



THE CITY OF TERRELL

EMPLOYEE HANDBOOK

Amended: Autumn 2023

THE CITY OF TERRELL
EMPLOYEE HANDBOOK

ISSUED _____
DATE

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INTRODUCTION

WELCOME

Dear Fellow Employee:

The City of Terrell welcomes you and is pleased to have you join our other fine employees.

You have joined an organization committed to providing quality service to the public in a helpful, sensitive, team-oriented, courteous and efficient manner.

You are an important part of this organization and can derive personal and professional satisfaction from striving for excellence in delivering service to the citizens of Terrell. In return, you can rely on being treated with sensitivity, cooperation and trust.

There is information you need to know about what is expected of you as an employee and what you may expect in return from this organization. This Employee Handbook will answer many of your questions. If you need further help or have additional questions, please do not hesitate to ask your supervisor or department head, or contact the Human Resources Department.

Remember, you are a key to the success of this organization which has the common purpose of:

“BUILDING A BETTER COMMUNITY”

TO: ALL CITY EMPLOYEES

We are pleased to present The City of Terrell Employee Handbook. Much valuable information is contained in your handbook. You are urged to read through it and become familiar with its contents. If you have any questions about the information found in your handbook please discuss it with your supervisor or the Human Resources Department.

Acceptance of The City of Terrell Employee Handbook, IS NOT A CONTRACT OF EMPLOYMENT. The handbook is intended to be a resource for employees to provide answers regarding what is expected of employees and what employees may expect from The City of Terrell. It includes policies and practices; local, state and federal laws that impact the workplace which employee should know.

If you would like to recommend any additions, corrections or deletions to this handbook, please submit them, IN WRITING, to the Human Resources Department.

Tear along line

ACCEPTANCE AGREEMENT

I, the undersigned, do hereby attest that I have received a copy of The City of Terrell Employee Handbook. I understand it is my personal responsibility to become familiar with the contents of this handbook and to keep it updated as new and revised pages are distributed. I further understand that failure to return this handbook, in good condition, (defacing other than normal wear) upon separation of my employment will result in me being charged for the replacement cost of the handbook.

NAME (PRINT) _____

SIGNATURE _____

SOCIAL SECURITY NUMBER _____ DATE _____

DEPARTMENT/DIVISION _____

Return this portion to Human Resources Department

PERSONNEL POLICIES

CHAPTER 1 GENERAL PROVISION

SECTION 1 OBJECTIVE OF POLICIES

These policies are designed to establish sound personnel practices in the service of the city and to promote a higher degree of understanding, cooperation and unity through their uniform application.

SECTION 2 NO DISCRIMINATION

- A. No person in the service of the City of Terrell or seeking admission thereto, shall be employed, promoted, demoted, transferred, discharged, or discriminated against because of political opinions or affiliations, or because of sex, sexual orientation, race, religion, physical ability, age (except where sex, age, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient functioning in the job) or any other non-merit factor.
- B. There will be no discrimination based on citizenship status with the exception that the city will comply with federal requirements to determine the residence status of all applicants for employment in accordance with Department of Labor and Department of Immigration and Naturalization guidelines.
- C. Each employee of The City of Terrell is guaranteed protection in compliance with Article 6252:16A, the Texas Whistleblower's statute.

SECTION 3 NEPOTISM

No person related within the second degree by affinity or third degree by consanguinity to the mayor or any member of the city council or the city manager or to any employee who would supervise his or her job performance either directly or indirectly shall be appointed to any paid office or position of the city. This prohibition shall not apply to any person who shall have been employed by the city for two (2) or more years prior to and at the time of election of the mayor, or members of the city council or the appointment of the city manager so related to him or her.

SECTION 4 APPLICABILITY

This handbook applies to all employees of The City of Terrell, including those employees covered by the Texas Civil Service Statute, Chapter 143 of the LOCAL GOVERNMENT CODE, where statutes are silent on policies and provisions. Where inconsistent with this handbook, provisions of federal, state law, and the city charter shall control. Elected officials, the city attorney, members of appointed boards and commissions, persons employed under contract or retainer and personnel appointed to serve without pay shall not be considered city employees for purposes of these policies in the absence of a specific agreement in writing to the contrary.

As a condition of employment all covered employees shall conform to the general procedures in this handbook and within their specific department. This handbook is a general, non-comprehensive guideline for procedures between the city and its employees.

SECTION 4A “AT-WILL” EMPLOYMENT

ALL EMPLOYEES SHALL BE HIRED OR APPOINTED FOR AN INDEFINITE TERM AND EITHER THE CITY OR THE EMPLOYEE CAN TERMINATE THE EMPLOYMENT AND COMPENSATION AT WILL ANY TIME WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE.

Nothing in this manual shall be considered to create a property right in employment. Furthermore, no employee shall have a contractual right in continued employment except by specific contract.

Employment for a specific period of time or on terms other than those provided in this Section is valid only upon execution of a written employment agreement signed by the employee and the city manager and approved by a majority vote of the city council. Any past, present or future oral representation made by a city representative or employee which is contrary to this policy, as amended from time to time, is made without authority to do so and is invalid, and the oral representation is not binding on the city.

SECTION 4B CONDITIONS OF EMPLOYMENT

As a condition of employment, all covered employees of the city shall:

1. Conform to the general procedures in the Employee Handbook and within their specific department. The Employee Handbook is a general, non-comprehensive guideline for procedures between the city and its employees. The Employee Handbook is for information and is NOT A CONTRACT OF EMPLOYMENT. The city council in its sole discretion may unilaterally amend the employee handbook at any time with or without notice, and for any reason it deems appropriate. In its sole discretion, the city may implement this Employee Handbook substantially in whole, in part, or not at all.
2. Agree that all inventions, forms, documents, improvements, revisions, original or modified computer software conceived or discovered during employment that relate in any way to city business or equipment shall become the exclusive property of the city without any obligation on the part of the city to make any payment in addition to the salary or compensation paid to the employee. The employee shall, at the request of the city either during or after termination of his/her employment, execute patent or copyright applications and assignments relating to such items and shall take all such other actions as the city may request to maintain and protect the potential or actual copyrights or patents. The city shall pay all costs and charges incurred in protecting such items if it desires to protect them. The city council may offer incentives for inventions, computer software, and other marketable improvements.

SECTION 5 DISSEMINATION AND FAMILIARITY OF POLICIES

All city employees shall be informed of the existence of these policies, and each department shall keep at least one (1) copy available for references by its employees.

From time to time, this Handbook may be amended and the amendments will be generally distributed in the employee's department. Employees should to read these amendments.

SECTION 6 RESPONSIBILITY FOR IMPLEMENTATION OF POLICIES

The city manager is responsible for the administration of these personnel policies and may issue detailed procedures to implement them. The city manager may delegate authority to appropriate staff members to act on his or her behalf in the administration of these policies.

With the exception of matters of appointments, reserved to the city council by statute or charter provisions, the authority and responsibility for the conduct and general administration of all functions of the city and its departments, offices and agencies shall be vested in the city manager as the chief administrative officer of the city.

Department heads will be responsible for the proper and effective administration of these rules and policies within their respective departments. Routine matters and duties in connection therewith may be assigned to a subordinate employee, such as the proper preparation and handling of all required records, reports, payroll, etc.; however, final authority in the form of review and approval is reserved to the city manager with regard to all personnel matters and subjects covered by these regulations.

SECTION 7 AMENDMENTS

These policies are an expression of the city's present intent but may be changed, supplemented or superseded at any time by the city council. No change shall retroactively affect accrued sick leave or vacation pay. Any change to this handbook will be posted in each department and must be read by each employee. Employees may not rely on policies that have been discontinued or superseded.

CHAPTER 2 FILLING VACANCIES

SECTION 1 VACANCY IDENTIFICATION

Department heads shall notify the human resources director immediately when a vacancy occurs or is imminent. Only those vacancies allocated in the annual budget or new positions created by the city council shall be filled.

SECTION 2 ANNOUNCEMENT OF VACANCIES

The human resources director shall publicly announce, by appropriate means, all vacancies to be filled within the city service other than transfer, promotion, or reinstatement and shall maintain a list of announced vacancies for public inspection.

Each announcement, insofar as practicable, shall specify the title, salary, and the nature of the job; the required qualifications; whether competition is open to the general public or restricted to city employees; the type of selection procedure to be utilized; and the deadline for the method of application. Each announcement shall also contain a statement that the city is an equal opportunity employer. A vacancy shall be posted for a minimum of 7 business days.

SECTION 3 METHODS OF FILLING VACANCIES

The City of Terrell has six (6) methods of recruiting and selecting persons to fill vacancies. They are as follows; however, nothing herein shall restrict The City of Terrell to fill vacancies in the order listed.

- (a) promotion from within;
- (b) lateral transfer within;
- (c) reinstatement, provided the person remains qualified;
- (d) public announcement and competitive consideration of applications for employment;
- (e) selection from a valid current eligibility list; or
- (f) demotion

SECTION 4 APPLICATIONS

Applicants for initial employment or promotion, transfer, and reinstatement shall complete and submit an application for the position desired. Only applications officially received in the normal prescribed manner, by paper application or on-line application, shall be considered and all information submitted therein is subject to verification.

SECTION 5 EVALUATION

The city manager through the human resources director shall determine the most appropriate means of evaluating applicants against job requirements to identify the best qualified. Reference checks, interviews, medical (where appropriate) examinations, background checks, citizenship checks, performance tests, written test, driver's license checks, and/or other screening procedures may be used as deemed appropriate.

SECTION 6 DISQUALIFICATIONS

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 involved;
- (b) has made a false statement of material fact on the application form or supplements thereto;
- (c) has committed, or attempted to commit, a fraudulent act in any stage of the application or selection process;
- (d) is an illegal alien or an undocumented worker not legally permitted to work.

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

SECTION 7 PROMOTION POLICY

A promotion is the assignment of an employee from a position in one class to a position in another class requiring more responsibility, experience, education, technical and/or professional expertise, and which is usually at a higher salary. It shall be city policy to provide promotional opportunities whenever possible. The selection process may be limited to qualified city employees or such other employees that may be given preference in the application and/or consideration process. Opportunities for promotion across organizational lines shall be maximized, with approval from the city manager being necessary prior to such promotion.

SECTION 8 TEMPORARY PROMOTIONS

The city manager may authorize a temporary promotion to ensure the proper performance of city functions if a position is vacant or its regular incumbent is absent. Employees so promoted may be additionally compensated for the duration of their temporary assignment in an amount to be determined by the city manager. However, nothing herein shall be construed to prevent the assignment of higher-level duties to an employee without additional compensation.

Temporary promotions shall not be used to circumvent normal selection procedures and those employees involved shall not acquire any status or rights in the classes to which temporarily promoted.

SECTION 9 TRANSFERS

A transfer is the assignment of an employee from one position to another. A transfer not involving promotion or demotion may be effective at any time for administrative convenience or upon request of the employee to the department head or, if interdepartmental, to the city manager, provided the employee is qualified to perform the duties of the position to which transfer is contemplated. Transfers may be initiated administrative or in conjunction with an announced selection process. Transfers between classes or between departments shall become effective following approval by the city manager.

SECTION 10 REINSTATEMENT

A person who resigned in good standing, who was laid off, or who was separated for incapacity may be reinstated in the service of the city for up to one (1) year, provided such person is qualified for the position and the reinstatement would be in the best interest of the city. Employees who left the city service in good standing to enter active duty in military service of the United States shall also be eligible for reinstatement upon furnishing evidence of honorable discharge and in accordance with the Uniformed Services Employment and Reemployment Right Act of 1994, as amended. Unless otherwise provided by administrative directive, persons previously earning seniority, service, or leave credits for which they did not receive payment at the time of separation shall have their credits restored, up to any maximum permitted accumulation, following such reinstatement.

Former employees not eligible for reinstatement may be considered for employment as members of the general public and the provisions governing restoration of credit shall not apply.

SECTION 11 NONDISCIPLINARY DEMOTIONS

A demotion is the assignment of an employee from a position of one class to a position in another class having fewer responsibilities or requiring less experience, education, or technical or professional expertise, and which is usually at a lower salary. With the approval of the city manager, and if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his or her own request or as an alternative to layoff. Such demotions shall not be considered disciplinary actions or disqualify the employees involved from consideration for later advancement. Demotions effected as alternative to layoffs may be fully or partially rescinded at any time.

CHAPTER 3 APPOINTMENT

SECTION 1 AUTHORITY

Except as otherwise provided by state laws, city charter or ordinance, the appointing authority for all city positions shall rest with the city manager. The city manager may delegate such authority to department heads for those positions to be under their supervision.

SECTION 2 BASIS OF APPOINTMENTS

Appointments shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods. It shall be the policy of the city to appoint the most qualified applicant for the position.

SECTION 3 TYPES OF APPOINTMENTS

An appointment is ordinarily of indefinite duration and may be made a full-time or part-time position. A full-time position is one where an employee is typically scheduled to work a minimum of forty (40) hours in a regular workweek schedule. A part-time position is one where an employee is typically scheduled to work a maximum of twenty-five (25) hours in a regular workweek schedule. An appointment may be made for a limited term in unusual circumstances. Such temporary appointments are ordinarily limited to six (6) months or less and may be made to full-time or part-time positions requiring continuous, seasonal or intermittent performance.

SECTION 4 EMERGENCY TEMPORARY APPOINTMENTS

Whenever an emergency exists which requires the services of personnel who are not otherwise available, the department head may immediately appoint such personnel for a period not to exceed thirty (30) working days without regard to normal recruitment and selection requirements. All such appointments shall be immediately reported to the human resources director for approval. Emergency temporary appointments shall not be used to circumvent the normal appointment procedures.

The employees involved shall not acquire any status or rights in the position to which they are temporarily appointed.

SECTION 5 RESIDENCY REQUIREMENT

There shall be no absolute residence requirements for city employment, except those employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of residence and work. Employees allowed to operate city vehicles between their places of residences and work may be required to reside within the city or within reasonable commuting range (see take home vehicle policy for additional information).

- * If residency is ever required, and the selected person does not reside in the City of Terrell, the selected employee will be given six months to one (1) year from the date of hire to establish residency in the city.

