspension, and/or forfeiture of pay.
- f. Sick leave shall accrue from the first day of employment. Regular full-time and part-time employees may use sick leave during the probationary period. Sick leave may not be taken in advance of being earned.
  - g. Sick leave shall not accrue for any pay period during which an employee is paid for less than half the standard number of paid days for his or her job during the period.
  - h. Sick leave may be taken in one half (0.5) hour increments.
  - i. Regularly scheduled holidays will not reduce the employee's sick leave.
  - j. An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of illness be charged as sick leave. The request must be made no later than the first regularly scheduled workday following vacation. A doctor's statement will be required in these circumstances.
  - k. Once an employee's accumulated sick leave has been exhausted, accrued vacation may be used as sick leave. When absence due to illness exceeds the amount of paid leave earned and authorized, the employee's pay will be discontinued until he or she returns to work.
  - l. An employee terminating employment from the Town must submit a physician's certification of illness before being eligible to use sick leave in the last two- (2) calendar weeks of employment.
  - m. An employee will not receive compensation for accumulated, but unused, sick leave at the time of termination, whether by resignation or dismissal.
  - n. Department heads are responsible for reporting all sick leave used by an employee on the employee's time record. Employees absent for more than three consecutive days may be placed on Family Medical Leave depending upon seriousness of illness.
  - o. Abuse of sick leave may be cause for termination of employment. Examples: use of sick leave as it accrues; regular absences on a day before or after a weekend or scheduled days off; sick leave used after every pay day, when an employee is off work more than at work, etc..

**5.00.11 Vacation**

- a. Regular full-time employees are eligible to take vacation upon the successful completion of the probationary period. Vacation time accrues according to the following schedule and will be calculated based on the employee’s hire date:

Years of Service	Hours per pay period	Equal to Hours Per Year
1 <sup>st</sup> Year (1-12 months)	1.54 hours per pay period	40 hours per year
2-5 years (13-60 months)	3.08 hours per pay period	80 hours per year
5-10 years (61-119 months)	4.62 hours per pay period	120 hours per year
10 + years (120 + months)	6.15 hours per pay period	160 hours per year

- b. Regular part-time employees, working 20-hours or more per week, are eligible to take vacation upon the successful completion of the probationary period. Vacation time accrues according to the following schedule and will be calculated based on the employee’s hire date:

Years of Service	Hours per pay period	Equal to Hours Per Year
1 <sup>st</sup> Year (1-12 months)	0.77 hours per pay period	20 hours per year
2-5 years (13-60 months)	1.54 hours per pay period	40 hours per year
5-10 years (61-119 months)	2.31 hours per pay period	60 hours per year
10 + years (120 + months)	3.08 hours per pay period	80 hours per year

- c. Each department head shall furnish the Town Secretary all records of vacation leave usage within their department. The department head shall schedule vacation leaves within their department with particular regard to operating requirements and as much as possible, the request of the employees.
- d. Vacation leave shall not be used in time increments of less than one-half (0.5) hour.
- e. Employees may not accumulate more than two times the annual accrual of vacation leave except in extenuating circumstances and with the approval of the Town Manager.
- f. Employees may be compensated for their vacation pay should their work situation require their presence and cause the employee to exceed the maximum accumulation allowed with the approval of the Town Manager.

- g. Vacation leave will only be charged for time during which the employee would have ordinarily worked.
- g. Employees being laterally transferred, promoted, or demoted will retain any accrued vacation leave.
- i. Vacation leave shall not be advanced to employees.
- j. Regularly scheduled holidays will not reduce the employee's vacation used.
- j. Accrued vacation leave is not transferable between Town employees.

### **5.00.12**      *Vacation Buy Back*

The Town encourages employees to take at least one week of vacation time each year. Regular full-time and part-time employees who have been continuously employed throughout the previous fiscal year may exchange accrued Vacation Leave for cash. Eligibility requires full-time employees have at least 80 hours of accrued vacation, and must have used at least 40 hours of vacation during the previous fiscal year (October 1 through September 30). Part-time employees must have at least 20 hours of accrued vacation and must have used at least 10 hours of vacation during the previous fiscal year.

Calculations are based on hourly, salary and monthly accrual rates for this benefit and the rate of exchange is the pay rate in effect on the most recent payday prior to the date payment is made. Maximum amount of vacation exchange will be determined based on years of service as of September 30<sup>th</sup> of the year of pay out:

Up to 5 years (60 mos) of service	= Three (3) days (24 hours for full-time; 12 hours for part-time employees)
5 to 10 years (61-120 mos)	= Four (4) days (32 hours for full-time; 16 hours for part-time employees)
Over 10 years (121 + mos) of service	= Five (5) days (40 hours for full-time; 20 hours for part-time employees)

Buyback checks are distributed during the month of November. To be eligible, employees must be actively employed when buyback checks are distributed. Employees interested in participating must notify the Town Secretary no later than October 15<sup>th</sup>.

### **5.00.13**      *Unemployment Insurance*

All employees of the Town are covered under the Texas Unemployment Compensation Insurance Program. This program provides payments for unemployed workers in certain circumstances provided by law (Texas Unemployment Compensation Act of 1993).

#### *5.00.14 Voluntary Benefits*

The Town offers additional voluntary benefits at the employee's expense. These voluntary benefits include participation in AFLAC and the Texas Municipal Police Association. For more information regarding these benefits, contact the Town Secretary.

### **5.01 Compensation**

#### *5.01.01 Salary and Wage Plan*

The Town Manager and/or his/her designee shall administer a written compensation plan for Town employees. This compensation plan shall be reviewed and updated annually and submitted by the Town Manager for Town Council approval at the time of adoption of the annual Town budget. Town employees shall be paid salaries or wages in accordance with the compensation plan. In preparing the compensation plan, consideration shall be given to prevailing rates of pay among public and private employers; the duties, responsibilities and qualifications required for the position; and other relevant factors. It is the Town's policy to keep its pay rates equitable and competitive and to administer its pay program in a fair and consistent manner.

#### *5.01.02 Employee Pay Schedule*

Employees will be paid biweekly on Thursday. Time sheets must be received by the Town Secretary no later than noon on the Monday immediately following the end of each completed pay period in order to be processed. Pay dates falling on a recognized holiday will be scheduled for the preceding workday. All pay shall be made by direct deposit except in unusual circumstances requiring the issuance of actual paychecks.

Statements of pay or paychecks shall not be released to anyone other than the employee or the employee's immediate supervisor unless requested in writing by the employee.

#### *5.01.03 On-Call Pay*

Non-exempt employees, who are called out for work outside scheduled working hours, shall be paid time and one-half for all hours worked with a minimum of two hours per call. Travel time to and from work will be paid for after hour calls at the current standard IRS mileage allowance rate; if a Town vehicle or vehicle allowance is not being provided.

#### *5.01.04 Fair Labor Standards Act*

The Town of Argyle complies with all aspects of the Fair Labor Standards Act (FLSA). The following definitions detail the types of employees covered under FLSA.

##### **A. Definitions**

**Exempt Employees** Salaried executive, administrative, and professional employees earning \$913 per week or more and who meet all of the exempt requirements of the FLSA are exempt under FLSA and are not eligible for overtime pay or compensatory time off. Exempt personnel are paid a salary and are expected to work whatever hours are necessary to

complete their job assignments. However, exempt personnel may be allowed to take time off from time to time at the discretion of the Town Manager. Exempt personnel wishing to take time off are expected to obtain approval in advance from their department head, or in the case of the department head approval must be requested in advance from the Town Manager.

**Non-exempt Employees** All non-exempt employees are eligible to receive overtime pay or compensatory time off for actual hours worked. This includes a part-time employee who works more than 40-hours in a week.

All scheduled and approved time worked in excess of a regular work week shall be compensated at a rate of one and one-half times the employee's regular base pay. All overtime work must be clearly reflected on the employee's time records before it is allowed.