SECTION 6 MEDICAL EXAMINATION

A person selected for initial appointment or reinstatement shall undergo a thorough medical examination, as necessary, at city expense, as it relates to the job task/duty.

Employment shall be contingent upon successful completion of the medical examination in relation to the standards of fitness required for the position involved. The city manager or his/her designee, acting on information provided by medical personnel, shall be the final authority in determining medical suitability for employment.

SECTION 7 EMPLOYEE ORIENTATION

Upon completion of the selection process, all applicants selected for employment shall be provided with a thorough orientation concerning working for the city, the nature of the job, benefits, and obligations and responsibilities of the position. In addition, the city will obtain information needed for insurance programs, etc., (including date of birth) that were not provided for in the application for employment. During the orientation process, the employee shall also be furnished a copy of the Employee Handbook for her/his personal use and reference.

CHAPTER 4 PROBATION

SECTION 1 PROBATIONARY PERIOD

Every person initially appointed to or promoted in the city service under a regular appointment shall be required to successfully complete a probationary period of not less than six months. Probationary periods may be extended but shall not be more than ninety (90) additional days. Department heads/supervisors must present a request in writing to the city manager before said probation is extended.

SECTION 2 PURPOSE

Department heads and supervisors shall use the probationary period to train, guide, and closely observe and evaluate the work and fitness of employees so as to encourage adjustments to their jobs and the city service. Only those new employees who meet acceptable standards during their probationary periods shall be retained. However, completion of the probationary period shall not be considered to give an employee any property interest in continued employment. In case of appointing or promoting department heads, the probationary period shall be evaluated by the city manager.

SECTION 3 FAILURE OF PROBATION

A new employee shall fail probation when, in the judgment of the department head and/or city manager, the employee's fitness, conduct, quality of work, etc. are 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.

A new employee may be discharged or disciplined during the probationary period for any reason, and no reason need be assigned by the city nor will the city be obligated to implement any notice or hearing procedure in regard thereto except as provided for in Section 4 hereafter. An initial appointee who fails probation may be separated from the city service. If desirable and feasible, the employee may be administratively transferred to a more suitable position.

A newly promoted employee from within the city who fails probation shall be returned to his or her former type of job, if available, and shall be eligible for consideration for later advancement. Department heads shall ensure the thorough documentation of all cases of failure of probation and to report the same to human resources for record keeping purposes.

SECTION 4 APPEAL OF FAILURE OF PROBATION

A new employee failing probation shall have no right of appeal except on the grounds of discrimination which is prohibited by law and these policies, in which case the employee may appeal in writing to the city manager within ten (10) working days following notice of failure of probation. The decision of the city manager shall be final.

CHAPTER 5 COMPENSATION AND PERFORMANCE EVALUATION

SECTION 1 EMPLOYEE CLASSIFICATION

The city manager or his/her designee shall prepare a written classification plan for the city service based on analysis of the duties and responsibilities of each position. Positions shall be allocated by appropriate classes based on objective factors. The classification plan shall be used for setting pay levels, which are commensurate with the responsibilities, work requirements, and duties of each position.

SECTION 2 SALARY AND WAGES

Subject to approval by the city council, the city manager shall prepare and administer a written compensation plan for the city employees. City 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.

SECTION 3 EMPLOYEE PAY SCHEDULE

All employees will be paid every other Friday for each successive fourteen- (14) day period from the preceding Thursday ending at 11:59 p.m. Pay dates falling on a recognized holiday will be scheduled for the next preceding day in each case.

All employees will be paid by paper check or direct deposit. Employees selecting direct deposit will provide an original direct deposit authorization form with a voided check. Direct deposit allows paperless transmittal between the city and financial institutions and provides a safe, reliable method for ensuring employees' receipt of their pay.

When an employee is on leave, the employee must report to the supervisor or human resources to pick up his/her paycheck, if paper is the selected method of payment, or if permission is given for another to pick up paycheck, written notification must be given by the employee.

Direct deposit will cease upon termination of employment or a break in service. Finance may generate a paper check for the final pay period. New authorization will be required for reinstated employees as well as changes in employee status, or if the employee returns to the city.

SECTION 4 EMERGENCY DUTY PAY

Employees called back to work in emergencies shall be compensated for actual time worked or one (1) hour, whichever is greater and in accordance with established overtime policies. Employees may not receive multiple one-hour payments for the same call.

SECTION 5 ON-CALL PAY

Employees required to respond to a city call for service during regular off-duty time shall be compensated at \$25.00 for each day on-call. Examples of on-call status are wearing pagers, possession of city owned telephone, or other modes of communication during day off from work, including calls or texts on personal phone or contact via personal email that is related to city business.

SECTION 6 OVERTIME AND COMPENSATORY TIME

Non-exempt employees, except on-shift certified firefighters, who are required by their supervisors to work in excess of forty (40) hours in a work week shall receive compensation either as cash payment or compensatory time off for all time worked in excess of forty (40) hours at a premium rate of time and one-half.

The maximum compensatory time, which may be accrued by any employee, shall be forty (40) hours. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work. No sick time, vacation time, holiday time or time taken for jury duty or for traveling to and from work related schools, conferences or seminars after working hours shall be considered when determining overtime pay. All overtime worked must be clearly reflected on the employee's pay records with all supporting documents, submitted to the human resources department before payment can be processed.

The city manager, department heads and other exempt employees who are not eligible for overtime pay (in accordance with Fair Labor Standards) are expected to work whatever hours are required to assure accomplishment of their departmental job related activities and are exempt from any overtime pay. However, such employees may be allowed to take time off from time to time at the discretion of the city manager.

SECTION 7 SEPARATION PAY

Employees who leave the service of the city shall receive all pay, which may be due to him/her in accordance with the following:

- (a) An employee will be paid for any hours worked and for any overtime compensation due to him or her.
- (b) Only employees who have successfully completed their new employee probationary periods shall be paid for unused vacation time earned;
- (c) Employees may request that any retirement benefits paid by him or her, through payroll deductions, be refunded in accordance with the applicable program. However, such refund shall be made by the employee directly to TMRS.
- (d) Any indebtedness to the City of Terrell, which the employee may have incurred, shall be deducted from the final paycheck.

When an employee leaves the service of the city, the final separation check will typically be available for pick up in the human resources department.

Any employee who dies while employed by the city shall have paid to his or her designated beneficiary any unpaid pay, unused vacation time, and accumulated benefits.

SECTION 8 EMPLOYEE PERFORMANCE EVALUATION

The work performance of each regular employee shall be evaluated in accordance with procedures developed and approved by the city manager. An employee shall be evaluated, at a minimum, annually. Probationary employees shall be evaluated at least once during the probation period. Performance evaluation reports shall be on forms provided by the city manager through the human resources department. All performance evaluation reports shall be permanently placed in the employee's personnel file. Employees shall be provided copies of their performance evaluation reports if requested.

The purpose of a performance evaluation is to assist both supervisors and employees in measuring how well their work is being performed; provide opportunities for coaching, teaching, training, practicing, and learnings; and to provide a tool for management employment decisions.

Evaluators shall individually discuss the evaluation results with the employees and shall counsel them regarding their careers and any required improvements in performance which appear desirable or necessary. Employees dissatisfied with their performance evaluations may seek reconsideration by appealing to the next level supervisor, using the established grievance procedures.

SECTION 9 EDUCATION & CERTIFIED PAY SCHEDULE

Bilingual 1	\$ 12.00	Fluent, infrequent job use
TCFP Haz Mat Tech	\$ 30.00	
FD Rescue Specialist	\$ 30.00	Per FD defined assignments
Wildland Firefighter	\$ 35.00	
Bilingual 2	\$ 45.00	Fluent, regularly translates (multiple times per week) due to job assignment
TCFP Fire Inspector	\$ 60.00	
Field Training Officer	\$ 250.00	Paramedic, police officer, firefighter, jailer, dispatcher; paid during FTO time only
SWAT Operator	\$ 125.00	
Tactical Med	\$ 125.00	
Paramedic	\$ 175.00	
Shift EMS Supervisor	\$ 350.00	
EMS Manager	\$ 475.00	
Fire Marshal	\$ 475.00	
"All hands" field crew	\$ 300.00	Crews responding to defined emergency when used on alternating 12-hour shifts

SECTION 10 EDUCATION & CERTIFIED PAY SCHEDULE

Tier	Rate	TCOLE	TCFP	Civil Service	Dispatchers	Utilities	All others
I	\$ 18.00	Basic certification	Basic certification	18 college hours			
II	\$ 25.00			36 college hours			Certificate or degree beyond minimum
III	\$ 35.00	Intermediate	Intermediate	60 hours/associate's	Intermediate TCOLE		
IV	\$ 52.00			90 college hours		B water license Class II sewer	Specialty/multiple certs & degrees
V	\$ 70.00	Advanced	Advanced	Bachelor's degree	Advanced TCOLE		
VI	\$ 85.00			Master's degree			Master's degree
VII	\$ 100.00	Master	Master	PhD., equivalent	Master TCOLE	A water license Class I sewer	PhD., equivalent

CHAPTER 6 LEAVES

SECTION 1 HOLIDAYS

The following are declared official holidays for all city employees. If a holiday falls on Saturday, it will be observed on the preceding Friday; if a holiday falls on Sunday, it will be observed on the following Monday.

New Year's Day	January 1
Dr. Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
Day After Christmas	December 26
One Floating Holiday	Open

Any other days that might be declared by the city council shall be observed as official holidays for city employees in accordance with the following rules:

As many employees as possible shall be given each holiday off, consistent with the maintenance of essential city functions. Department heads shall permit employees to take the desired holiday as soon as possible, and before the end of the calendar year. Under no circumstances shall an employee be compensated for a holiday in cash.

- (a) All full-time employees shall be entitled to all paid holidays;
- (b) All part-time employees who would normally have worked on a day of the week observed as a holiday shall be entitled to pro-rated holiday pay for the number of hours they would have worked on that day if the holiday had not occurred.
- (c) Temporary employees may be granted paid holidays at the supervisor's discretion with approval from the city manager;
- (d) Department heads shall ensure that employees working unusual schedules or on shifts receive benefit of the full number of official paid holidays;
- (e) If holiday falls on Saturday, the proceeding Friday shall be observed, and if a holiday falls on Sunday, the following Monday shall be observed.
- (f) Employees desiring to observe religious holidays not coinciding with official holidays may be given time off without pay or utilize the floating holiday or accrued vacation leave.

SECTION 2 VACATION

All full time regular employees shall be entitled to vacation leave benefits which shall be based upon the length of service with the City of Terrell and shall be as follows:

New hire to 2 years of service shall accrue ten (10) vacation days per year or 6.67 hours per month. Employees with 3 to 4 years of service shall accrue vacation time at twelve (12) days per year or 8 hours per month. Employees with 5 to 19 years of service shall accrue vacation time at fifteen (15) days per year or 10 hours per month. Employees with twenty (20) to twenty-nine (29) years of service shall accrue vacation time at twenty (20) days per year or 13.33 hours per month. Employees with thirty (30) or more years of service shall accrue vacation time at twenty-five (25) days per year or 16.67 hours per month.

<u>Years of Service</u>	<u>Number of Vacation Days</u>
0-2 years	10 days
3-4 years	12 days
5-19 years	15 days
20-29 years	20 days
30 years	25 days

All full-time non-civil service employees shall carry from one calendar year to the next calendar year a maximum of thirty (30) days or 240 hours of vacation time.

Civil Service employees shall accrue vacation time as stipulated under Local Government Code Chapter 143.

Department heads shall accrue 13.33 hours per month upon hire (1.67 days per month or 20 days per year.)

Part-time employees shall accrue vacation leave time on a prorated basis, to be computed in direct ratio to the actual or average hours worked in a normal work week.

Absence on account of sickness, injury, pregnancy or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the city manager, be charged against vacation leave allowance. The Human Resources Department shall keep official records of vacation accrual and use.

The city manager and/or department heads shall schedule vacation leaves with particular regard to operating requirements and, insofar as possible, at the request of the employees.

Vacation leave shall be administered according to the following rules:

- (a) Vacation leave shall begin to accumulate at the end of the first month of employment, but no employee shall be allowed to use any vacation accrued time until he or she has completed his or her new hire probationary period.
- (b) All vacation leave may be scheduled at least two (2) weeks in advance and approved by the city manager and/or department head prior to taking it.

- (c) When a regularly scheduled holiday occurs during the period of an employee's vacation, that holiday shall not be considered as a vacation day.
- (d) Vacation leave shall be charged only for time during which the employee would ordinarily have worked.
- (e) Vacation leave shall not be advanced to employees except in emergencies with the approval of the city manager.
- (f) Vacation leave credits are not transferable between employees.
- (g) Employees being laterally transferred, promoted, or demoted shall retain accumulated vacation leave; and
- (h) Employees who separate from employment with the city shall be paid for any accumulated vacation leave provided new employees shall have successfully completed their new hire probationary period and leave in good standing.

All employees are encouraged to take their full vacation during the calendar year in which it is earned.

All employees are encouraged to take his or her full vacation during the calendar year in which it is earned.

SECTION 3 SICK LEAVE

All employees, except temporary and seasonal employees, are entitled to accumulate paid sick leave credits. Sick leave may only be taken for reasons of personal illness, injury, or routine medical or dental appointments which cannot reasonably be scheduled outside of working hours. Illness arising from pregnancy or complications thereof shall be treated as if an illness.

Sick leave credits accumulate at the rate of eight hours per month of continuous full-time employment beginning at the end of the first full month of employment. Regular part-time employees shall earn sick leave credit on a prorated basis to be computed in direct ratio to actual hours worked.

Sick leave may be accumulated up to a maximum of one hundred (100) days or 800 hours carrying past December 31 and shall be administered according to the following rules:

- (a) Sick leave shall accrue at the end of the first full month of employment but shall not be taken until successful completion of the new employee new hire probationary period. Sick leave may not be taken in advance of it being earned.
- (b) Sick leave is accumulated and charged in periods of hours taken. When an employee works a portion of a day but ill for the remainder of the day, she/he will be charged for hours not worked.
- (c) If an employee becomes ill and cannot report for work, his or her absence should be reported to his/her immediate supervisor or department head prior to, or within one

- (1) hour after his/her regular reporting time, so that work arrangements can be made. Failure to report in may cause an employee's absence to be charged to leave without pay.
- (d) Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and their time charged to sick leave. A physician's statement will normally be required in such instance.
 - (e) After an employee's accumulated sick leave has been exhausted; the accrued vacation may be used as sick leave. When absence due to illness exceeds the amount of any paid leave earned and authorized, the pay of an employee shall be discontinued until the employee returns to work;
 - (f) Official holidays and regular days off shall not count against sick leave.
 - (g) An employee on sick leave for an extended period of time must contact the human resources department every five (5) working days unless he or she is physically unable. In lieu thereof a family member or designee shall report the absence within the timeframe indicated.
 - (h) An employee with twenty years of employment service (the last ten (10) years with the City of Terrell) is authorized to utilize one hundred (100) days or 800 hours of sick time prior to retiring from the City of Terrell. The employee must submit notice of retirement to the City of Terrell prior to enacting this benefit.
 - (i) Sick leave is granted by the city for the purpose of permitting an employee to be relieved of his or her duties during his or her actual illness, injury, or for a medical or dental appointment and may not be used under other circumstances. Employees who use their sick leave without just cause may be dismissed. Management may require satisfactory proof of illness of a medical or dentist appointment any time an employee is absent on sick leave. However, employees missing three (3) consecutive works days due to illness or injury must provide a statement from his or her physician before returning to work. Failure to provide such document may result in dismissal, suspension, and/or forfeiture of sick pay. Accumulated sick leave will not be compensated in any way at the time of termination/separation, except as part of TMRS retirement as described above.
 - (j) In case of wide-spread medical leave issues arising from City Council endorsed or statewide endorsed Disaster Declarations, the City Manager may provide additional periods targeted to the health and safety of employees.

SICK LEAVE AND OUTSIDE EMPLOYMENT Employees shall be prohibited from working outside employment or off-duty employment within twenty-four (24) hours from the beginning of a shift in which the employee fails to report for duty due to personal illness or injury.

Department heads shall be responsible for reporting all sick leave credits used by an employee to the human resources department with all supporting documents.

SECTION 4 SICK LEAVE POOL

I. Purpose:

To create and operate a “sick leave pool” intended to benefit City of Terrell employees by providing for the alleviation of some of the hardship caused to employees who suffer catastrophic injury or illness to themselves or within their immediate family.

II. Definitions:

- A. **CATASTROPHIC ILLNESS OR INJURY** (also may be referred to as “qualifying condition”)—a severe condition or combination of conditions affecting the mental or physical health of the employee or the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time, and that forces the employee to exhaust all leave time earned by that employee and to lose compensation. (Note: must be “illness or injury”, not routine conditions such as elective surgeries, pregnancies, or cosmetic surgeries).
 - B. **IMMEDIATE FAMILY**—spouse, child, parent, grandparent, grandchild, foster child(ren), or sibling of employee, including in-laws.
 - C. **ELIGIBLE EMPLOYEE**— that employee who has completed an initial probationary period and is a regular full-time or part-time employee who accrues paid leave hours. Temporary and hourly contract employees do not accrue paid leave and therefore cannot access leave available in the sick leave pool.
- ### III.
- All sick leave hours donated to the sick leave pool are donated on a strictly voluntary basis. Any employee who accrues sick leave may donate unused accrued leave to the pool once each quarter. Such donations shall be in eight-hour increments, or multiples thereof. Employees desiring to donate accrued sick leave to the sick leave pool must make such donations in writing utilizing the Donation to Sick Leave Pool Form, addressed to the “Sick Pool Leave Administrator”. The employee must specify how much sick leave he/she has accrued according to her/his records and how much he/she is donating to the sick leave pool. With the exception of an employee who is retiring or otherwise separating from employment, an employee must have a remaining balance of at least eighty (80) hours of accrued leave in order to donate .
- ### IV.
- An employee who has accrued sick leave and is retiring/separating from employment may contribute the balance of sick leave remaining in her/his account as long as such donation is strictly voluntary and is made prior to the employee’s final date of employment. If this employee is rehired within 12 months of his/her separation date the donated balance of sick leave will be restored contingent on there being an adequate balance within the sick leave pool.
- ### V.
- Donations of leave made to the sick pool may not be directed to any individual employee. All sick leave accumulated in the pool will be available on a first-come,

first-served basis to employees making a request who are determined to meet the eligibility requirements. This does not preclude a special appeal being made to benefit an individual employee in the event the sick leave pool is depleted and an eligible employee suffers a catastrophic illness/injury, or has a family member do so. In this instance, the city manager may authorize a special appeal for donations of sick leave to be used for a specific employee.

- VI. Requests for leave from the sick leave pool will be made on a form to be provided by the human resources department. The human resources director will review, and approve or disapprove, all requests based on eligibility criteria and available sick leave pool balances. The employee will be notified of this decision in writing within five (5) working days of the request. In the event that the request is denied, the written notification to the employee

SECTION 5 DONATION PROVISION

I. Introduction

An individual employee may not exhaust all of the leave in the pool. The maximum that will be approved for one illness/injury is 120 hours, and is awarded in increments not to exceed 40 hours per week. Separate requests must be made for additional time, and each request (in increments not to exceed forty (40) hours up to the maximum of 120 hours) requires documentation from the treating physician before approval may be granted. If the sick leave pool has fewer than eighty (80) hours available, an employee may not be awarded more than 50% of the available balance in the pool. An employee may not be on suspension or any other leave of disciplinary purpose

- A. In the event an employee is unable to request leave from the pool due to the illness/injury, such leave may be requested by an immediate family member or by their supervisor, acting on his/her behalf.
- B. Sick leave hours donated to the pool may not be withdrawn. Once they are donated to the pool these hours may only be accessed by following the procedures for requesting sick pool leave. A request will be denied if the employee has not contributed to the pool.
- C. Employees requesting sick leave hours from the pool must have a statement from the employee's or family member's treating physician documenting the need for leave, as well as providing sufficient information to assist with determining whether or not the condition meets "catastrophic" criteria. Such information includes diagnosis, descriptions of the condition, and treatment that prevents the employee from reporting to work, and prognosis for return to work. In cases of emergency, documentation may be provided after an initial "emergency" approval of no more than (forty) 40 hours of leave from the pool.
- D. Medical information involved in requests for sick leave from the pool will be treated in a confidential manner. No information will be released to the workforce regarding any employee requesting leave from the pool without authorization from the

employee, or in cases of need-to-know, such as to a supervisor for purposes of scheduling staff.

- E. The city manager is the only administrator authorized to approve a special appeal for donations for a specific individual. Such special appeal will only be made with prior authorization from the employee in whose name the appeal is being made.
- F. An employee may appeal the denial of a request for leave from the sick leave pool, if the denial is for any reason other than depletion of the pool. An appeal committee will be convened comprised of the human resources director, city manager, and staff representative. The appeal committee will be convened within five (5) working days from the receipt of a written request to appeal the denial. Such written request should be delivered to the human resources department.

SECTION 6 MILITARY LEAVE

Any employee who is a member of the National Guard or official militia of Texas or of any of the reserve components of the Armed Forces of the United States, when so ordered or authorized by the proper authority, shall be entitled to a leave of absence with pay during any period when he or she shall be engaged in field training or encampment, or when ordered to duty with troops for field exercises or instructions, and not to exceed fifteen (15) days during any one (1) calendar year.

Any employee of the city at the time he/she is called to active duty with the Armed Forces of the United States under the terms of the Uniformed Services Employment and Reemployment Act (USERRA) of 1994, as amended, is granted a leave of absence from his/her employment with the city and upon his/her being released from service with the city in the capacity recommended by the head of the department in which he/she was employed, upon condition that such re-employment is approved by the city manager and further, that such employee is physically and mentally suited to perform the required duties and conditioned further that such employee make an application to the head of his department for re-employment within ninety (90) days following termination of service with the Armed Forces. Employees returning from military leave shall begin to accumulate vacation leave upon their return and shall thereafter be subject to the same vacation policies as would have applied had they not been on military leave.

No leave of absence shall be granted any employee, who voluntarily leaves the employment of the city for purpose of becoming a member of the Armed Forces, except in time of national emergency.

The City of Terrell follows guidelines of the Uniformed Services Employment and Reemployment Act (USERRA) of 1994 as amended.

SECTION 7 EMERGENCY LEAVE

Emergency leave with pay may be granted by the city manager or his/her designee for a period not to exceed three (3) days for absence from duty because of sickness or death in the immediate family in a calendar year. Immediate family shall include a spouse, parent,

child, brother, sister, grandparent, and shall include brother-in-law, sister-in-law, parent-in-law, etc., or any relative living in the same household as the employee. Emergency leave with pay for periods of time longer than three (3) days or for any reason other than sickness or death in the immediate family must have the approval of the city manager. No more than three (3) days may be used for emergency leave within a calendar year. If an employee's three days have been utilized, he/she must use accrued vacation time or go on leave without pay. Sick leave cannot be used for emergency leave.

Emergency leave is granted when an immediate family is treated for an illness that is considered life threatening or the immediate family is scheduled for a medical procedure. Proper documentation from a medical physician or facility is required before emergency leave is granted or when a death occurs to an immediate family member.

SECTION 8 CIVIC DUTY LEAVE

Employees shall be granted sufficient leave with pay when necessary, in order to vote in an official election or when called for jury or court service. Employees excused or released from jury service shall report to their workstations in accordance with departmental instructions. Employees may retain their remuneration from jury service in addition to the paid leave. Proof of jury duty or court service shall be required and filed in the employee's personnel file before pay is granted.

SECTION 9 ADMINISTRATIVE LEAVE WITH PAY

A department head may grant an employee administrative leave with pay for either disciplinary or no disciplinary purposes. Administrative leave with pay may include, but are not limited to: blood bank donations, power failure, bomb threat, reduced work day by administrative directive, etc. Time charged to administrative leave with pay will be shown as regular time worked.

SECTION 10 AUTHORIZED LEAVE WITHOUT PAY

In circumstances not falling within other provisions of these policies, the city manager may authorize an employee to take leave without pay under such terms and conditions as may be mutually agreeable. The city manager may revoke such authorization at any time. Employees taking leave without pay shall not lose or gain seniority. Leave without pay shall not ordinarily be authorized for periods in excess of thirty (30) calendar days. All employees' benefits will remain in effect during periods of authorized leave without pay, however, the employee will not accrue or earn any new benefits until he or she returns to work.

SECTION 11 ABSENCE WITHOUT PAY

An employee failing to report to work or remain at work as scheduled without proper notification to his immediate supervisor or without authorization or excuse has committed a serious offense and shall not be paid for the time involved. Absence without authorized leave constitutes abandonment of job duties and shall result in disciplinary action including, but not limited to, dismissal or suspension.

SECTION 12 PARENTAL LEAVE

All fulltime, permanent, non-probationary employees are eligible to receive time off with full pay for special parental leave in the event of the birth or adoption of a new child or children.

Any parent living with the new child on a full-time basis qualifies for special parental leave.

Parental leave shall be for a period equal to ten working days (eighty hours). Hours should be taken in one-day increments, and must be used within twelve months of the birth or legal adoption of a child. If unused, this leave benefit expires at the end of the twelve-month period; it cannot accumulate or carry forward. Neither may any portion of this leave be used prior to the birth or legal adoption of a child.

This benefit shall be provided in addition to any and all other paid leave.

Where practical, the parent employee shall make reasonable efforts to coordinate absences with his/her supervisor to help ensure work flow is uninterrupted; however, the eligible employee shall not be denied leave for this purpose.

Official holidays and regular days off shall not count against parental leave.

Employees are prohibited from working outside employment or off-duty employment while on parental leave.

SECTION 13 TISD VOLUNTEER PROGRAM

In order to facilitate a positive relationship between the Terrell Independent School District and the City of Terrell, employees are provided a benefit of leave time to serve as officially vetted and registered volunteers for Terrell ISD. Under the program, qualified time served as a TISD volunteer may be utilized, on a limited basis, for compensatory time off or as paid leave, as the case may be. Requirements of the program are:

1. Must obtain prior signature approval of supervisor;
2. Must register with and pass TISD screening, and maintain eligibility with TISD;
3. The city reserves the right to disallow, revoke, or limit participation based on city workflow or other performance-based practical considerations;
4. Employees on initial probation or working through a disciplinary process are not eligible to participate.
5. Employees must comply with all policies and procedures of both the city and the TISD as they relate to appearance and behavior.
6. Employees must treat the organization, its mission, employees, and other volunteers with respect, and maintain privacy and confidentiality at all times required.
7. Hours shall be earned and used on a 1:1 basis; volunteer opportunities, identified by location and date, must be approved in advance by the appropriate department director or by the city manager or his/her designee.
8. Monetary donations may not be used in lieu of volunteer hours, which must be worked by the employee in all circumstances.

9. No hours worked in arrears shall be eligible.
10. City vehicles and other property may not be used as part of this volunteer opportunity.
11. Employees may, therefore, be permitted to earn compensatory time off when:
 - Working in a volunteer role while on his/her own personal time; or
 - Working in a volunteer role for a limited period of time during the usual workday.
12. An employee may not miss more than two hours per week of regularly scheduled work to volunteer.
13. An employee may earn up to a maximum of eight hours per calendar month, regardless of hours actually worked as a volunteer.
14. Employees shall regularly provide proof of hours served in order to track and justify continued involvement in the program.

CHAPTER 7 CONDUCT

SECTION 1 ATTENDANCE

Employees shall be at their places of work in accordance with city and departmental policies and regulations. Department heads shall establish work schedules and maintain work schedules. The human resources department will maintain annual employee attendance records.

SECTION 2 WORK STANDARDS

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his or her work for the city. The city manager and/or department heads shall organize and direct the work of their departments to achieve these objectives.

If work habits, attitude, production, and/or personal conduct of an employee fall below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement should ordinarily precede disciplinary action, but nothing herein shall prevent immediate formal action as provided elsewhere in these policies, when in the best interest of the city.