**Volunteer** Employees may not volunteer to work in their own job functions, but may volunteer to assist other departments in capacities not related to their own jobs.

**Contract Work** A person performing contract work for the Town is not an employee of the Town and is not eligible for benefits from the Town. A contractor has full control over his/her work schedule, work to be performed, and employees under his/her direction. Any concerns or complaints about the work being performed by a contractor, or any employees of the contractor, should be taken to the Town Manager.

## **B. Work Cycles**

The work cycles for employees include:

- 40-hour employees with unpaid lunch  
Work cycles for 40-hour employees include working for 40-hours during a period of seven (7) consecutive days beginning on Sunday at 12:00 A.M. and working through Saturday at 11:59 P.M. Employees who work in excess of 40 hours in a pay period shall be compensated at 1 ½ times the normal rate of pay.

In lieu of overtime pay, the Town may provide compensatory time at the same rate as overtime.

- Police Officers with paid lunch

The Town has adopted Section 7(k) of the Fair Labor Standards Act regarding the provision and compensation of public safety personnel. Public safety personnel shall be compensated on a 14-day, 86 hour pay period. Hours worked in excess of 86 hours per pay period shall be compensated at 1 ½ times the normal rate of pay. In lieu of overtime pay, the Town may provide compensatory time at the same rate as overtime.

## **C. Hours Worked**

In general, "hours worked" include all time that an employee is required to be on duty and all time during which the employee is "suffered or permitted to work" (under the definition provided by the Fair Labor Standards Act (FLSA) for the Town. For the purposes of

calculating overtime for non-exempt employees, vacation shall be counted as “hours worked”.

**D. Hours Not Worked**

Sick leave, bereavement leave, compensatory time off, holidays, time taken for jury duty, and travel time to and from schools, conferences or seminars shall not be considered for overtime pay.

**E. Overtime Hours**

Overtime is generally hours worked over 40-hours in a week, except for police officers (See Police Officers Work Cycle). If a supervisor knows, or should have known, that an employee has worked overtime, even though the supervisor did not require or request it, the employee is due to be compensated for overtime.

Example: If a non-exempt employee comes to work 15 minutes early and begins preparing to work (opening mail, or answering business calls), the time is considered “hours worked.”

Also, employees who voluntarily continue to work at the end of the day or shift are engaged in compensable working time.

As required by FLSA, the overtime rate paid to employees includes base salary, certification pay, on-call pay, and bonuses paid (i.e. longevity pay).

Any work to be done as overtime must be authorized and approved in advance by the supervisor and initialed on the time sheet. Working overtime without prior authorization and approval may result in disciplinary action.

**F. Waiting Time**

Employees who wait before starting their duties because they arrive at work earlier than the required times are not entitled to be paid for waiting time. However, if an employee reports to work at the required time and then waits because there is no work to start on, the waiting time is then compensable work.

**G. Breaks**

Break periods are not required by law, but a department may provide breaks if time allows. If breaks are permitted, they should not be longer than 15 minutes in duration and shall be counted as time worked. Breaks cannot be used to offset other work time in any workweek.

**H. Meal Time**

Meal periods must be at least thirty (30) minutes in duration, the employee must be completely relieved of all duties, and the employee must be free to leave his or her duty post or work site. (There is, however, no requirement that the employee be allowed to leave the premises or work site). When these three conditions are met, mealtime is not compensable work time.



The Police Department Standard Operating Procedures addresses meal breaks for sworn officers.

### **I. Travel Time**

Home-to-work travel is not compensable work time. Travel of this nature is considered a normal incident of employment. Generally, an employee is not at work until he/she reaches the work site. However, if an employee has gone home after completing a day's work and is subsequently called back to return to the worksite or to perform work, all travel time involved in the call-back to work is considered work time.

If non-exempt employees are required to travel out-of-town, the travel time outside of regular working hours is not considered work time. Travel out-of-town to attend a town function, conference, seminar, etc. during regular working hours is considered time worked.

### **J. Attendance at Training Sessions and Other Meetings**

In general, training is time worked if:

1. It is directly related to the employee's current job;
2. It is designed to enhance the employee's performance of his/her current job;
3. It is conducted by the Town of Argyle on Town premises;
4. Attendance is mandatory. Attendance is mandatory if an employee is led to believe that working conditions or chance of continued employment in the employee's current job status would be adversely affected by nonattendance.

Training time is generally not work time if:

1. The program is designed to facilitate an employee's advancement to a higher position and does not necessarily improve the employee's ability to perform his/her current job;
2. Attendance is outside regular working hours;
3. The employee performs no productive work in connection with the program;
4. Training is provided by an independent agency;
5. Certification training is of general applicability and is not tailored to meet the particular need of the Town of Argyle;
6. Attendance is voluntary. Attendance is voluntary only if the employee is not led to believe his/her working conditions or chance of continued employment in his/her current job status would be adversely affected by nonattendance.

### **K. Compensatory Time**

Time worked in addition to the normally scheduled workweek of 40-hours may be considered compensatory time by the non-exempt employee for the amount of overtime hours worked. In the case of a police officer, comp time may be granted for regular hours in excess of 86 hours in a 14 day pay period.

If comp time is given to non-exempt employees, it must be given at time and one-half hours off for every hour of overtime worked. Records for comp time accrued and comp time taken

shall be maintained on the appropriate form (timecard or timesheet) and available for auditing as required. Compensatory time may be authorized in lieu of overtime pay only as determined by the department head. The department supervisor will be responsible for accurately accounting for all overtime hours.

When a non-exempt employee terminates or is promoted to an exempt position, the employee will be fully compensated, at his/her current rate of pay, for all unused compensatory time accumulated in accordance with FLSA regulations.

**Compensatory Time Accrual Limits** Regular non-exempt employees may not accrue in excess of forty-two (42) hours of compensatory time. (28 hrs X 1.5 = 42 hrs of overtime or comp time)

### ***5.01.05 Termination Pay***

Employees who leave the service of the Town shall receive all pay that may be due in accordance with the following:

- a. An hourly employee will be paid for any hours worked and for any overtime compensation due him or her;
- b. Employees will not receive pro-rated longevity pay upon termination.
- c. Employees must request that any retirement benefits paid by him or her, through payroll deduction, be refunded in accordance with the applicable program; and
- d. Any indebtedness to the Town which the employee has incurred shall be deducted from his or her final paycheck.
- e. Vacation accrued shall only be paid to a terminating employee if he/she has completed a six month probationary period. Police Officers with a one year probation period will be eligible for vacation pay upon termination after six months.
- f. An employee's final paycheck may be withheld until such time that all Town issued property has been returned to the Town. The value of any property not returned within five days of termination, may be deducted from the employee's final paycheck.
- g. If an employee dies while employed by the Town, the Town shall pay his or her designated beneficiary any outstanding pay, unused vacation time, used sick leave, and accumulated benefits. The pay will only cover benefits allowed to be paid upon termination.
- h. Upon termination, no more than the maximum permitted hours of accumulated vacation leave will be paid, regardless of hours of total accumulation.

### *5.01.06 Inclement Weather*

Except for extraordinary circumstances, Town offices DO NOT CLOSE. All Town 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 the immediate supervisor and/or Department Head 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 compensatory 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 Head/immediate supervisor is responsible for seeing that Town services are staffed while Town offices are open for business during inclement weather or emergency conditions. Any Town service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the Town Manager.

When weather or other conditions are such that the Town Manager declares certain Town 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” for the time the office/department is closed. Essential personnel must report to work even when other Town 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 Head and/or the Town Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

## CHAPTER 6 - STAFF PROTOCOL

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### **6.00 Housekeeping Duties**

Department heads will be responsible for ensuring that all office spaces, working areas, yards, and grounds are maintained in a neat, orderly, and sanitary manner.

### **6.01 News Release**

All news releases by Town employees will be approved prior to their release by the Town Manager.