SECTION 3 POLITICAL ACTIVITY

Employees of The City of Terrell are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. A city employee shall not:

- (a) Use his/her official authority or influence to interfere with or without the result of an election or nomination for public office;
- (b) Make, solicit, or receive any contribution to the campaign funds of any candidate for the city council; provided nothing herein shall infringe the constitutional rights of such officer or employee to express his or her opinions and to cast his or her vote;
- (c) Use working hours or city property to be in any way concerned with soliciting or receiving any subscription, contribution, political service or to circulate petitions or campaign literature on behalf of candidates for public office in any jurisdiction.
- (d) Employees shall not in any manner contribute money, labor, time or other valuable thing to any person for City of Terrell election purposes; and
- (e) No employee may seek or hold an appointive or elective city office of public trust, partisan office in any jurisdiction, or any other office in which service would constitute a direct conflict of interest with city employment, with or without remuneration. Upon announcement of intention to seek or assume such office, an employee shall resign or shall be dismissed upon failure to do so.

SECTION 4 OUTSIDE EMPLOYMENT

An employee shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance in the city service. All outside employment must be reported to and approved by the department head and the city manager in writing.

SECTION 5 PHYSICAL FITNESS

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his/her job.

SECTION 6 CONFLICT OF INTEREST

No officer or employee of the city shall accept, directly or indirectly, any gift, favor, privilege or employment having monetary value in excess of twenty-five dollars (\$25.00) from any person, firm or corporation doing business with, or seeking to do business with the city during the term of office of such officer or during the employment of such employee of the city and in connection with such office or employment, except as may be on behalf of the city and for its benefit. Under no circumstances shall cash or any instrument of cash having monetary value be accepted. No officer or employee of the city who is employed, directly or indirectly, by any person, firm or corporation doing business with, or seeking to do business with the city shall in any manner participate in any discussion or decision of any agency, board, commission, or instrumentality of the city having to do with the business done or sought to be done with the city by such person, firm or corporation without first declaring publicly such employment.

SECTION 7 GENERAL DEPARTMENT

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

SECTION 8 DRESS CODE/PERSONAL APPEARANCE

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

SUBSECTION A UNIFORMED EMPLOYEES CLOTHING ATTIRE and SAFETY SHOES

Departments that require wearing safety shoes shall fall into three categories. Each category shall depict the frequency by which staff may select safety shoes. A staff member may request to amend the frequency of selection based on the job requirement and environment (e.g., working in water and/or slush a majority of time). All safety shoe costs will be paid by the City of Terrell.

HEAVY USE: MEDIUM/LIGHT USE

2 Pairs per Year	1 Pair per Year
Distribution/Collection	Garage
Parks	Supervisors
Streets	Inspection
Water Quality	Code Enforcement
Waste Water Treatment	Meter Reader/Customer Service
Garage/Fleet	

- Part-time, seasonal and temporary employees will be required to provide their own safety shoes.

VENDOR

Safety shoe vendor selection will be a collaborative effort between the Human Resources Department and Department Heads/Supervisors.

Employees select their own safety shoes. All safety shoes must comply with the most recent industry standard requirements under workplace safety protocol.

The Human Resource Department will coordinate the safety shoe program and payment to vendor as approved by the Finance Department.

SUBSECTION B NON UNIFORMED EMPLOYEES CLOTHING ATTIRE

All employees shall wear clothing defined as casual business attire Monday through Thursday of each workweek. No denim material or clothing shall be worn Monday through Thursday of each workweek.

Friday is designated as casual or dress down day; however, all clothing shall promote a good general appearance.

No T-shirts with any form of writing or picture shall be worn Monday through Friday except if city issued.

No legging type pant wear shall be worn Monday through Friday.

Shoes are to be worn during business hours and while performing job tasks or activities for the City of Terrell.

No footies, house shoes, or beachwear (flip-flops) shall be worn during business hours or while performing job tasks or activities for the City of Terrell. If medically related, such exception shall be accompanied by a letter from a physician denoting such exception.

Employees subjected to working with power driven machinery or working in potentially hazardous areas shall limit earrings to studs for safety purposes.

All body piercing (except earlobes) and tattoos shall be withheld from public view.

SUBSECTION C STUDENT/TRAINEE CLOTHING ATTIRE

Students and trainees of the City of Terrell are required to maintain a professional appearance and an acceptable standard of cleanliness and personal hygiene at all times.

SUBSECTION D MISCELLANEOUS

Employees may dress in clothing acceptable on Friday (see Subsection 2) during inclement wintry weather. Definition of inclement weather as it relates to dress code/personal appearance shall mean wintry, icy weather condition(s).

CHAPTER 8 DISCIPLINE, APPEALS, AND GRIEVANCES

SECTION 1 DISCIPLINARY POLICY

The City of Terrell 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/her personal conduct is unacceptable, disciplinary action may be taken.

The City of Terrell 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.

SECTION 2 GROUNDS FOR DISCIPLINARY ACTION

The city manager and/or department head may take disciplinary action against an employee if disciplinary action is deemed appropriate by the employee's supervisor or the city manager. However, it is not the policy of the city to discharge an employee arbitrarily or capriciously, and nothing in this handbook shall be considered to infringe on such right to take disciplinary action against an employee.

Grounds for disciplinary action including dismissal shall include, but shall not be limited to the following:

- (a) Illegal, unethical, abusive or unsafe acts;
- (b) Violation of rules, regulations, policies or procedures;
- (c) Insubordination;
- (d) Inefficiency;
- (e) Incompetency;
- (f) Neglect of duties;
- (g) Inability to perform job duties;
- (h) Failure to report injuries to immediate supervisor;
- (i) Participation in prohibited political activities;
- (j) Unauthorized soliciting while on duty;
- (k) Excessive absenteeism;
- (l) Failure to notify supervisor of absence or tardiness;
- (m) Tardiness;
- (n) Failure to conduct himself/herself in a courteous and proper manner while on duty;
- (o) Falsification of official documents or records;
- (p) Use of or being under the influence of drugs or alcoholic beverages not prescribed by a physician while on duty;
- (q) Damaging city equipment, tools, machines, and/or other property, and/or failure to report such cases;
- (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) Threat of an abusive or violent act;
- (w) Unauthorized use or disclosure of official information;
- (x) Unauthorized or improper use of official authority;
- (y) Any other action deemed inappropriate, unsafe, abusive, etc.; and
- (z) Violation of this employee handbook.

To the greatest extent practical, the city shall use a progressive disciplinary system as follows:

- Verbal Warnings with records of each warning being noted in the employee's personnel file;
- Written Reprimands which the department head must, in all cases, cause to be placed in the employee's personnel file;
- Suspension without pay or reduction in pay);
- Demotion
- Dismissal

SECTION 3 TYPES OF DISCIPLINARY ACTION

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, reduction in pay, demotion, and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact 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 disciplinary action, such as oral reprimand.

SECTION 4 WRITTEN REPRIMAND

In the interest of good discipline, an employee may be formally reprimanded in writing. The reprimand shall describe the deficiency or infraction involved and shall state the likely consequence of further unsatisfactory performance and or conduct. A copy of the reprimand shall be kept in the employee's official personnel file.

SECTION 5 SUSPENSION (ADMINISTRATIVE LEAVE WITH OR WITHOUT PAY)

Under justifiable circumstances and in the interest of good discipline, an employee may be suspended with or without pay in any one calendar year. A notice of suspension must be given to the employee which describes the deficiency or infraction involved and which states 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 or violation of personnel policy, he or she may be suspended without pay for the duration of the proceedings when such suspension would be in the best interest of the city and the public. If the investigation or proceedings clear the employee, he or she shall be eligible for reinstatement under such terms and conditions as may be

specified by the city manager. The suspension may range from one (1) day to ninety (90) days.

SECTION 6 REDUCTION IN PAY

In the interest of good discipline, an employee's pay may be reduced within reason. Prior to taking such action, a notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The reduction in pay shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later pay increases.

SECTION 7 DEMOTION

In the interest of good discipline, an employee may be demoted. Prior to the demotion, a notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later advancement.

SECTION 8 DISMISSAL

In the interest of good discipline, an employee may be dismissed from the city service. A notice of intent to dismiss must be given to the employee which describes the deficiency or infraction involved. Any of these acts of conduct on the part of an employee, but not necessarily limited to, will constitute special grounds for prompt dismissal by either the department head or the city manager.

- (a) Conviction under a felony charge;
- (b) Repeated convictions during service on misdemeanor and/or traffic charge(s);
- (c) Use of intoxicants or drugs while on duty, or repeated off duty intoxication or use of drugs, regardless of whether or not legally convicted of same;
- (d) Flagrant or persistent insubordination;
- (e) Fighting or boisterous conduct/deliberate cause of physical injury while on duty;
- (f) Unnecessary disruption of the work area/place;
- (g) Use of profane, abusive language;
- (h) Spreading false reports;
- (i) Other disruption of the harmonious relations among employees or between employees and the public;
- (j) Conduct subversive to the proper order, discipline and morals of the municipal service;
- (k) Inciting or engaging in strikes or riots;
- (l) Misappropriation or unauthorized use of city equipment, tools, machines, funds, etc.;
- (m) Incompetence or repeated neglect of duty;
- (n) Unauthorized absence from duty without satisfactory explanation;

- (o) Any accumulation of violations of this employee handbook that the department head or city manager determine to be serious enough and/or frequent enough to warrant termination of employment.
- (p) Failure to perform the essential duties of the position.

SECTION 9 APPEALS OF DISCIPLINARY ACTION

Any disciplinary action taken under this chapter may be appealed in writing directly to the city manager within five (5) working days following receipt of notice of actual disciplinary action.

The appeal document/letter must include the basis for the appeal and a request for the department head or city manager to hear the appeal. The appeal must include language denying the truth of the charge, language taking exception to the legal sufficiency of the charge, and/or language alleging that the disciplinary action taken does not fit the offense or alleged offense.

The action may be stayed pending a decision on the appeal or may take effect at any time after issuance of the notice as determined by the disciplinary authority.

The city manager, following careful investigation of the facts, shall have broad authority to approve, disapprove, modify or rescind any disciplinary action taken or proposed.

The decision of the city manager shall be final.

There shall be no right of appeal for probationary employees except on the ground of discrimination prohibited by law of these rules.

SECTION 10 GRIEVANCE PROCEDURES

Employees shall be encouraged to informally take any job-related complaints or problems to their immediate supervisors. Following informal discussions, an employee remaining dissatisfied with a working condition or some other aspect of employment, not subject to appeal of disciplinary action procedures, may submit a written grievance to his or her immediate supervisor, and/or human resources director within fifteen (15) calendar days after the cause of the grievance arises or becomes known to the employee.

A grievable issue is categorized by a work-related problem or condition of employment a permanent employee believes to be inequitable, unfair, or a deterrent to effective job performance. The following are considered non-grievable: wages and salaries, whether hourly or salaried; pay classification; reduction in force (RIF), except if it is alleged that appropriate city procedures have been violated; termination during probation and/or extension of the probationary period; performance evaluations; reassignment of job duties and responsibilities; reorganization that does not result in loss of pay; and approved budget reductions.

It shall be the responsibility of the immediate supervisor to study the grievance and attempt to resolve it within five (5) calendar days. Further discussions with the grievant shall be encouraged. If the grievance cannot satisfactorily be resolved within five (5) calendar days,

the immediate supervisor shall refer it with comments and or recommendations to the next higher level of supervision, and so on up to the city manager, if necessary. 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 five (5) calendar days, the employee may present the grievance directly to the next higher level of supervision and so on, up to the city manager.

If the employee is still dissatisfied with the solution proposed by his or her supervisor, the employee may appeal, in writing, to the city manager. The city manager may make a final decision immediately or elect to form a grievance-hearing committee to consider the complaint. The committee, if appointed, will review all written documents and forward its recommendation to the city manager, whose decision shall be final.

The employee should always keep in mind the responsibility of the city 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 city government. In order to minimize disruption of the city among its citizens the employee is encouraged to use this grievance procedure, particularly when dealing with a matter of the employee's personal interest. Punitive action shall not be taken against an employee for submitting a grievance in good faith.

CHAPTER 9 NONDISCIPLINARY SEPARATION

SECTION 1 RESIGNATION, ABANDONMENT

An employee may leave the city service in “good standing” by submitting his or her resignation in the prescribed manner giving two (2) weeks’ notice. The city manager may waive any portion of the notice period. An employee resigning without the required notice may be ineligible for reinstatement.

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuses shall be considered as absent without leave, which constitutes abandonment of duties. Absence without leave may be considered as an employee’s resignation from the city service. In such cases, the employee’s separation shall not be considered to be in “good standing”.

SECTION 2 LAYOFF

An employee may be laid off because of changes in duties or organization, or for lack of work or funds. Whenever possible, an employee laid off from one city department shall be transferred to a suitable position elsewhere. At least two weeks’ notice shall be given to an employee prior to layoff. Layoffs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees, with the appropriate skills being retained the longest. Seniority within city service may be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Temporary employees shall be laid off before regular employees performing similar duties.

SECTION 3 INCAPACITY

An employee may be separated for incapacity for medical reasons when the employee, as an individual, no longer meets the standards of fitness required for the position. A finding of incapacity shall be made through individual medical determination by competent authority as prescribed by the city manager and in accordance with Federal Regulations of the Americans with Disabilities Act.

Separation for incapacity shall not be considered disciplinary action and shall not operate to deny an employee the use of any accrued illness, injury, disability or other benefits.

SECTION 4 RETIREMENT

Eligible employees may be separated by retirement in accordance with applicable programs. (See benefits – retirement for additional information).

SECTION 5 UNSATISFACTORY SERVICE

An employee may be separated for unsatisfactory service 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 other supporting documentation.

CHAPTER 10 PERSONNEL RECORDS

SECTION 1 PERSONNEL FILES

The human resources director shall maintain the official personnel files and records for all city employees. Unless otherwise provided by law, personnel records and information shall be confidential and may not be used or divulged for purposes not connected with the city personnel management system, except with permission of the employees involved. Nothing herein shall prevent the dissemination of impersonal statistical information. An employee shall have a right of reasonable inspection of his or her personnel file and records under procedures prescribed by the human resources department and approved by the city manager.

SECTION 2 STATUS CHANGES

Department heads shall report changes in personnel status of their employees, and hiring of new employees, to the human resources department prior to their starting work in accordance with procedures developed by the human resources department.

SECTION 3 PERSONNEL REPORTS

Department heads shall be responsible for providing the human resources department and/or city manager with all necessary employee reports and records that are needed for personnel management of their department. Such records and reports shall include, but not be limited to, use of employee sick leave, vacation leave, attendance, overtime, and compensatory time. Failure to do so may result in formal disciplinary action.