### **6.02 Professional Subscriptions and Memberships**

The Town will participate in the cost of professional memberships and subscriptions for employees applicable to their positions with prior approval from their supervisor and the Town Manager, provided necessary funds are available.

### **6.03 Property Control**

Department heads shall insure that property under their control is properly safeguarded and accounted for by an up-to-date inventory. All acquisitions, disposals, or transfers of property shall be reported to the Town Manager by the department heads or his designee in accordance with proper accounting procedures.

### **6.04 Purchases**

No purchases shall be made in the name of the Town by any employee except by following the procedures outlined in the Town's purchasing policy, or as approved by the Town Manager.

### **6.05 Safety**

Department heads shall be responsible for preparing safety procedures applicable to all personnel under their control. It is the obligation of all employees to report any unsafe conditions to the appropriate department head and to inform their supervisor of any on-the-job injuries or accidents.

### **6.06 Telephone Usage**

**Cellular Phones for Town-Related Business** For the safety of Town of Argyle employees and the public, personal and Town issued cell phones shall not be used while driving.

**Personal Cell Phones** While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Town phones.

Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Therefore, personal cell phone calls should be limited to use during non-work time where possible, on breaks and lunches or before and after work. Friends and family members should be asked to limit their calls to emergency use, or to leave a message for a return call when the employee is on a break. If it is absolutely necessary to make a personal call during work hours, the call should be limited to no longer than 5 minutes.

**Personal Use of Town Provided Cellular Phones** Where job or business needs demand immediate access to an employee the Town may issue a business cell phone to an employee for work-related communications. Such phones are to be used for business reasons only.

Employees in possession of a cellular phone are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within 24-hours may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will have such charges deducted from their final check. In the event funds are unavailable to cover the expense, the employee will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

**Safety Issues for Cellular Phone Use** Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic; inclement weather or the employee is driving in an unfamiliar area.

Under no circumstances shall employees read texts, or respond by texting, while driving.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.

Violations of this policy will be subject to disciplinary action up to and including termination.

**Cellular Phone Usage** Business cell phone usage should be kept to a minimum during lunch and after hours. If a non-exempt employee must make business calls or accept business calls after hours, the employee must keep a log of the date, time and duration of each call in excess of 10 minutes, including the purpose of the call. The cellular phone log

shall be attached with the employee's time sheet in order to be considered for compensation. Phone logs may be audited regularly to ensure unauthorized use has not occurred. Abuse of this policy may result in the loss of the use of a Town cell phone or disciplinary action.

**Long Distance Calls** Employees will be held responsible for payment of any personal long-distance calls made on Town cell phones and on land lines. Payment must be made immediately upon receiving a bill from Finance. Failure to pay such bill may result in loss of cell phone and/or disciplinary action up to and including termination.

**Special Responsibilities for Managerial Staff** As with any policy, management staff are expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

### **6.07 Utilities**

Departmental requests for new Town electric, gas, and telephone utility installations or additional service must be approved in advance by the Department Head, as defined within the department budget, or by the Town Manager.

### **6.08 Lunch Periods**

It is the policy of the Town to allow a lunch period not to exceed one hour.

The Police Department Standard Operating Procedures addresses meal breaks for sworn officers.

## CHAPTER 7 - EMPLOYEE CONDUCT

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### **7.00 Attendance**

To maintain a productive work environment, employees shall report to work every day, on time, in good mental and physical condition. Absenteeism and tardiness place a burden on the Town and on co-workers. In rare instances when an employee cannot avoid being late to work or is unable to work as scheduled, he or she must personally notify his/her supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. Any employee who fails to report for work for three consecutive days without notifying his or her supervisor will be considered to have voluntarily resigned. An employee shall be at his/her places of work in accordance with Town departmental policies and regulations. Departments shall maintain appropriate attendance records, and the Town Secretary will maintain annual employee attendance records.

### **7.01 Conflict of Interest**

The Town of Argyle has adopted a conflict of interest ordinance that must be followed by all employees. It is the employee's duty to become familiar with this ordinance upon becoming an employee.

In general, no officer or employee of the Town shall accept, directly or indirectly, any gift, favor, privilege, or employment having a monetary value in excess of \$75 from any person, firm, or corporation doing business with, or seeking to do business with the Town during the term of office of such officer or during the employment of such employee of the Town and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the Town and for its benefit.

Under no circumstance shall cash or any instrument of cash having monetary value be accepted.

No officer or employee of the Town who is employed, directly or indirectly, by any person, firm, or corporation doing business with, or seeking to do business with the Town shall in any manner participate in any discussion or decision of any agency, board, commission, or instrumentality of the Town having to do with the business done or sought to be done with the Town by such person, firm, or corporation without first declaring publicly such employment.

Violations of this policy may result in immediate dismissal.

## **7.02 Financial Obligations**

All employees are expected to keep their personal financial affairs in good order. Failure to pay just debts, including taxes, may constitute grounds for disciplinary action if job performance is impeded.

## **7.03 General Department**

Public relations are one of the most important aspects of each job in the Town. All Town employees are actively engaged in providing services of one kind or another to the citizens of Argyle. Impressions left in daily contacts with the public raises or lowers the esteem with which the Town is held in the minds of the public. Therefore employees' conduct and personal appearance (including grooming and dress) must be such that a positive image of the employee and the Town is presented at all times.

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

## **7.04 Indictments Against Employee**

An employee may be suspended, with or without pay, disciplined or terminated if accused or indicted for a crime or for official misconduct.

## **7.05 Outside Employment**

Although outside employment is not expressly prohibited by the Town, employees who work other jobs on their own time must remember that their first responsibility is to the Town. In most cases, an employee's ability to perform their job satisfactorily will be negatively affected by holding other employment, in addition to their job at the Town. The outside employment may present a conflict of interest, or may adversely affect performance or the interests of the Town or the public. Scheduling problems may arise when an employee is asked by their supervisor to work overtime or on weekends or on a different shift. The employee's performance may suffer if fatigued or distracted by a second job. For these reasons, employees must report any outside employment to their department head. If a second job leads to excessive absenteeism, tardiness, or poor performance, the employee may be asked to terminate his or her outside employment.

Any employee subject to recall or emergency duty must receive written permission from the department head to work a second job. The department head may establish certain conditions before granting this permission, e.g., work must be located within the Town or within a reasonable commuting distance, outside employer may be required to excuse employee to answer emergency calls, and/or employment must not create any conflict or embarrassment to the Town.

Outside employment for department heads must be approved by the Town Manager. The Town reserves the right to restrict outside employment that may result in conflicts,



performance or attendance problems. No personal business will be conducted during regular duty hours on Town premises.

## **7.06 Personal Appearance**

All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times.

Appropriate appearance is a personal responsibility. Public employees are expected to have high personal, moral and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance. As a result, dress and personal appearance during working hours is an appropriate subject for all department heads and employees.

While it is not the Town's intention to dictate the personal wardrobe of employees, the appearance and dress of employees are important in creating a favorable image supportive of public confidence. In general, dress and grooming which management might consider faddish, extreme, slovenly, or overly casual should be avoided. The following guidelines should prove helpful:

- a. Appearance of both male and female employees should be businesslike and within the limits of common sense and acceptable community standards. Employees should wear clothing that is neat, clean, attractive and suitable for business, except when fieldwork is required. Very casual clothing and evening wear are not appropriate. Moderation is the best guide.
- b. Those employees issued uniforms are expected to wear them, and present a neat and clean appearance. Identification badges should be worn when appropriate.
- c. Grooming, hairstyle and length should be the individual's choice, but should avoid extremes, be neat, clean, and suitable for business. Safety concerns may override some employee preferences. Accessories and shoes should be functional and safe for the type of work performed. Since it is impossible to foresee all possible individual variations in dress and style, employees should be alert to the reactions of other employees and the public to their appearance.
- d. Judgment is to be exercised by the department head to assure that equitable and uniform application of the guidelines prevails. An employee whose personal appearance is unacceptable to these general standards will be informed of this immediately. If the problem is not corrected promptly and cooperatively, he or she may receive disciplinary action.