The human resources director shall prepare such narrative reports, rosters, statistical summaries, and other personnel reports as are necessary or desirable to provide useful information to the city manager or city council.

POLICIES AND PROCEDURES

CHAPTER 11 CELLULAR PHONE USAGE

POLICY:

It is the policy of The City of Terrell to furnish the necessary tools for employees to perform their job duties. Cellular phones are obviously a technology that, when used properly, can help make business and government run more efficiently, however, a uniform policy is hereby established that will assist employees to keep track of official and unofficial calls and reimburse the city accordingly.

PROCEDURE:

- I. All department heads must conduct a review of all employees who are provided with cellular phones and provide written justification to the city manager for all employees who use a city cellular phone.
- II. The City of Terrell will emphasize that cellular phones that are provided to city employees are to be used for official business only and only when a regular phone is unavailable. While they are not to be used for personal phone calls, the city recognizes that on occasion, there may be instances in which a cellular phone is needed for such.
- III. Telephone number (972) 551-6600 has been designated as the “home base” for all calls to City of Terrell offices. All employees are to place calls through (972) 551-6600 to be transferred to any city facility. As the dispatcher does not recognize employees from the general public, it is important that employees identify themselves, advise that they are making a cellular call and request that the call be transferred to the proper extension. Employees are to know what extension they are calling and not put that burden on the dispatch department.
- IV. Periodic random audits of cellular phone accounts will be conducted to ensure that employees are properly accounting for their cellular phone calls.

CHAPTER 12 DRUG AND ALCOHOL TESTING OF APPLICANTS AND EMPLOYEES

SECTION 1 POLICY

The City of Terrell will make a good faith effort to maintain a drug free workplace by complying with the requirements of the Federal Drug Free Workplace Act of 1988, enhancing the health and safety of employees and the public, and providing cost efficient delivery of municipal services.

Applicants for all full-time and safety positions will be required to undergo a drug screening and confirmation test as a component of the physical examination administered to applicants for those positions.

An employee may be required to take a drug screening and/or confirmation test or an alcohol test, administered in accordance with this directive, upon reporting for work or during work hours when there is reasonable suspicion to believe that the employee has ingested, inhaled, or injected a drug into the body or ingested an alcoholic beverage.

SECTION 2 SCOPE

This directive applies to all departments, all employees, and all applicants for full time or safety sensitive positions except that sworn employees of the Police and Fire Departments, may be governed by more restrictive policies required by departmental rules and regulations.

SECTION 3 DEFINITIONS

ALCOHOL

means alcohol or any other beverage containing more than one half of one percent of alcohol by volume which is capable of use for beverage purposes, either when alone or when diluted.

DRUG

means a controlled substance as defined by the Section 1.02 of the Texas Controlled Substance Act and/or Section 202, Schedules I through V of the Federal Controlled Substance Act, including but not limited to marijuana, hashish, cocaine, crack, heroin, morphine, codeine, opiates, amphetamines, barbiturates, and hallucinogens.

REASONABLE SUSPICION

means a conclusion based on personal observation of specific objective instances of employee conduct, subject to corroboration and documented in writing, that an employee is unable to satisfactorily perform his or her job duties due to use of drugs or alcohol. Such inability to perform may include but is not limited to, a drop in the employee's performance level or by impaired judgment, reasoning, level of attention or behavioral change, or decreased ability of the senses.

Physical characteristics indicating reasonable suspicion may be a pattern of abnormal or erratic behavior, physical symptoms (i.e., glassy or bloodshot eyes, slurred speech, unsteady gait, poor coordination or reflexes or direct observation of drug or alcohol use). Information provided by a reliable and credible source, or possession of drugs or alcohol will constitute a basis for reasonable suspicion.

SAFETY SENSITIVE POSITIONS

mean jobs where employee use of drugs or alcohol could create a threat to safety whereby the employee is unfit to perform assigned duties and the performance of those duties in such mental or physical condition creates or could create a safety hazard that has caused, or could cause injury or harm to the employee, or other employees or citizens or damage to property.

DRUG TESTING

means collection of a urine specimen by medical personnel and a laboratory analysis of that specimen by Enzyme Immunoassay (EMIT) screening and if appropriate, confirmatory testing using the Gas Chromatography/Mass Spectrometry (GC/MS) methods and procedures, or the most current and appropriate technology.

ALCOHOL CONSUMPTION

the possession, use or sale of alcohol on city property or while on city business is prohibited and constitutes grounds for termination. City property includes all facilities, offices, buildings, equipment, vehicles, rights-of-way, easements, and parking areas. Any employee under the influence of alcohol that impairs judgment, performance, and behavior while on city premises or while on city business will be subject to discipline up to and including termination.

ALCOHOL TESTING

means testing for blood alcohol content by a breathalyzer instrument device or drawing or collecting a blood or serum sample and laboratory analysis thereon.

SECTION 4 APPLICANTS SUBJECT TO TESTING

The following classes of employees may be subject to testing:

- a. Public safety employees excluding all employees governed by more restrictive policies required by governmental rules and regulations.
- b. Employees who operate motorized equipment or who work in close proximity to or with moving machinery.
- c. Mechanics and maintenance workers.
- d. Trades and craft workers who use tools and/or machinery on the job.
- e. Employees on a job where agility, mobility, and sound judgment are imperative for safety in their job.

Safety sensitive jobs are identified as those requiring excellent health. (AC), laborers (LA), jobs requiring high degree of agility and mobility (AI), moderate degree of agility and mobility (MO), primary drivers (DP), secondary drivers (DS) and special screening (SP). Administrative jobs (AD) are not safety sensitive.

SECTION 5 APPLICANT PROCEDURES AND NOTIFICATION

Applicants for safety sensitive positions for which physical examinations are required will be notified of the drug testing component of the examination at time of hire. Applicants will be given the opportunity to withdraw their applications at that time or after receipt of results of the examination.

Applicants will be notified that, if hired, they will be required as employees to submit to drug and alcohol testing based on reasonable suspicion and under the guidelines of the Department of Transportation.

Refusal of applicants to submit to drug and alcohol testing as a component of the physical examination will be a bar to employment with the city for a period of one (1) year.

If an applicant is taking a medical prescription, the applicant must furnish a medical statement from a physician specifying the drug being taken. If this statement is submitted in advance of the drug test, positive test results may not be cause of rejection.

Applicants will be required to list all over the counter medicines being taken at the time of the drug test. Positive test results may not be cause for rejection.

Employees occupying safety sensitive positions who seek promotions or transfers into safety sensitive positions will be required to submit to drug testing as a regular component of the entrance physical examination for such position.

SECTION 6 EMPLOYEE PROCEDURES AND NOTIFICATION

Employees will be notified that:

City rules and regulations prohibit the use or possession of drugs or alcohol while on duty, on city property, or in a city vehicle and that violation of the rules and regulations will subject the employees to discipline, which could include discharge.

Based on reasonable suspicion, employees will be required to submit to testing for drug or alcohol use. Prior to such testing, employees will be required to sign a form consenting to testing. Failure or refusal to sign the consent form or to submit to testing will be cause for a charge or insubordination and will result in disciplinary action, which could include discharge.

An employee whose drug or alcohol test results in positive findings may be subject to disciplinary action, which could include discharge.

Employees who are taking medical prescriptions must furnish a statement from a physician specifying the drug being taken and whether the drug will interfere with safe performance of the job. If the statement has been delivered to the employee's supervisor in advance of a drug test, a positive finding of the prescribed drug may not be grounds of discipline.

All drug test results, record of medications used and other medical information furnished during the testing process will be treated as confidential information and will be released

only as required by federal regulations. Records of all tests conducted under this policy will be maintained and used in accordance with federal regulations. Any tested employee has the right to request a copy of his or her testing records.

SECTION 7 SUPERVISOR TRAINING

Supervisors will be trained:

- a. To recognize employees when they appear unfit for duty because of drugs or alcohol and the elements of determination of reasonable suspicion.
- b. To effectively and appropriately intervene in reasonable suspicion instances.
- c. To identify basic categories of drugs and their effects.
- d. To understand the methods of city drug and alcohol testing procedures.
- e. To effectively and appropriately document reasonable suspicion cases.

SECTION 8 PROCEDURES FOR TESTING EMPLOYEES

A supervisor, who has reasonable suspicion to believe an employee has ingested, inhaled or injected a drug or has ingested an alcoholic beverage when reporting for or while on duty must:

- a. Prohibit the employee from working or continuing to work;
- b. Notify a department head and request a personal observation and review of specific objective instances of employee conduct to confirm that reasonable suspicion exists. The employee may not be subject to testing without the confirmation or reasonable suspicion by a department head.
- c. Provide transportation to an appropriate facility for testing. After testing, arrangements should be made for safe transportation to the employee's residence or a place selected by the employee such as with a relative or friend of the employee.
- d. Prepare appropriate documentation and take appropriate disciplinary action.

Supervisors are prohibited from demanding or encouraging drug or alcohol testing without reasonable suspicion. Willful disclosure of testing results to persons not involved in the disciplinary procedure may merit appropriate disciplinary action, which could include discharge.

SECTION 9 RESPONSIBILITIES OF DEPARTMENT HEADS

Department directors are responsible for:

- a. Identifying jobs where applicants are subject to testing for drug and alcohol use.
- b. Notification to supervisors for training of employees.

The department heads and supervisors are responsible for documenting poor performance, and for recognizing reasonable suspicion of drug or alcohol use.

CHAPTER 13 FAMILY AND MEDICAL LEAVE POLICY

The city will provide up to a total of twelve (12) workweeks of paid and unpaid leave (as described in this policy) during a rolling 12-month period (measured backward from the date an employee uses any FMLA qualifying leave) to all eligible employees for:

- the birth or adoption of a child
- the care of a child, spouse, or parent with a serious medical condition
- the employee to deal with his/her own serious medical condition(s) that prevents the employee from performing the functions of his/her job.

SECTION 1 DEFINITIONS

CHILD:

A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent). The child must be under 18 years old, or 18 or older if incapable of self-care because of mental or physical disability.

HEALTH CARE PROVIDER:

A doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse midwife, or and Christian Science practitioner.

PARENT:

The biological parent of any employee or an individual who stood in loco parentis to any employee when the employee was a son or daughter, but not a parent “in-law”.

SERIOUS HEALTH CONDITION:

An illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity of treatment in connection with or consequent to inpatient care in a hospital, hospice, or a residential medical care facility;
2. Any period of incapacity requiring absence from work, school or other continuing activities, for more than three (3) calendar days, that also involves continuing treatment by a health care provider.
3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; and
4. Prenatal care.

SON OR DAUGHTER:

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

SECTION 2 ELIGIBILITY REQUIREMENTS

To be eligible for Family and Medical Leave, an employee:

1. Must have been employed with the City of Terrell for at least twelve (12) total months (consecutive 12 months is not necessary), and
2. Must have worked at least 1,250 hours during the twelve (12) months immediately prior to the beginning of the leave.

SECTION 3 LEAVE TIME

Employees are eligible for family medical leave for an aggregate total of up to twelve (12) workweeks in a twelve (12)-month period.

Intermittent leave (Examples: several hours, a single day, a week or more, or a reduced workweek) may be used to care for themselves, sick children, spouse or parents when medically necessary. If the employee requests intermittent leave, which is foreseeable based on a planned medical treatment, the city may require the employee to transfer temporarily to another position with equal benefits and pay which could better accommodate the planned absences.

Employees must deplete unused vacation, compensatory time, holiday leave, sick leave, and parental leave (if applicable) balances before using unpaid family and medical leave to care for themselves, sick children, spouse, or parents. Paid sick leave balance may be used to care for sick children, spouse, or parents only if such use is otherwise consistent with guidelines established under the city's sick leave policy. Paid sick leave balances can be used to care for a newborn, for placement of a child, for adoption or foster care only upon certification from a health care provider showing medical necessity or serious condition.

An employee taking FMLA leave for birth, or placement for adoption, or for foster care may take such leave intermittently or by working a reduced workweek only with the city's prior approval, otherwise such leave must be taken consecutively. The option to take leave for the birth, or placement for adoption or foster care of a child expires one year after the event.

If both parents are employed by the City of Terrell, they are entitled to a total of twelve (12) workweeks of leave (rather than twelve (12) each) when leave is requested for the birth, adoption, or placement in foster care of child, or for the care of a sick parent.

If medical leave is taken for planned medical treatments, the employee must make a reasonable effort to schedule the treatment so as to minimize the disruption of the work place.

Procedures for taking such leaves shall be as follows:

Employees must give the city thirty (30) days of notice of intention to use FMLA leave for foreseeable events such as birth, adoption or placement in foster care of a child, or planned medical treatment.

When the need for leave is not foreseeable, the employee must give notice to the city of the need for leave as soon as practicable. It is expected that an employee will give notice to the city within two working days of learning of the need for leave.

Within 15 days of learning of the need for leave, the eligible employee must furnish (from a health care provider) a certified letter which includes at a minimum the information set out in Wage and Hour Optional Form WH-380, (available in the personnel office).

Employees who fail to give timely notice or who fail to obtain any required medical certification under this policy may be subject to denial of leave.

Upon request, the employee may be required to provide an additional medical opinion. The health care provider will be selected and paid for by the City of Terrell.

If a third opinion is required, the health care provider will be jointly approved by the employee and The City of Terrell. The third provider's opinion is binding on both parties. The city will pay for the charges for the third provider's medical opinion. Subsequent medical recertification may be requested on a reasonable basis.

Every thirty (30) days the employee should report his/her status and intent to return to work.

SECTION 4 BENEFITS

An employee on leave shall not lose any employee benefits accrued prior to the date on which leave began. However, employees on unpaid leave will not accrue any additional seniority or employment benefits such as longevity, vacation, or sick leave.

The city will continue to provide coverage under the Group Benefit Plan during the leave time. The employee must continue to pay appropriate dependent premiums, co-payments, deductibles, and other out-of-pocket costs.

If an employee on unpaid leave has signed up for any optional insurance, and wishes to continue that coverage, the employee must make his/her own arrangements for required payment of premiums. It is the employee's responsibility for arranging payment of other normal payroll deductions (credit union, deferred compensation, etc.)