## **7.07 Physical Fitness**

Employees shall report to work on time, every day, in good mental and physical condition.

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his or her job. When a department head suspects that the physical condition of an employee constitutes a hazard to persons or property, the department head may require the employee to submit to a medical examination by an approved physician.

The employee shall be paid for the time required for such examination, which shall be conducted without expense to the employee. The examination shall be job related and for the sole purpose of determining the employee's ability to perform the essential functions of the job.

### **7.08 Political Activities**

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

- a. Employees shall not publicly use their position for or against any candidate for public office in any jurisdiction.
- b. No employee while on duty shall take an active part in any political campaign of another person for an elective position of the Town. The term "active part" means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about the candidates.
- c. Employees may not be required to contribute money, labor, time, or other valuable thing to any person for Town election purposes.
- d. No employee may hold an appointive or elective Town office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with Town employment, with or without remuneration.

This policy shall not interfere with an employee's right to vote or an employee's off duty participation in Town, county, state or federal level elections. Any person who violates this provision may be discharged.

### **7.09 Smoking in the Workplace**

Employees shall not smoke in Town owned and operated buildings or vehicles.

### **7.10 Solicitation**

The solicitation of funds or anything of value for any purpose whatsoever shall not be permitted by any Town employee while on-the-job except with express approval of the department head and under the following conditions:

- a. No employee shall be required to make a contribution nor shall any employee be penalized or rewarded in anyway in connection with his/her employment for any response to solicitation.

- b. Employees who sell products or have any type of second job shall not use Town time to promote sales or service.
- c. Charitable organization solicitation may be allowed but must not infringe on Town time.

### **7.11 Unauthorized Use of Official Badge**

No official or employee whose duties involve the use of a badge, card, uniform or clothing insignia as evidence of authority or for identification purposes shall permit such badge, card, uniform, or insignia to be used or worn by unauthorized persons and may only be used in the performance of their official duties.

### **7.12 Use of Tape Recorders or Other Recording Devices**

An employee shall not use a tape recorder or other recording device to record a conversation with another employee, or to record the actions of another employee, unless the employee consents to be recorded prior to the recording being taped.

### **7.13 Use of Town Equipment and Facilities**

The use of Town equipment, facilities or supplies for private use is prohibited.

### **7.14 Electronic Communications**

#### **Purpose**

The purpose of this policy is to provide users with an understanding of the acceptable conduct that shall be followed when using technology provided by the Town of Argyle.

#### **References**

- Texas Public Information Act
- Town of Argyle Record Retention Policy
- Town of Argyle Employee Handbook

#### **Definitions**

*Information Services* Any employee of the Town of Argyle's Information Services Department.

#### **7.14.01 Information Services Technology**

Refers to all computers and other electronic devices (such as printers, Blackberry handhelds, cellular telephones, digital cameras, and personal digital assistants) that are attached to and using Town of Argyle resources, including its networks, and the applications they support; such as software, electronic mail, and access to the Internet.

### **7.14.02 Electronic Mail (E-mail)**

*User.* Any individual who has been issued a domain user name and password which may include, but not be limited to, a Town of Argyle employee, Mayor and Town Council Member, appointed Board and Commission Members, vendors, and volunteers.

*Non-user.* Any individual who is not classified under *User (listed above)*; for example: friends and/or family members of a user.

*Town Electronic Mail (E-mail).* Refers to all electronic mail that is sent, received, downloaded, or stored when using the Town of Argyle E-mail System. Accesses to personal Internet e-mail systems, such as accounts with Yahoo, Hotmail, etc., are subject to provisions stated under *Internet Usage*.

*Virtual Private Network (VPN).* A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide authorized users access to Information Services Technology from remote locations.

Use of e-mail communication is permitted for Town business-related purposes only. Users must remember that e-mail messages are not a form of private communication. All messages that are created, received, and/or stored using Information Services Technology are considered the property of the Town of Argyle and are subject to the Texas Public Information Act (formerly the Texas Open Records Act) and the Town of Argyle Record Retention Policy.

Users should refrain from using e-mail communication to send jokes, racial, political views, personal opinions, chain letters, or sexually-oriented material. Messages must not include any offensive, abusive, harassing, threatening, or obscene material. Users should refrain from using email communication to operate personal businesses, commercial promotional purposes, including but not limited to personal messages offering to buy or sell goods or services. Users should refrain from subscribing to non-Town business-related mass communication subscriptions, mailing list servers, discussion threads, and newsgroups.

Each user's mailbox has a storage capacity of two gigabytes. When a mailbox reaches this storage capacity, a message will be sent to the user instructing them to contact Information Services for assistance with message archiving procedures. All deleted email messages are stored online for a period of thirty days, all deleted messages older than thirty days are automatically purged from online storage.

Each user's email is also stored in a record retrieval database that can be searched and reproduced off-line upon a records request to the IT department. Only department heads or appropriate Town record retention officials can request this retrieval.

### **7.14.03 Internet Usage**

The Town of Argyle strictly prohibits the use of the Internet for reasons other than Town business-related purposes. Purposely accessing Web sites that promote adult content, nudity, violence, racism, religion, drugs, games, online auctions, gambling, or personal shopping are

strictly prohibited. The purpose of this policy is not intended to invade Town employees' first amendment rights to free speech.

Streaming audio or video from the Internet for non-Town business-related activities is prohibited. This activity includes, but is not limited to, listening to online radio stations and watching music videos and movie clips. Unwarranted Internet usage can cause the Town's network system to become congested resulting in interruption of Internet access to users who are conducting Town business-related activities.

If a user posts information to a Town business-related newsgroup (such as a federal, state, county or Town association or affiliation), a disclaimer must be included that specifies the information posted is not the responsibility or of the opinion of the Town of Argyle.

Example of disclaimer approved by the Town:

The information contained in this electronic mail message and any attachments is intended only for use of the individual or entity to which it is addressed and may contain legally privileged, confidential information or work product. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or forwarding of the E-mail is strictly prohibited. If you have received this message in error, please notify me by E-mail reply, and delete the original message from your system.

The terms and conditions of this policy shall also apply to users accessing the Internet when using any device classified as Information Services Technology.

#### **7.14.04 Employee Owned Equipment**

The Town of Argyle prohibits the use of employee-owned equipment being attached to Information Services Technology, unless explicitly approved in writing by the Information Services Manager. Examples of employee-owned equipment include, but are not limited to, the following:

Personal digital assistants (PDA), Blackberry handhelds, laptops, desktops, digital cameras, USB drives, cellular telephones, and/or MP3 players.

#### **Non-user**

Non-users, as defined under the *Non-user definition*, are strictly prohibited from using any device classified as Information Services Technology.

#### **File Storage**

Users should refrain from storing personal files, such as documents, photographs, graphics, etc., on any device classified as Information Services Technology.

Information Services performs nightly backups of all network system files and documents; therefore, all Town business-related documents must be stored on network drives. Files and

documents stored on a user's desktop or local drive are not accessible from the Town's network system and cannot be backed up.

#### ***7.14.05 Remote Access (VPN)***

The policies and procedures contained herein apply to authorized users of the Town of Argyle's Virtual Private Network (VPN) Service. All other policies covering the use of Information Services Technology by authorized users (e.g.; the Town of Argyle's Computer Use Policy) are still in effect when resources are accessed from remote locations as well as all regulations governing the protection of confidentiality and integrity of Town information, such as the Texas Public Information Act and the Town of Argyle Record Retention Policy. Any remote linkage through the VPN service is considered an extension of the Town's network systems, and is subject to all security and appropriate use policies.

#### ***7.14.06 Remote Access for Users (VPN)***

Users that require access to the Town's network system from a remote location will be provided a unique VPN user name and password. All requests for remote access must be submitted to the Information Services Manager for approval and only users issued Information Services Technology laptops with docking stations may apply. While accessing the Town's network systems from a remote location all terms and conditions contained within this policy shall apply.

#### ***7.14.07 Remote Access for Vendors (VPN)***

Information Services recognizes the need to provide secure remote access to its network systems to authorized vendors, and their associated business partners, with which specific contractual relationships have been established. Normally, such vendors need access only to a specific Town network system(s) as required by the contractual relationship. Information Services prefers vendors to use the latest Cisco VPN client software to establish remote connectivity.

Vendors must submit a completed VPN Authorization Form to the Information Services Manager explaining the intended purpose for remote access, approximate usage and duration, as well as full names of all vendor employees that will be accessing the Town's network systems. At no time should any vendor employee provide their VPN user name and/or password to anyone, not even family members. Vendors must notify the Information Services Manager immediately upon termination of an employee who has been provided VPN privileges.

#### ***7.14.08 Desktop Remote Access***

Information Services utilizes a variety of desktop sharing applications that provide remote access to a user's computer when assisting with reported issues. Information Services will attempt to contact the user before establishing a remote connection. If the user is unavailable, Information Services reserves the right to establish a remote connection to the user's computer in an attempt to resolve reported issues.

#### **7.14.09 Password Standards**

All user passwords must be constructed, implemented, and maintained according to the Town of Argyle policies, standards, and/or procedures governing password management. The Town of Argyle enforces the following password policy through Microsoft's Active Directory (AD) services at either the Domain or Organizational Unit (OU) level to ensure compliance. All users are forced to login to a Microsoft domain to access network resources.

##### **Public Safety Standards**

- Passwords shall be a minimum length of eight (8) characters on systems.
- Passwords shall not be a dictionary word or proper name.
- Passwords and the user id shall not be the same.
- Passwords shall be changed within a maximum of every 90 days.
- All systems shall prevent password reuse of the last ten (10) passwords.
- Passwords shall not be transmitted in the clear outside the secure domain.

##### **Non Public Safety Standards**

- All password must be at least 8 characters long and must contain at least one numeric number
- All passwords must be changed every ninety days.
- All passwords must be unique and cannot be re-used for a period of one year

#### **7.14.10 Monitoring, Reporting and Filtering Rights**

Internet usage and e-mail communications are monitored daily to ensure compliance with this policy and any applicable local, state, and federal laws or regulations related to the use and security of Town information.

##### **Monitoring Rights**

Information Services has the right to monitor all activity conducted while using Information Services Technology. Information Services may monitor Internet and desktop application usage to diagnose and repair network performance issues and ensure user compliance to this policy.

##### **Reporting Rights**

Information Services has the ability to provide reports on a user's computer activity while using Information Services Technology. Information Services collects detailed information on all desktop application and Internet usage and has the ability to provide reports on such usage by user name, computer, or department.

All requests for desktop application, email, or Internet usage reports must be submitted to the Town Manager for review and approval.

##### **Filtering Rights**

Information Services has the right to filter and/or block access to specific Web sites or categories of Web sites to enforce Internet usage rules, as defined under *Internet Usage*, in an effort to reduce bandwidth usage and improve the Town's overall network system performance.



#### **7.14.11 *Disciplinary Actions***

Any user who fails to comply or adhere to the Town of Argyle Electronic Communications Policy may be subject to disciplinary action, as defined within Chapter 8 of the Town of Argyle Employee Handbook, up to and including termination.

#### **7.14.12 *Requests for Public Disclosure of Electronic Records***

All requests for release of any data in electronic form, including hard-copy printout, shall be handled in conformance with Federal, State, and Town of Argyle open records laws, policies, and procedures.

All requests for release shall be returned to the Office of the Town Secretary.

### **7.15 Social Media**

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the Town or violate any Town policy. The intent of these standards is to regulate the creation and distribution of information concerning the Town, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the Town's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the Town.

The term "social media" encompasses: tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

#### **Use of Town's Internet**

Use of the Town's Internet is a privilege and Town employees must responsibly and ethically use it. The Town may monitor an employee's access, use, and postings to the Town's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The Town expects all employees to follow the Guidelines below when posting information on the Town's Social media sites.

#### **Other Town Policies**

This policy should be read and interpreted in conjunction with other Town policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The Town provides an effective system for employee complaints "off-line" through the Town's Grievance Procedures policy without resorting to social media.



### ***7.15.01 Employee Guidelines: Use of Town's Social Media on Work Time***

Any blogging or posting of information on the Internet or other Town social media sites must comply with the Town's guidelines, regardless of where the blogging or posting is done.

- a. Blogging, or posting information of a personal nature on the Internet or other Town social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the Town's electronic social media sites.
- b. Employees must obtain written authorization from the Town Manager to update or post on social media sites on behalf of the Town and all content must be approved prior to posting, unless otherwise specified by the Town Manager. All of the employee's time spent updating or posting on Town social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- c. No use of social media on work time and on Town equipment on Town-operated networks is considered private or confidential, even if password protected or otherwise restricted. The Town 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.
- d. Never disclose any confidential information concerning another employee of the Town in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for Town documents must be processed through the Public Information Act.
- e. Employees must abide by all federal and state law and policies of the Town with regard to information sent through the Town's Internet.
- f. Individual supervisors do not have the authority to make exceptions to these guidelines.

### ***7.15.02 Employee Guidelines: Use of Personal Social Media While not on Work Time***

The Town recognizes that many Town employees utilize social media when not at work. The Town requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- a. If the employee's social networking includes any information related to the Town, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the Town.
- b. Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the Town's legitimate business interests.

- c. Respect coworkers and the Town. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the Town or any of its employees.
- d. Do not put anything on your personal social media site that may constitute violation of the Town's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the Town. Be mindful that the Town's harassment policy covers both work and non-work time, including postings on social media sites.
- e. Do not post pictures of yourself or others on your personal social media site containing images of Town uniforms or insignia, Town logos, Town equipment or Town work sites.
- f. Do not post information on your personal social media site that could adversely impact the Town and/or an employee of the Town.
- g. Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

## CHAPTER 8 - DISCIPLINE, APPEALS AND GRIEVANCES

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### **8.00 Work Ethic and Disciplinary Action**

The Town expects its employees to accept reasonable and appropriate work assignments willingly and to perform them in a satisfactory manner. Employees are also expected to comply with all rules, regulations, and policies pertaining to job performance standards and personal conduct on-the-job. If an employee fails to perform satisfactorily, or if his or her personal conduct is unacceptable, disciplinary action up to and including termination may be taken.

The Town will attempt to review and resolve all employee problems as promptly and equitably as possible and at the lowest possible organizational/supervisory level. All employees will be provided with a fair, expedient, objective and consistent means of resolving work related problems.

### **8.01 Grounds for Disciplinary Action**

Because of the voluminous nature of Town business, it is impossible to set forth every instance of misconduct. The following are more common examples of inappropriate conduct. As an at-will employer, the Town is not required to set forth all possible conduct which may result in disciplinary action. Therefore, the following are guidelines only, and disciplinary action may be taken for conduct that does not appear herein.

- a. Illegal, unethical, abusive or unsafe acts.
- b. Violation of Town or Department rules, regulations, policies or procedures.
- c. Insubordination.
- d. Leave under false pretenses.
- e. Incompetence.
- f. Neglect of duties.
- g. Theft.
- h. Participation in prohibited political activities.
- i. Unauthorized soliciting while on duty.
- j. Excessive or unauthorized absenteeism and tardiness.
- k. Failure to conduct himself/herself in a courteous and proper manner while on duty.
- l. Falsification of official documents or records.
- m. Unauthorized use or disclosure of official information.
- n. Unauthorized use or improper use of official authority.
- o. Unauthorized use or improper use of Town-owned property or items.
- p. Possession, use, or being under the influence of drugs or alcoholic beverages not prescribed by a physician while on duty.
- q. Damaging Town equipment, tools, machines, and/or property.
- r. Wasting materials and supplies.
- s. Carelessness, recklessness, and/or engaging in horseplay.
- t. Immoral conduct or indecency.
- u. Abuse of illness, injury, disability, or other benefits.