After the first full month an employee has not participated in contributions to the Texas Municipal Retirement System, the employee must contact human resources to complete a letter verifying the employee's absence from work, nature of injury or illness, and estimated time off.

Should the employee not return to work, the city will recover health care premiums paid on behalf of the worker during the unpaid leave.

EXCEPTION: If failure to return to work is attributable to the continuation of the medical condition or "other circumstances beyond the employee's control", the city will not recover premiums.

The employee who does not return to work after using family and medical leave is entitled to elect up to eighteen (18) months additional insurance coverage under COBRA.

SECTION 5 RETURN TO WORK

1. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
2. Ordinarily an employee will be restored to the same position held prior to FMLA leave, with the same pay and benefits if the position remains available. However, an employee has no right to return to the same position.

CHAPTER 14 SEXUAL HARASSMENT POLICY

SECTION 1 PROHIBITION

Sexual harassment of any employee is strictly prohibited and any employee found to be guilty of such behavior shall be subject to disciplinary action including but not limited to dismissal. The City of Terrell utilizes the definition of sexual harassment as defined by the Equal Employment Opportunity Commission (EEOC) Guidelines.

Sexual harassment is defined as any unwelcome sexual advances; requests for sexual favors; verbal or physical conduct of a sexual nature, such as patting, pinching, touching, leering; and obscene gestures. It also includes any other conduct of a sexual nature including sexually explicit language, jokes, etc. These are considered sexual harassment when:

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

Incidents of sexual harassment can involve members of the same sex as well as members of the opposite sex. The harasser may be male or female.

There are two types of sexual harassment:

Quid Pro Quo (this for that): Only supervisors can commit quid pro quo harassment. This type of harassment exists when a member in management or employee with supervisory authority (department head, crew leader, foreman, supervisor, etc.) states or implies that an employee must consent to unwelcome sexual advances in exchange for some economic benefit such as promotions, merits, job offers, job retention, etc. Also quid pro quo sexual harassment occurs when rejection of sexual advances would result in adverse decisions affecting an employee's job status (i.e., demotion, termination, denial of employment, etc.).

Hostile Work Environment: Anyone in the workplace can commit this type of harassment. A hostile work environment exists where sexual harassment is so severe or persuasive that it creates an intimidating, offensive workplace and alters the conditions of employment.

Retaliation/Reprisal: Intimidation, vengeful actions by members of management and/or employees against an individual or individuals for reporting sexual harassment.

Supervisor: An employee vested with the authority to control working conditions or tangible job benefits of the complainant.

Complainant: An employee who reports sexual harassment to a supervisor or manager.

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment may include, but is not limited to, the following:

Touching another person's body in a manner which the harasser knows or should know the other person will regard as offensive (e.g., unwelcome neck massages, rubbing another person's hands or arms).

Touching another person's breasts, chest, buttocks or genitals in a manner which the harasser knows or should know the other person will regard as offensive.

Exposing or touching one's self in a manner which the harasser knows or should know the other person will regard as offensive.

Threatening retaliation for reporting sexual harassment.

Displaying photos, videos, magazines, posters, drawings, and literature which the harasser knows or should know the other person will regard as offensive.

Alluding to another person's or one's own anatomy and/or genitals in a manner which the harasser knows or should know the other person will regard as offensive.

Telling sexually oriented jokes or making reference or inquiries into someone's sexual preferences.

Alluding to another person's or one's own mode of dress in a manner which the harasser knows or should know the other person will regard as offensive.

PREVENTION

Management's And Supervisor's Responsibilities:

Managers and supervisory staff shall take the initiative in preventing sexual harassment by:

1. Setting good examples, demonstrating courteous and professional behavior at all times, and emphasizing the seriousness of this issue;
2. Actively monitoring the work environment;
3. Ensuring that each employee is aware of the city's policy regarding sexual harassment or misconduct in the workplace;
4. Obtaining and maintaining a signed statement from each employee acknowledging receipt and review of the city's policy regarding sexual harassment;

6. Advising employees of the range of penalties for sexual harassment which may include discharge, depending upon the severity of the offense;
7. Informing employees of avenues to report incidents of sexual harassment; and
8. Attending sexual harassment workshops or seminars discussing with employees the nature of sexual harassment.

SECTION 2 EMPLOYEE PROCEDURE

Any employee who believes that he/she has been subjected to any form of sexual harassment should promptly take the following steps:

- A. Politely, but firmly, confront whoever is doing the harassing no matter what form of sexual harassment it is. State how you feel about his/her actions and request that the person's actions cease immediately.
- B. If the harassment continues or if you feel that confronting the individual is not possible, go to your immediate supervisor.

If the immediate supervisor is the offending party, go directly to your department head. (Even if the supervisor is not the offending party, you can go directly to your department head.) If at any time you do not feel comfortable reporting the problem at any of these levels you may go directly to human resources.

It is recommended that if a complaint is going to be made that it be made as soon as possible after the incident. This is to help with the timeliness and accuracy of the investigation that will begin as soon as the incident is reported.

All of the information that is gathered in an investigation will be handled in a confidential manner, to the extent possible. Only those individuals who are directly involved in the investigation will have access to the gathered information.

- C. If after a reasonable length of time you are not satisfied (ten working days) with the action being taken at the level you have reported the problem to; you may go to the next level of management.

It is the practice of The City of Terrell to listen to all complaints, identify the problem, and take appropriate action.

SECTION 3 SUPERVISOR RESPONSIBILITY

Every supervisor is responsible for maintaining her/his workplace free from sexual harassment.

- A. Each supervisor will discuss this policy with all of the employees and assure them that they are not required to endure insulting, degrading, or exploitative sexual treatment, contact, language, actions, innuendoes, etc..

Every supervisor will assure their employees that the City of Terrell supports the State of Texas Retaliation Act, which protects a public employee who reports an alleged violation of law. This Act provides that a state or local government body may not suspend or terminate the employment of, or otherwise discriminate against, a public employee for reporting a violation of law, such as sexual harassment.

- B. Any complaint of sexual harassment will receive the immediate attention of the supervisor or department manager to whom it was made and will be reported immediately to the human resources director and through the chain of command. If the report is made directly to the human resources department, notification of the incident will be reported back immediately to the appropriate person in the chain of command.

Complaints of sexual harassment involving alleged acts of sexual assault will be coordinated with the City of Terrell's police department by the human resources director.

- C. Investigations will normally include talking with the individuals and witnesses involved. All information that is gathered in an investigation will be handled as confidential. In no event will the details of the investigation be released to third parties or to anyone not directly involved with the investigation.

At any time during the investigation an employee feels uncomfortable reporting the details of an incident to a supervisor of the opposite sex, he/she will be given the opportunity to report the details to someone of the same sex. It is the responsibility of the supervisor to see that this opportunity is provided. If it is not possible to find someone of the same sex in the chain of command within a particular department, the human resources director will be responsible for providing such an individual.

- D. The facts of the investigation must be reported through the supervisory channels to the director of the department. Once an investigation has been completed, a report of the findings will be forwarded to the city manager, the department director, and the human resources director, for review and consideration of proposed action.
- E. If the investigation reveals that the complaint is valid, prompt disciplinary action, as approved by the above-mentioned individuals will be taken in accordance with Chapter 8 of the City of Terrell Employee Handbook. No matter what level of disciplinary action is taken, the supervisor will ensure that the harassing conduct is immediately stopped. This may include a general reeducation of all the city staff defining what constitutes sexual harassment, as well as any other actions deemed appropriate.

SECTION 4 FRATERNIZATION POLICY

The City of Terrell has a policy strictly prohibiting sexual harassment in the workplace.

To assist in preventing sexual harassment The City of Terrell does discourages dating and fraternizing among its employees. If a social relationship exists among city employees the following procedures are required: both parties mutually and voluntarily consent to a social relationship; the relationship does not breach city values; and the relationship does not affect judgment or performance of duties of involved employees or negatively impact the common good of the City of Terrell.

To ensure that social relationships do not adversely affect the workplace, employees who enter in such relationships must comply with the following:

1. Notify the human resources director immediately of the relationship.
2. Review the City of Terrell's policy prohibiting Sexual Harassment.
3. Sign the City of Terrell's Consensual Relationship Contract.
4. Mandatory reassignment if the social relationship involves a subordinate employee within the same department.
5. Behave professionally at all times – avoiding indiscreet behavior while at the workplace or while on City of Terrell time or business including refraining from public displays of sexual affection, sexual innuendo, or suggestive comments and sexually oriented joking.
6. Agree to confidential counseling by the City of Terrell EAP Program regarding the issues surrounding workplace dating.
7. Notify the human resources director should the social relationship terminate within a reasonable time period.

Employees found in violation of this policy will be subject to disciplinary action in accordance with Chapter 8 of this employee handbook.

The City of Terrell reserves the right to make decisions in its best interest including reassignments, transfer, or separating employees where appropriate.

CHAPTER 15 – NON-SMOKING/SMOKELESS TOBACCO POLICY

SECTION 1: PROHIBITION

Smoking, as defined herein, includes, but is not limited to, the lighting, holding or carrying of or emitting or exhaling the smoke of any pipe, cigar, or cigarette of any kind including all forms of electronic cigarettes, vape, or vaping. Smokeless tobacco as defined herein includes, but is not limited to, all tobacco products that are bitten, chewed, or otherwise taken into the mouth. Smoking and/or the use of smokeless tobacco, as defined above, is unlawful in ALL facilities, vehicles, uniforms, parks, rights-of-way, assigned duty areas, equipment, and properties of the City of Terrell.

SECTION 2: VIOLATION AND PENALTY

A person, whether an employee, contractor or guest to a city facility commits an offense if:
The person smokes or uses a smokeless tobacco product on city property, in a city vehicle, or on city equipment or willfully destroys or defaces any required sign forbidding the same.

The responsibility for administering and enforcing this chapter shall be that of the city manager and/or department heads. However, nothing herein shall prevent any other person from filing a complaint or reporting a violation hereof. Any employee violating this policy shall be disciplined in accordance with applicable guidelines established in this handbook including, but not limited to, termination of employment. A non-employee in City facility or vehicle violating this policy shall be asked to comply, and if not, asked to leave.

SECTION 3: SIGNS

The city manager and/or department head in charge of a facility may place appropriate and visible signs at each public entrance to city buildings and facilities to notify members of the public entering such premises that smoking and/or the use of smokeless tobacco is prohibited. This provision does not imply that the absence of such signs creates an exception to the general prohibition. There are absolutely no designated areas for smoking or smokeless tobacco use in the City of Terrell for any employee, contractor, or other guests. Any such use shall be outside city property, totally away from any city equipment, and only during non-working hours without a city uniform.

CHAPTER 16 OPERATION OF MOTORIZED EQUIPMENT AND VEHICLES

SECTION 1 PURPOSE

To provide quick and effective services and responses to job tasks, disasters, disorders, or other incidents, which may require the use of motorized equipment or vehicles during or after normal duty hours.

SECTION 2 APPLICABILITY

All drivers of motorized vehicles and equipment owned by or used by the City of Terrell shall be responsible for maintaining the standards of physical fitness required in the operation of such motor vehicles and shall be required to obey all traffic rules and regulations prescribed by law, to have a valid and proper driver's license, and to use every safety measure possible to prevent accidents.

It shall be the duty and responsibility of all operators of motorized equipment, both heavy and light, to properly maintain and service the equipment and report any defect in mechanical equipment when same occurs and to use every precaution to prevent additional property loss, or expense or recurrence of such condition.

SECTION 3 DAILY ASSIGNED VEHICLES/TAKE HOME VEHICLES

The City of Terrell may assign department vehicles to individual employees daily or for take home use. Such assignment is to be viewed as a privilege and not as an employee right. Vehicle assignments may be revoked, modified, suspended, or denied when such action would be in the best interest of the city.

SECTION 4 VEHICLE ASSIGNMENT

Vehicle Assignment:

1. Vehicles will be assigned by the city manager or her/his designee.
2. Vehicle assignments will be made based on:
 - a. Job assignment/job description
 - b. Seniority
 - c. Residence location
 - d. Best interest of the department
3. Only employees living within the city limits of Terrell will be eligible for consideration for assignment of a home storage vehicle, unless otherwise approved by the city manager.
4. Violation of any of the provisions of this policy may result in revocation or suspension of daily use or take home vehicle privileges.

SECTION 5 OPERATION OF VEHICLES

1. Employees are NOT authorized to use vehicles for personal errands or other personal use.

2. Each employee of the city utilizing a department vehicle shall exercise good judgment and shall not commit any act or omission, which would reflect unfavorably on the city or cause the public to lose confidence in city operation.
3. Only employees of the City of Terrell may ride in or drive a city owned vehicle.
4. Radio communications shall be maintained at all times while a city vehicle is in operation.
5. The employee shall inform the communications center of his/her availability and shall receive clearance before responding to any call while off duty.
6. The use of red lights and/or siren is authorized only when a police or fire vehicle is being used as an emergency vehicle, at an emergency site (i.e., water line breaks, sewer line stop ups, trees in the road, etc.)
7. Use of seat belts by the employee and passenger(s) is required.
8. Unattended vehicles shall be locked and properly parked at all times; off street parking is a requirement.

SECTION 6 VEHICLE MAINTENANCE

1. The employee to whom a vehicle is assigned shall be fully responsible for the general maintenance and proper care of the vehicle, and shall not:
 - a. make any major repairs.
 - b. alter the body, general design, appearance, or markings of the vehicle.
 - c. use fuel, oil lubricant, or other additives in the vehicle other than approved departmental issue.
2. The employee shall at all times drive the vehicle with reasonable prudence to maintain it at the highest possible degree of operating deficiency.
3. Any mechanical or electrical alterations or equipment or accessories added must first have the written approval of the city manager or designee.
4. Colored sealed beams will not be allowed in the spotlights or headlights.
5. All repairs will be performed at the city service center by service center employees or at a place designated by the service center supervisor and/or the city manager.
6. The employee is responsible for ensuring that all routine maintenance and required service is performed on the vehicle in a timely manner.
7. The employee shall be responsible for the cleanliness and orderliness of the interior and exterior of the vehicle.
8. All routine servicing, such as cleaning, fueling, and operational repairs, will be performed on the vehicle prior to assigned active duty.