- v. Any verbal or physical threat or attack on any supervisor or co-worker or other public official, including but not limited to bullying of any kind.
- w. Failure to properly document time and attendance records.
- x. Disclosure of confidential information obtained during employment to non-employees or non-officials of the Town. If a question exists as to whether information is confidential, it is the employee's responsibility to confer with a supervisor.
- y. Engaging in excessive personal or business conversations while on duty or giving the appearance of loitering or inattention to work.
- z. No employee shall address a public gathering, appear on radio or television or prepare any articles for publication while holding him or herself out as representing the Town without authority from an immediate supervisor and the Town Manager.

Pursuant to §22.077(b), Texas Local Government Code, the governing body of a general law municipality may remove a municipal officer for lack of confidence through a two-thirds vote in favor of a resolution stating same or per employment agreement. Per the Argyle Town Code, the following position is considered a municipal officer:

- a. Town Manager

## **8.02 Forms of Disciplinary Action**

All disciplinary action is subject to the approval of a department head.

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Any of the following types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the circumstances. An employee may be formally warned at any time that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Nothing herein shall prohibit the administration of informal discipline such as verbal reprimands. Although the goal of the Town is to administer a progressive discipline system, nothing in this manual shall prohibit a supervisor from taking action that he or she feels appropriate. Any or all forms of discipline may be disregarded at any time and nothing herein negates the authority of a department head or the Town Manager from discharging an employee immediately (a supervisor must discuss performance issues and request termination with department head to make immediate termination).

As Chief Executive Officer of the Town, it is the Town Manager's duty to oversee daily operations. Although the Town Manager will leave personnel matters in the hands of department heads as much as possible, nothing herein prevents the Town Manager from initiating disciplinary action against an employee. The Town Manager also serves as immediate supervisor of all department heads and may initiate disciplinary action against those persons.

### **a. Retraining**

If a supervisor believes that an employee's performance would be improved through additional training, he/she may order such additional training as necessary to improve

an employee's performance. The supervisor will oversee the retraining and monitor progress. The retraining, the reason therefore, and the results will be noted in the official personnel file of the employee.

b. **Verbal Counseling**

Although counseling will be verbal in nature, the supervisor will place a note of the counseling in the official personnel file of the employee.

c. **Return to Probationary Status**

An employee may be returned to probationary status as set forth in Chapter 3 of the Employee Handbook. A return to probationary status will not last longer than six (6) months. A specific plan of action shall be prepared as a guideline to determine whether or not an employee passes probation on the second opportunity. A copy of the action plan will be filed in the official personnel file of the employee, with a copy going to the employee.

d. **Written Reprimand**

An employee may be formally reprimanded in writing. The reprimand shall describe the deficiency or infraction involved and shall state the likely consequences of further unsatisfactory performance and/or conduct. The employee will be informed of the written reprimand and acknowledge receipt by signing same; the written reprimand will also be signed by the supervisor and department head. A copy of the reprimand will be permanently maintained in the employee's personnel file.

If an employee is reprimanded by a supervisor of lesser rank than the department head, the supervisor must explain the reprimand in a written memorandum to the department head with a copy to the Town Manager. The Town Manager shall be notified in writing of all written reprimands.

e. **EAP Referral**

In the event that personal problems are affecting the job performance of an employee, or should an employee's behavior in the workplace affect his/her job performance, the employee may be referred to the Employee Assistance Program to receive assistance in solving his/her personal problems affecting job performance.

Behaviors which may be observed by the supervisor may include: employee who usually performs at a high rate, begins to slack off and does not complete work or fails to use time appropriately; regular tardiness to work, patterned absences i.e. every Monday or Friday, or the day after payday, fighting with other employees or bursts of anger, etc.

In these instances, the employee should receive a written reprimand with a recommendation to contact the EAP. The supervisor shall notify the department head of this recommendation and follow procedures outlined under Employee Assistance Benefits in the Employee Handbook, Section 5.00.05.

f. **Suspension**

In the interest of good discipline, an employee may be suspended without pay for up to thirty (30) calendar days in any one (1) calendar year. A notice of suspension must be given to the employee who describes the deficiency or infraction involved and shall state the likely consequences of further unsatisfactory performance and/or conduct. The suspension shall be permanently noted in the employee's official personnel file.

When an employee is under investigation for a crime or official misconduct, or is awaiting hearing or trial in a criminal matter, he or she may be suspended with or without pay for the duration of the proceedings when such suspension would be in the best interests of the Town and the public. If the investigation or proceedings clear the employee of any wrong doing, the suspended employee shall be reinstated to his or her former position, with full pay, or a similar position if the former position is not available, without loss of any benefits and such suspension shall not be reflected as disciplinary action. All suspensions without pay must be approved by the appropriate department head. The Town Manager shall be notified in writing of all suspensions.

g. **Demotion**

An employee may be demoted either with or without a pay reduction. Notice must be given to the employee which describes the deficiency or infraction involved and shall state the likely consequences of further unsatisfactory performance and/or conduct. The demotion and/or reduction shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later promotions and/or pay increases should the conduct or performance improve. A demotion must be approved by the department head. The Town Manager shall be notified in writing of all demotions. (Section 3.14)

h. **Termination**

An employee may be dismissed from employment at any time for any reason. All terminations must be approved by the appropriate department head. However, prior to dismissal, a termination hearing shall be conducted. The Town Manager shall be notified in writing of all terminations.

The termination hearing shall include the department head authorizing the termination, the employee subject to termination and an official record-keeper, typically the Town Secretary. The department head shall state the reason for termination and provide any facts or evidence supporting his or her decision. The employee shall then be given reasonable opportunity to challenge the decision, providing any facts or evidence to dispute the claims presented by the department head. Upon conclusion of the hearing, the department head shall confirm the termination, amend the disciplinary action or withdraw the decision to terminate. The department head shall have up to three (3) business days to make the aforementioned decision.

### **8.03 Appeals of Disciplinary Action**

- a. An employee may appeal the following disciplinary actions to his/her department head if the discipline was imposed by a supervisor of lesser rank; 1) verbal counseling, 2) written reprimands, 3) return to probationary status, and 4) performance evaluations. The decision of the department head will be final and cannot be appealed. If the department head makes the initial decision, no appeal is available.
- b. The following actions may be appealed to the department head; 1) suspension without pay, 2) demotion, and 3) termination. The decision of the department head for these three actions may be appealed to the Town Manager.
- c. In order to appeal any disciplinary action, an employee must submit the request for an appeal, within three (3) business days of the action, to the department head who will hear the appeal.
- d. The appeal of disciplinary action will be reviewed by the department head with a written response back to the employee within 10 days after the appeal.

Suspension without pay, demotion, or termination will be a process wherein an employee will be given an opportunity to convince the department head hearing the appeal that the action was not well taken. The hearing will be conducted in private. The hearing will be confined to consideration of the reasons for the proposed or actual disciplinary action. If the reasons for the action have not yet been reduced to writing, they will be presented to the employee at least three (3) days prior to the hearing. The sole purpose of the hearing is to allow the employee an opportunity to respond to allegations of misconduct. It is not a formal evidentiary hearing. The Town's sole evidence may be the testimony of the individual who imposed the disciplinary action. The employee may present testimony on his/her behalf, but the person(s) hearing the appeal may, at his/her discretion, impose reasonable time limits upon the presentation. After the hearing, the department head hearing the appeal may approve, modify, disapprove, or rescind in whole or in part the original decision. Any appeal decision is final and cannot be further appealed.