SECTION 7 PUBLIC SAFETY DEPARTMENTS (FIRE-POLICE-EMERGENCY RESPONSE)

PURPOSE:

The purpose of the personal use policy is to provide rapid response to emergencies and other job related activities.

A. AUTHORIZATION

The department heads of public safety departments are hereby authorized to utilize the assigned city vehicle for personal use as well as approved business travel.

SCOPE:

Department heads of public safety departments shall have unlimited use of their assigned vehicles for business travel, except that personal use of the vehicle shall be limited to Kaufman County and contiguous counties. Contiguous counties are defined as Van Zandt, Henderson, Navarro, Ellis, Dallas, Rockwall, and Hunt counties.

No person other than city employee(s) may be transported in a city vehicle unless on official business of the city.

CHAPTER 17 TRAVEL POLICY

I. Policy Statement

It is the policy of the City of Terrell that representatives of the city be granted special leave and expenses to attend professional conferences, conventions, short schools, visit other cities, and otherwise incur expenses for the benefit of the city in accordance with applicable policies of the City of Terrell.

II. Purpose

The purpose of the travel policy is to (a) establish standards governing the financing of travel and attendance of local meetings in the interest of the city; (b) provide uniformity in submitting and handling of expenditure requests; and (c) establish proper accounting for approved expenditures, including advances made for travel and subsistence.

III. Scope

Applicable to all full-time employees of The City of Terrell with six (6) months or more of service.

Travel for job related training.

Travel for job related education, workshops, meeting, seminars, or conferences.

Travel to testify or make presentations in job related cases.

Travel resulting from being elected to a job-related professional organization.

Travel to other cities or agencies to review and evaluate job related projects or programs.

IV. Authorization

A Request for Travel or Local Meeting Authorization, approved by the department head must be submitted to Accounts Payable, along with all necessary requisitions two to three (2-3) weeks in advance of the departure date. A copy of the brochure/pamphlet advertising the event shall be attached to the Request for Travel. Accounts Payable will review the Request for Travel or Local Meeting Authorization in terms of budgetary allowances and reasonableness. Upon encumbrance of expenses, the request will be forwarded to the city manager's office for disposition.

The city manager or her/his designee must authorize all travel in advance, and, as applicable, confirm upon return, utilizing the Travel Reimbursement/Refund Fund, attached hereto.

V. Reimbursed Travel Expenses

A. Travel:

Automobile travel: City-owned vehicles (including motor pool vehicles) may be used by authorized employees or city council members for trips to locations within a 300-mile radius of Terrell. In these cases allowances will be made only for subsistence and such other legitimate expenses as may be justified. Reimbursements for gasoline, oil, and minor repairs will be made only upon presentation of receipts and other necessary materials to the accounts payable department.

Personal vehicles may be used for business trips and reimbursement will be made for the meeting related mileage at the IRS allowable rate. Reimbursement of personal car expenses shall not exceed the cost of the lowest logical airfare available on the date(s) of travel.

Lodging: Lodging expenses will be reimbursed on an actual-cost basis.

Meals: Expenses of meals will be reimbursed on an actual-cost basis or per diem. Per diem shall be set at a rate of \$60/day or by individual meals at a rate of \$15 for breakfast, \$15 lunch, and \$30 for evening dinner. Per diem amount does include gratuities expended during a business trip. If meals are reimbursed on an actual-cost basis, each member will be reimbursed for reasonable gratuities for service provided, i.e., 15% of the total meal cost.

Per diem is paid for breakfast if an employee must leave the city on business at 6:00 a.m. or earlier. The lunch per diem will be paid if the employee is outside of the city, on business, during the noon hour. The dinner per diem will be paid only if the employee is required to be out of the city, on business, later than 7:00 p.m. Per diem is not paid if the employee is attending a meeting or function where a meal is provided.

Registration: When expenses are included in registration fees for conferences, seminars, etc., reimbursement will not exceed the cost of registration. For example, if an employee or council member attends a seminar for which meals and lodging are included in the registration fee, and the employee elects lodging and meals other than those included in the registration package, total reimbursement will not exceed the cost of the registration fee. Fees charged for registration at any convention or meetings are allowed. Receipts must be supplied.

Cash advances: Cash advances will be issued upon request by council members.

Budget Appropriation Sets Limits: Further restrictions on travel and meeting expense are established by the limits of appropriation established by the city council for travel meetings and dues each year in the budgetary process.

Reporting: Receipts shall be submitted no later than ten (10) days after returning from the trip. Refer to City Credit Card Policy for expenses paid by that method.

Accounting for Travel Expenses: Accounting for travel expenses shall be the responsibility of each council member. Upon submission of City Expense Report, supported by receipts or other documentation, the city shall reimburse the employee or council member for his/her expenses related to the authorized travel. The receivable account will be cleared when an expense report is submitted, approved, and processed within ten (10) working days after date of return.

The expense report should be supported by documentation (receipts) for expenses outlined herein and should include a copy of the Request for Travel or Local Meeting.

Authorization. Reimbursements will not be made for expense items exceeding \$25 not supported by appropriate documentation. The registration form for any seminar, conference, convention, etc., shall be attached to the expense report for reference.

The actual expenses of the trip will be charged to the proper departmental account and decoded from the approved expense report submitted by the council member.

In instances in which an advance was made and not entirely expended, the expense report should be submitted to the city manager's office for processing accompanied by a personal check or money order from the employee or council member for the amount of the unexpended advance. The employee or council member's receivable account will be credited for the amount returned as well as the total amount of expenditures approved on the expense report.

Per diem and travel policies for out of town meetings are in effect for staff as well as city council.

B. Disallowable items:

The following items will not be reimbursed or paid for by the city. Any expenditure for these items will be charged to the applicable employee or council member.

1. Alcoholic beverages;
2. Entertainment;
3. Expenses of children or guests;
4. Laundry and valet service for trips less than one (1) week;
5. Any item of a personal nature;
6. Tours; or
7. Health club expenses.

VI. Staff in Town and Area Travel Policy

A. Statement:

Human resources department staff has responsibilities to participate in local and area meetings, events, and educational sessions for the benefit of the City of Terrell.

B. Policy:

Funds are budgeted for members of staff to travel locally to area meetings and functions.

In most cases, staff will be provided public vehicles for travel to local and area meetings and functions. When public vehicles are not available, staff will be reimbursed at the IRS allowable rate.

To receive reimbursement for use of personal vehicles, staff must submit information on approved vehicle log sheet. To receive reimbursement, log sheet must include the name(s) of the person(s) traveling, date, origin of the trip, destination of the trip, beginning and ending mileage, and purpose of trip. The department head, finance department, and management approve staff mileage.

C. Meals:

Department heads will be reimbursed for meals at local establishments upon approval of management. Meals may be reimbursed for department heads and guests if the meal is held for public purpose. Department heads may charge meals on city departmental credit cards.

To receive reimbursement for meals, department heads must provide an expense report and shall attempt to receive approval from management in advance.

Staff upon occasion may have justified travel within the area for public meetings (TML, NCTCOG workshops, etc.). In most cases public vehicles are provided but if use of personal vehicle is required, reimbursement will be provided. Meals as part of registration will be paid in advance. If meals are not included and the employee is out of the city during normal meal times, the per diem policy will apply.

D. Spouse Accompaniment:

In some cases it is appropriate for department heads to attend local and area civic banquets and other functions. In many cases it is appropriate for the spouse or companion to accompany department heads. The appropriateness will be determined on a case-by-case basis. When appropriate, a staff person will be reimbursed for the cost of tickets for staff and spouse/companion.

Management will determine the appropriateness of spouse/companion attendance on a case-by-case basis for staff members.

Examples would be attendance at SWCC Annual Banquet, Chamber of Commerce Banquet, Terrell State Hospital community functions, and Terrell Independent School District Banquet.

E. Local Mileage Other than Meetings:

1. If public vehicle is not available, staff will be reimbursed for personal use of privately owned vehicle if required to perform city business during normal working hours. For reimbursement, a vehicle log sheet with required information will need approval by department head and management.

F. Flowers:

City management shall approve flowers for ill or deceased employees, or immediate family members. Immediate family includes: spouse, parent, child, brother, sister, grandparent, and shall include brother-in-law, sister-in-law, parent-in-law, or other person living in the household of the employee.

**Travel
Reimbursement / Refund Form**

Name: _____

Fund: _____

Account: _____

Description: _____

ESTIMATED TOTAL:

Total:	

Requested by: _____

Name / Title: _____

Approved by: _____

Name / Title: _____

Date: _____

POST TRAVEL TOTAL:

Total:	

Additional Payment:	
---------------------	--

Refund Back to City:	
----------------------	--

Requested by: _____

Name / Title: _____

Approved by: _____

Name / Title: _____

Date: _____

CHAPTER 18 WORKERS COMPENSATION POLICY

SECTION 1 PURPOSE:

The purpose of this chapter is to establish policies and regulations regarding the City of Terrell's Worker's Compensation Program in accordance with the mandates of the Texas Worker's Compensation Commission.

SECTION 2 POLICY:

It is the policy of the City of Terrell, to ensure that all city employees who are injured in the course and scope of their employment be afforded the protections guaranteed by the applicable Worker's Compensation Laws of the State of Texas.

SECTION 3 OBJECTIVE:

The City of Terrell shall provide worker's compensation insurance, more specifically, medical and income benefits to compensate for any injury which is caused from a bona fide on-the-job accident without regard to the degree of said injury.

SECTION 4 PROVISIONS:

- A. All claims resulting from a bona fide on-the-job injury, including but not limited to medical bills and income benefits shall be paid by the City of Terrell's insurance carrier.
 - 1. The human resources director shall verify all injury claims through:
 - a. retrieving injury report
 - b. talking with injured employee as necessary
 - c. supervisor report(s)
 - d. statements from witness(es) to the accident
 - 2. The human resources director shall provide information to the insurance carrier to compute if any, income benefits for injured employee.
 - a. Income benefits shall be computed in accordance with the Worker's Compensation Act.
 - b. Employee shall receive income benefits from the insurance carrier as established by subsection (a) after seven (7) continuous days of disability.
 - c. The first seven days shall count as authorized absence with pay.
 - 1. The City of Terrell insurance carrier will pay for reasonable and necessary medical treatment for any bona fide on the job injury.
 - 4. The finance director shall prepare the annual audit for the Worker's Compensation Commission and other required reports.

SECTION 5 SAFETY AND PEER COMMITTEE:

1. The City of Terrell shall establish a safety committee to be available to review all injury reports.
 - a. Safety committee shall elect a chairperson by nomination and majority vote.
 - b. Safety committee shall have called meetings.
 - c. The City of Terrell's insurance carrier will investigate claims to determine compensability if necessary.
 - d. Safety committee shall consist of four (4) members.
 - e. Three (3) members present shall constitute a quorum.
 - f. Safety committee shall consist of city employees.
 - g. All reports and recommendations shall be forwarded to city manager.
2. Training shall be provided for employees serving on the committee.

SECTION 6 EMPLOYER RESPONSIBILITIES:

1. The City of Terrell insurance carrier will provide applicable income and medical benefits as set forth in this policy.
3. The City of Terrell will maintain medical and dental insurance benefits for the injured employee.
4. The City of Terrell will allow the employee to continue accruing vacation and sick leave time as prescribed in this Employee Handbook.
5. The human resources director shall file first report of injury and subsequent documents in accordance with Texas Worker's Compensation Commission guidelines.

SECTION 7 EMPLOYEE RESPONSIBILITIES:

1. Employee shall notify his/her supervisor within twenty-four (24) hours, either in writing or orally, of said injury or injuries.
2. When supervisor is notified orally, employee shall file a written injury report within three (3) business days.
3. Supervisor shall complete first report of injury and forward to human resources department within twenty-four (24) hours of being notified of said injury.
4. While on leave because of bona fide on the job work related injury, each time the employee sees the doctor for consultation or medical treatment, he/she must provide a progress report to her/his immediate supervisor.
5. Supervisor shall forward progress report to human resources.
6. When possible, employee shall contact supervisor weekly to report on injury status.
7. When employee has been on medical leave for a period of thirty (30) days, employee's department head may confer with the city manager and human resources director to arrange for a conference with the employee and medical staff.
8. Employee shall return to work after approval of medical staff and employee agrees with medical status.
9. During the course of a bona fide on-the-job medical injury leave, if an employee is released by his/her attending physician for light duty, the City of Terrell shall consider and attempt to accommodate this release.

SECTION 8 NON COMPLIANCE WITH POLICY:

Failure by the employee to follow the required rules of this policy may result in disciplinary action being taken in accordance with Chapter 8 of the City of Terrell Employee Handbook.

SECTION 9 DEATH BENEFITS:

1. When a bona fide on the job injury results in death, the surviving spouse is compensated at a computed average weekly wage of seventy-five percent (75%), not to exceed the maximum weekly compensation rate.
2. Computed average weekly wage shall be for an infinite period.
3. If surviving spouse remarries, a two (2) year lump sum of the average weekly wage is paid.
4. If left surviving, a spouse with dependent children, weekly computed wage is split between spouse and children.
5. Surviving child(ren) shall be compensated until eighteen (18) years of age or until college curriculum is completed.

SECTION 10 MISCELLANEOUS:

1. These policies may be changed, supplemented, or superseded at any time by the city council. No action shall affect medical or income benefits. Any changes to this policy will be posted in each department and must be read by each employee.
2. Employee meetings shall be scheduled to explain the provisions herein.

CHAPTER 19 PURCHASING POLICY

All purchases made on behalf of the City of Terrell shall be made in accordance with procedures and guidelines outlined in the Financial Policy.

CHAPTER 20 E-MAIL, INTERNET AND SOCIAL MEDIA USE POLICY

SECTION 1 E-MAIL USE

A. Purpose:

This policy provides guidelines for the use of City of Terrell electronic mail (e-mail). It applies to both internal e-mail and external e-mail sent or received via the internet or intranet. These guidelines do not supersede any state or federal laws, nor any other City of Terrell policies regarding confidentiality, information dissemination, or standards of conduct.

B. Guidelines:

1. Business Use

The City of Terrell e-mail system is city property. Use of the e-mail system is for official city business only.