### **8.04 Appeal of Disciplinary Action – Suspension Without Pay, Demotion and Termination**

An employee who has been suspended without pay, demoted, or terminated, and has appealed the decision to his/her department head, may request an appeal to the Town Manager within 5 (five) days of the department head's final decision. The Town Manager shall review the official record of the termination hearing, evaluate any facts or evidence disclosed during the hearing, and interview any persons who testified during the hearing including the employee and department head. The Town Manager shall essentially serve as an appellate judge and either uphold or deny the decision to terminate. The decision of the Town Manager is final.

### **8.05 Grievance Procedures**

In a continuing effort to maximize harmonious relations with employees, supervisors should always treat each employee with respect and as an individual, encouraging continuous open

communication between higher and lower level employees. Subordinates should be provided with information regarding how their job should be performed, how it fits in with other positions in the Town, and how well they are performing in their position. In addition, employees should be kept abreast of other activities and plans of the Town. The Town is an at-will employer, and the grievance procedure is not intended to create a contractual relationship or property interest.

Employees may take any job related complaints, problems or grievances to their immediate supervisor in order to resolve the issues. Appropriate issues for filing a grievance may include:

1. Dissatisfaction with specific working conditions and/or safety issues;
2. Dissatisfaction with job classification;
3. Allegation of discrimination or unfair, inequitable treatment;
4. Unfair applications, interpretation, or violation of Town or departmental rules or regulations;
5. Disciplinary action taken against the employee.

Non-grievable Issues Include:

1. Performance evaluations;
2. Matters that are not subject to the control of Town management.

Following discussion of the grievance with his or her supervisor, if an employee still remains dissatisfied with a working condition or some other aspect of employment, he or she shall submit a written grievance to his or her department head within five (5) working days after discussing the grievance with his or her supervisor.

It shall be the responsibility of the department head to study the grievance and attempt to resolve it within ten (10) working days. Further discussions with the grievant shall be encouraged. If the grievance cannot satisfactorily be resolved within ten (10) working days, the department head shall refer the grievance with comments and/or recommendations to the Town Manager.

The Town Manager shall review all comments and/or recommendations. The Town Manager shall make a decision on the grievance in no more than ten (10) working days. The decision of the Town Manager is final.

Supervisors and employees should make every effort to resolve grievances at the lowest level possible. Employees shall be kept informed of the status of their grievances. If a person in the supervisory chain fails to resolve or refer a grievance within ten (10) calendar days, the employee may present the grievance directly to the next higher level of supervision. Punitive action shall not be taken against an employee for submitting a grievance in accordance with these guidelines.



The employee should always keep in mind the responsibility of the Town to its citizens and to the public. It is the responsibility of the employee to assist in discharging this responsibility by contributing to a good working relationship among employees in the Town government. In order to minimize disruption of the operation of the Town government and damage to the reputation of the Town among its citizens, the employee shall use this grievance procedure. Failure to adhere to the grievance procedure may result in disciplinary action including termination.

**All employees serve the Town on an at-will basis. These guidelines do not alter the at-will relationship between the Town and any employee.**

## **CHAPTER 9 - LEAVING EMPLOYMENT**

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### **9.00 Resignation**

An employee may leave the employment with the Town in “good standing” by giving two (2) weeks’ notice. A department head may waive any portion of the notice period. The personnel records of any employee who resigned by giving proper notice shall show that the employee resigned of his or her own accord.

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

### **9.01 Reduction-In-Force / Layoff**

An employee may be laid off because of changes in duties, organizational changes, lack of work, or budget cutbacks. Whenever possible, an employee laid off from one Town department shall be transferred to a suitable position elsewhere provided said employee has the appropriate qualifications and job skills.

Whenever possible, at least two (2) weeks’ notice shall be given an employee prior to layoff. Layoffs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority within Town service shall be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Temporary employees shall be laid off before regular employees performing similar duties. A layoff shall not be considered a disciplinary action.

Employees laid off will be recalled back to their job or another similar job, in which they meet the minimum job requirements and qualifications, in the reverse order of the layoff. Employees being recalled shall have precedence over other job applicants. Employees recalled back to work shall report to work as instructed. An employee failing to report back to work shall be considered as having forfeited his or her right to re-employment.

An employee, who is laid off due to a reduction in force, will be paid one week’s pay for each completed year of service at the time of the layoff, providing funds are available. All other benefits will be paid in accordance with Town policies.

### **9.02 Incapacity**

An employee may be separated for incapacity for medical reasons arising from illness or injury when the employee, with or without reasonable accommodation, is unable to perform the essential functions of the job for a maximum of six months; or continued employment

creates a direct threat to health and safety, which cannot be eliminated or reduced by reasonable accommodation. A finding of incapacity shall be made after the individual completes a job related medical examination by a physician, as prescribed by the Town Manager.

**Requests for Extension of Leave** - If the physician does not release the employee to work after the completion of his/her 12 or 26 weeks of leave for his/her personal serious medical issues, under the Family Medical Leave policy, the employee may submit a request for an extension of his/her leave of absence through the ADA Coordinator.

If an employee does not qualify for Family Medical Leave, the employee shall apply for an extension of leave with the ADA Coordinator.

The ADA Coordinator will provide the employee with an **ADA/ADAAA Reasonable Accommodation Packet** and the employee shall follow the same guidelines for return to work as outlined in the ADA/ADAAA policy. The unpaid leave of absence will be approved for 30 days, and the employee shall reapply for a leave extension every 30 days, including updated medical documentation of need for leave, until such time as the employee returns to work, or the employee is no longer approved to return to work under the ADA guidelines. Should the employee fail to complete the documents in the **ADA/ADAAA Reasonable Accommodation Packet** within the timelines outlined, the employee shall be informed to return to work or shall be terminated for job abandonment.

Separation for incapacity shall not be considered disciplinary action and shall not operate to deny an employee the use of accrued sick leave or other benefits.

Those employees who become incapacitated may be eligible for short or long-term disability benefits and are eligible for rehire should their current position or another position becomes available for which they are qualified and able to perform the essential functions of the job. The Town Secretary may provide further information about the Town benefits.

### **9.03 Retirement**

Eligible employees may elect to retire from the Town service in accordance with applicable retirement programs. (See Benefits, Sec. 5.00.09 Retirement)

### **9.04 Unsatisfactory Performance**

An employee may be terminated for unsatisfactory performance when his or her ability to handle the duties of the position fall below the desirable standards for continued employment, as supported by performance evaluation records and / or other documentation.

## **CHAPTER 10 - LEAVES AND ABSENCES**

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### **10.00 Administrative Leave With Pay**

The Town Manager or department head may grant an employee administrative leave with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, civic function, meeting, or for purposes of coordinating with governmental agencies and entities in the interest of the Town.

### **10.01 Authorized Leave Without Pay**

In circumstances not falling under provision of these rules, the Town Manager may authorize an employee to take leave without pay under mutually agreeable terms and conditions.

- a. Employees taking leave without pay shall not lose or gain seniority.
- b. All existing employee benefits will remain in effect during periods of authorized leave without pay. However, no accrual of benefits shall occur during such periods.

### **10.02 Absence Without Leave**

An employee failing to report to work or remain at work as scheduled without proper notification to his or her immediate supervisor and obtaining authorization has committed a serious offense and shall not be paid for the time involved.

- a. Absence for three days in a row, without any notification will result in dismissal based on voluntary resignation of the employee.
- b. It shall not be considered to be in “good standing” in cases where the employee is dismissed for absence without leave.

### **10.03 Bereavement Leave**

All full-time employees may be granted leave with pay for a period not to exceed three (3) workdays to attend a funeral and handle the necessary details for immediate family.

- a. Immediate family is defined as husband, wife, son, daughter, mother, father, mother-in-law, father-in-law, employee’s grandparents, brother, or sister.
- b. Bereavement leave will not be charged against sick leave or vacation. Part-time, seasonal, and temporary employees may be granted up to three (3) days leave of absence without pay in such cases.

### **10.04 Injury Leave**

An employee injured in the line of duty may receive worker’s compensation and injury wage continuation benefits under the terms and conditions described in the applicable programs. (See Section 2.16 Workers’ Compensation)

## **10.05 Military Leave (See Section 2.13 USERRA)**

### **10.06 Temporary Disability Leave**

Employees with illnesses arising from pregnancy, maternity, or other non-occupational illness or injury, shall be entitled to benefits on the same basis as employees with other illnesses.

Definition of temporary is for a limited time, for the purposes of this policy, limited time shall equal no more than 30 days. Anything beyond 30 days, shall fall under the Family Medical Leave policy. Employees knowing they will be out for up to 30 days, shall provide at least ten (10) days advance notice to his/her supervisor and Town Secretary.

- a. Temporary disability leave may be used for maternity purposes prior to delivery and for a reasonable time following as determined necessary by her physician. For maternity purposes, at least ten (10) days' notice of leave, which shall include a statement of the employee's intentions concerning the resumption of work, is required, except in emergencies.
- b. Clearance from a physician is required for all employees desiring to return to work after leave caused by a temporary disability.

Employees on temporary disability leave shall apply for Family Medical Leave (See Section 2.06) ten days prior to going out on disability leave. If they do not qualify for Family Medical Leave and need an extension of leave after 30 days, the employee shall contact the ADA Coordinator and apply for an extension of leave based on ADA policy (See Section 2.00).

### **10.07 Requests for Extension of Leave**

Employees who have been absent for an extended period of time under the ADA policy, Family Medical Leave policy, or any other approved leave of absence, and is not able to return to work, may file for a leave extension as a form of a reasonable accommodation in compliance with ADA regulations. Those who want to request an extension of leave shall apply as follows:

**Requests for Extension of Leave** - If the physician does not release an employee to work after the completion of his/her 12 or 26 weeks of leave for his/her personal medical issues, the employee may submit a request for an extension of his/her leave of absence through the ADA Coordinator.

The ADA Coordinator will provide the employee with an **ADA/ADAAA Reasonable Accommodation Packet** and the employee shall follow the same guidelines for return to work as outlined in the ADA/ADAAA policy. The unpaid leave of absence will be approved for 30 days, and the employee shall reapply for a leave extension every 30 days until such time as the employee returns to work, or the employee is no longer approved to return to work under the ADA guidelines. Should the employee fail to complete the documents in the

ADA/ADAAA Reasonable Accommodation Packet within the timelines outlined, the employee shall be informed to return to work or shall be terminated for job abandonment.

# CHAPTER 11 - PERSONNEL RECORDS AND REPORTS

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## **11.00 Personnel Files and Records**

The Town Secretary shall maintain the official personnel files and records for all Town employees.

- a. Unless otherwise provided by law, personnel files shall be confidential and may not be used or divulged for purposes unconnected with the Town personnel management, except with permission of the employee.
- b. A separate confidential file shall be maintained for each of the following records:
  1. Personnel records include personal information, performance evaluations, and counseling statements, etc.
  2. Workers' Compensation records include, first report of injury, medical reports, related wage statements and other workers' comp records.
  3. Employee's Personal Medical records, attendance sheets, doctor releases, ADA Requests for accommodation, etc.
- c. Nothing herein shall prevent the dissemination of impersonal statistical information.
- d. An employee shall have a right of reasonable inspection of his or her official personnel files and records under appropriate supervision.

## **11.01 Status Changes or New Hires**

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

## **11.02 Personnel Reports**

Department heads shall be responsible for providing the Town Secretary with necessary employee reports and records associated with good personnel management for their department.

- a. Such records and reports shall include, but not be limited to, employee sick leave, vacation leave, attendance and overtime records, performance reports, counseling records, and all types of disciplinary action.
- b. Failure to do so may result in formal disciplinary action.
- c. The Town Secretary or department heads shall prepare such narrative reports, statistical summaries, and other personnel reports to the Town Manager as necessary.

## **CHAPTER 12 - TRAVEL AND TRAINING**

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### **12.00 Travel**

It is the Town's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on Town-related business in accordance with this policy. Employees required to travel for business purposes shall request a Town credit card in advance of the travel dates to use for business expenses.

When making travel plans, consideration should be given to determine which method of travel is most economical.

Any travel out of state must be approved by the Town Manager.

### **12.01 Transportation**

The most efficient and economical mode of travel must be used. Normally, when traveling on Town business, a town vehicle or personal car shall be used when the traveling distance is within four (4) hours of the Town. Air travel may be used when travel by automobile will exceed four (4) hours or if authorized by the Town Manager. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare whenever possible.

When authorized, an employee using a personal vehicle on Town business shall be paid an amount per mile; equivalent to the current IRS approved rates, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the Town. An employee who receives a car allowance will only be reimbursed for round trip mileage when traveling more than 100 miles from Town Hall, one way, outside of the Dallas/Ft. Worth Metroplex. In instances of approved private vehicle use, reimbursement will also be made for tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The Town will pay for rental vehicles upon written approval of the Town Manager (or designee).

### **12.02 Meal Allowance**

The Town shall pay actual necessary transportation and living expenses for an employee or Town official traveling on Town business. Expenses for meals shall either be charged to a Town credit card, or reimbursed at actual cost as supported by itemized receipts submitted to the Finance Director within two (2) business days of return from the trip. Meals should be kept to a reasonable amount, not to exceed the current Government Services Administration breakdown of meals for the area in which the employee is traveling.

### **12.03 Long Distance Phone Calls**

Reasonable and necessary long distance business phone calls and computer related expenses for Town business reasons only will be reimbursed.



#### **12.04 Non-Allowable Expenses**

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- a) In-hotel pay television and movies;
- b) Dry cleaning and laundry;
- c) Health club and spas;
- d) Expenses of a spouse;
- e) Alcoholic beverages;
- f) Personal long distance telephone calls; and
- g) Other items of a personal nature.

#### **12.05 Requests for Reimbursement and Return of Unexpended Funds**

Upon return to the Town, a complete accounting of all expenditures of Town funds is to be filed within two (2) days on the Town's Travel Advance Summary form. Itemized receipts for all expenses, including hotel bills and registration fees, must be attached to the statement. All unexpended advance funds must be returned with the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

#### **12.06 Travel to Training**

The current mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other Town locations and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

Employees receiving a car allowance will not be eligible for reimbursement unless the travel requires driving more than 100 miles from Town Hall, one way, outside of the Dallas/Ft. Worth Metroplex.

#### **12.07 Expenses Not Covered in Policy**

The Town Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

#### **12.08 Compliance**

Abuse of this policy, including failure to provide all receipts and required reports within the two (2) days of return to work, falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

## CHAPTER 13 - TOWN VEHICLES

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### **13.00 Purpose and Applicability**

This policy shall apply to all Town owned vehicles and all persons assigned a vehicle, inclusive of operators and passengers.

### **13.01 Use of Town Vehicles**

All Town equipment and vehicles are intended for official Town business use only for uses beneficial to the general public.

### **13.02 Operation and Ridership**

Except for maintenance, service and repair, only Town officials, employees and persons conducting official business with the Town are allowed to operate or ride in a Town vehicle. Civilian riders may be permitted in police vehicles in accordance with police department policies and procedures.

### **13.03 Vehicle Maintenance and Safety**

Those personnel assigned use of a vehicle or piece of equipment will be responsible for the maintenance and care of said vehicle/equipment. Damage arising from misuse or neglect due to operator negligence is subject to review by the department head. If damage is caused by misuse or operator negligence as determined by the department head, then any required repairs may be assessed against the employee. A personnel action up to and including termination also may be assessed against the employee.

No one shall operate a Town vehicle or piece of equipment that is unsafe and the operator will be responsible for exercising good judgment and performing a cursory inspection prior to operating said vehicle or equipment. No one is allowed to operate a Town vehicle or piece of equipment while under the influence of alcohol, medication, or drugs. No person with corrective devices or appliances shall be allowed to operate Town equipment or vehicles without same being in place and in good repair.