2. Confidentiality

Employees should have no expectation of privacy regarding their use of the e-mail system and e-mail content. All e-mail is subject to inspection and audit by City of Terrell management or its representatives at any time, with or without notice. Use of the City of Terrell's e-mail system by an employee indicates that the employee understands that the city has a right to inspect and audit all e-mail communication and consents to any inspections.

3. Personal Use

Generally, e-mail should be used only for official city business; however, brief and occasional e-mail messages of a personal nature may be sent and received. Personal e-mail should not impede the conduct of city business; only incidental amounts of employee time, time periods comparable to reasonable coffee breaks during the day, should be used to attend to personal matters. Personal e-mail should not cause the city to incur a direct cost in addition to the general overhead of e-mail. Consequently, employees, upon receiving personal e-mail, should read it and delete it. Employees shall not store or print their personal e-mail.

4. E-Mail Management

In order to facilitate the maintenance of the City of Terrell's e-mail system, e-mails should not be saved or maintained on the system for longer than necessary. The City of Terrell periodically backs up all e-mail communications on its system.

5. Restrictions
 - a. Racist, sexist, threatening, harassing or otherwise objectionable language is strictly prohibited.
 - b. E-mail should not be used for personal monetary interests or gain.
 - c. E-mail should not be used for any political purposes.
 - d. Employees should not subscribe to mailing lists or mail services strictly for personal use.

SECTION 2 INTERNET USE

A. Purpose:

This policy provides guidelines for the use of the internet. It does not supersede or limit any state or federal laws, nor any other City of Terrell policies regarding confidentiality, information dissemination, or standards of conduct.

B. Guidelines:

1. Business Use

The City of Terrell internet system is city property. Access to the internet, except in the limited circumstances listed below, is allowed for official city business use only.

2. Confidentiality

Employees should have no expectation of privacy regarding their use of the Internet. All records created by Internet use, including path records, are subject to inspection and audit by City of Terrell management or its representatives at any time, with or without notice. Use of the City of Terrell's Internet system by an employee indicates that the employee understands that the city has a right to inspect and audit all Internet use.

3. Personal Use

The internet should be used only for official city business; however, brief and occasional surfing or browsing for non-business reasons is acceptable. Personal use of the Internet should not impede the conduct of city business; only incidental amounts of employee time, time periods comparable to reasonable coffee breaks during the day, should be used to attend to personal matters. Personal use of the Internet should not cause the city to incur a direct cost in addition to the general overhead of the Internet system. Consequently, employees should not store or print personal Internet material.

4. Restrictions

- a. Accessing, posting, or sharing any racist, sexist, threatening, obscene, harassing or otherwise objectionable material (i.e., visual, textual, or auditory) is strictly prohibited.
- b. The Internet should not be used for any personal monetary interests or gain.
- c. The Internet should not be used for political purposes.
- d. Employees should not subscribe to mailing lists or mail services strictly for personal use and should not participate in electronic discussion groups (e.g., list server, Usenet, news groups, chat rooms) for personal purposes.
- e. Employees must not intentionally use the internet facilities to disable, impair, or overload the performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

SECTION 3 SOCIAL MEDIA USE

Definition:

Social media is defined as on-line communications in which individuals can broadcast information to an entire network. Social media includes many forms of social networking where individuals become part of a communication of people with common interests. Some of the more popular forms of social media are Facebook, LinkedIn, Twitter, blogs, YouTube, Instagram, Yelp, Flickr, Zoom Info and the like.

Guidelines:

- A. The City of Terrell requires all employees to limit the use of social media during working hours on personal devices. Refrain from using social media while on work time or on equipment provided by The City of Terrell, unless it is work-related as authorized by your department head or consistent with the city's equipment use policy.
- B. Employees are expected to access the system for the purpose of conducting city business at all times.
- C. Employees are forbidden from using the city's email address to register on social networks, blogs, or other online tools for personal use.
- D. Employees of the City of Terrell are held responsible for the content posted on the city's internet system.
- E. Employees are expected to be respectful to others as information is entered online and are required to ensure that information is free from language that is racist, sexist, threatening, obscene, harassing or otherwise objectionable material (i.e., visual, textual, or auditory) is in any way derogatory toward any person or group.

- F. As an employee of the City of Terrell, be aware that you are responsible for the content of what you post and that the information remains in cyberspace forever. The internet is immediate and nothing posted is ever truly private. Even deleted postings can be searched.
- G. The City of Terrell prohibits taking negative action against any employee for reporting a possible breach of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action.
- H. Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment. If you have any questions regarding the social media policy or specific posting out on the web, please contact the human resources department.
- I. The City of Terrell expects employees to follow the guidelines and expectation as outlined in the Social Media Policy. Managers and supervisors must be aware of their responsibility to report and respond to any inappropriate postings or behaviors online that are observed or brought to their attention.
- J. The City of Terrell management reserves the right to inspect, monitor and have access to the city's computers, electronic mail, voicemail messages and internet communication. Employees should not assume any expectation of privacy in the workplace.

CHAPTER 21 EMPLOYEE BENEFITS

SECTION 1 MEDICAL INSURANCE-DENTAL INSURANCE

All full-time employees are covered by group medical insurance and dental insurance. The cost of providing this insurance to employees is paid by the city.

- a. The insurance provides for payment of hospitalization and major medical/dental expenses up to policy limits for illness, treatment, and accidental injuries off the job.

Coverage for other family members is available by payroll deductions at reduced group rates at the employee's expense.

- b. The City of Terrell seeks to reward certain retirees for longevity by providing group health insurance up to sixty-six (66) months plus eighteen (18) additional months as required under the COBRA rules and regulations at city cost . Retirees are covered under the group medical insurance that meets one of the following conditions:

- (1) Employees who retire under the Texas Municipal Retirement System plan with The City of Terrell, Texas as his/her last employer with twenty (20) years of service with the City of Terrell, and who are at least fifty-five (55) years of age; or
- (2) Employees who retire under the Texas Municipal Retirement System plan with creditable service from other entities shall have been employed by The City of Terrell, Texas for the last ten (10) years prior to retiring and having accumulated a total of twenty (20) years of service in the Texas Municipal Retirement System and be at least fifty-five (55) years of age; or
- (3) Employees who retire with twenty (20) years of creditable service under the Texas Municipal Retirement System plan.

For any retiree who is eligible for and elects to accept health insurance coverage as provided herein, the City of Terrell will pay the premium for such health insurance coverage for any such retiree for a maximum of seven (7) continuous years or until he/she become eligible for Medicare/Medicaid, whichever occurs first.

- c. All employees must provide a notice of retirement a minimum of sixty (60) days prior to retiring. Upon announcement by an employee of intent to retire, if said employee utilizes more than five (5) undocumented sick days after her/his announcement of the intent to retire, said employee shall forfeit all group health benefits provided by city, except where provided by federal or state law.

In accordance with federal law a retiree may cover his/her dependents under the group health insurance plan for a maximum of eighteen (18) months at her/his sole cost, unless otherwise stipulated under federal or state law.

SECTION 2 LIFE INSURANCE

The city provides group life insurance coverage for all full-time employees. The cost of providing this insurance to employees is paid by the city. The life insurance amount is equal to an employee's annual salary rounded down to the next \$1,000.00, is payable in the event of death of an employee from any causes at any time or place while he/she is insured. Payment will be made to the beneficiary designated by the employee.

SECTION 3 SOCIAL SECURITY

All employees of the city of covered under the Federal Insurance Contributions Act (FICA). This type of government insurance, known as "Federal Old Age and Survivor's Insurance", provides for benefits for retirement and disability. This insurance is financed by social security taxes, which are paid through payroll deduction by the employee. The city contributes an equal amount toward financing this insurance.

SECTION 4 RETIREMENT

The City of Terrell is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a plan for the retirement of employees of Texas municipalities. Participation in this system is compulsory for all full-time employees who have not reached the age of 60 years upon completion of probation. Enrollment into the system shall be the responsibility of the human resources department during the new employee orientation process.

- (a) The plan requires a contribution (made by means of payroll deduction) equal to the applicable percentage, as set forth by city ordinance, of the salary of the employee. The city matches each employee's contribution by paying from city funds an amount of money required by the trustees of the system.
- (b) In the event a member of the retirement system leaves the employment of the city prior to retirement, he/she may elect to leave his/her contribution on deposit with the system for any period of not more than five (5) years, or may file application for a full refund of this savings and accrued interest thereon. In the event of the latter, the employee forfeits all seniority towards retirement under TMRS. If a member terminates employment with participating city and anticipates returning to work for the same or any other participating city within five (5) years, prior service performed will count toward retirement if deposits are retained in the fund or employee exercises his/her restricted prior service option.
- (c) There are several options plans for retirement. Complete details of these options, as well as additional information, are provided in the Texas Municipal Retirement System Handbook available through the human resources department.

The City of Terrell has adopted the following options:

Restricted Prior Service Credits

- (a) Each member of the Texas Municipal Retirement System who is now or who hereafter becomes an employee of this city shall receive restricted prior service credit for service previously performed as an employee of any incorporated city or town in the United States or of any Council of Government in this State for which

the person has not otherwise received credit service in the System, including combine service credit under Chapter 803. The service credit is hereby granted may be used only to satisfy length of service requirements for retirement eligibility, it has no monetary value in computing the annuity Payments allowable to the member, and may not be used in other computations, including computation of Updated Service Credits.

- (b) A member seeking to establish restricted prior service credit under this ordinance must take the action required under said Section 853.305 while still an employee of this city.

II. Military Service Credit

The City of Terrell also elects to allow eligible members in its employment to establish credit in the Texas Municipal Retirement System for active military service performed as a member of the armed forces or armed forces reserves of the United States or an auxiliary of the armed forces or armed forces reserves. Eligible members as used herein shall be those employees meeting the criteria set forth in Sections 853.502 (b) and 853.503 of said Subchapter F and the amount and use of creditable military service shall be as further set forth in Section 853.505.

In order to establish credit for military service hereunder, a member must deposit with the Texas Municipal Retirement System (in that member's individual account in the Employees Saving Fund), an amount equal to the number of months for which credit is sought, multiplied by \$15.00. The City of Terrell agrees that its account in the Municipality Accumulation Fund is to be charged at the time of the member's retirement with an amount equal to the accumulated amount paid by the member for military service credit, multiplied by the city's current service matching ratio in effect at the date the member applies for such military service credit.

III. Vesting in TMRS

All full-time employees shall be vested in the Texas Municipal Retirement System upon completion of five (5) years of service.

SECTION 5 UNEMPLOYMENT INSURANCE

All employees of the city are covered under the Texas Unemployment Compensation Insurance program. This program provides payments for unemployed workers in certain circumstances as provided by the law at no cost to the employee.

SECTION 6 LONG TERM DISABILITY

All full-time employees are covered under The City of Terrell's Long Term Disability Benefit Plan. (For additional information concerning the Long Term Disability Plan contact the personnel office).

SECTION 7 PROFESSIONAL GROWTH

7.1 City Initiated Courses

If the City requests an employee take an educational course, or the course is within the employer's regular scope of employment requirements, the City shall pay 100% of the required tuition, fees, supplies, and textbooks and the City shall reimburse the employee for 100% of all reasonable expenses for travel, lodging, parking surcharges and other costs directly required for course participation.

7.2 Employee Initiated Courses

If the employee requests to take additional educational courses from an accredited college, university or technical school according to established city policy and budget limitations and if said courses are determined by the applicable Department Head to be related to improving said employee's productivity, knowledge base, or skills in the employee's overall career with the city, the city will reimburse the employee's documented expenses for the Texas in-state public equivalent rate of 100% of the required tuition, fees, supplies, and textbooks after the course is completed and a passing grade of "B" or above is received by the employee. The Director of Human Resources shall annually provide a report on the program.

The following policies apply to subsection 7.2 Employee Initiated Courses:

No employee may be eligible for this benefit without preparing and submitting an overall educational plan to the applicable Department Head or City Manager and receiving permission in writing for the overall educational plan.

All regular city employees working forty (40) hours or more are eligible to participate in the tuition reimbursement program.

It is not the policy of the city to reimburse the cost of tuition for any individual who receives grants and other subsidy programs.

An employee receiving a "C" is eligible for reimbursement of 50% of the employee's documented expenses for the required tuition, fees, supplies, and textbooks.

An employee making less than a "C", or withdrawing or receiving an incomplete of any sort is not eligible for any reimbursement.

The course and the estimated related costs must be approved in writing by the Department Head or City Manager on the city's form prior to the employee's registration in the course.

Nothing herein shall prevent an employee from attending a private institution, however; reimbursement shall be made at an equivalent public institution rate.

If an employee is no longer a city employee or no longer an employee in good standing upon the date of requesting reimbursement, the city shall not reimburse any cost. All reimbursements must be requested in writing within sixty (60) days of completing the course.

Any employee separating from the City within three (3) months of receiving any tuition reimbursement under Section 7.2 shall repay the full amount of such reimbursement received within the three (3) month period prior to separation.

SECTION 8 REIMBURSEMENT FOR UNUSED SICK LEAVE

As an incentive to encourage employee work attendance, the following reimbursement for unused sick leave shall be paid on or about December 15 of each year for all employees who do not use their sick leave allocated for the year as follows:

- (a) \$50 per unused sick leave day (maximum of 12 days) during the period from December 1 through November 30 of each year will be paid to qualifying employees.
- (b) \$800 paid to the employees who used zero (0) sick leave days. This amount includes a bonus of \$200 for no sick time used during the period of December 1 through November 30 of each year.

CHAPTER 22 MISCELLANEOUS

SECTION 1 ACTIVITY REPORTS

All department heads shall submit monthly reports concerning the activities of their department to the city manager on forms prescribed and as required by the city manager.

SECTION 2 PROPERTY CONTROL

- (a) Department heads shall ensure that property under their control is properly safeguarded, accounted for, and administered. The city manager shall maintain or delegate the maintenance of an up-to-date inventory of all city property. All acquisitions, disposals, or transfers of property shall be approved by the city manager.
- (b) Postage, stationery, office supplies, tools, vehicles and equipment purchased and owned by the city are to be used only in the conduct of city business. No city employee shall use these items in the conduct of his/her personal affairs.
- (c) Personnel shall only utilize city production services for city business.
- (d) All gasoline obtained from city pumps shall be properly logged. An accounting of all gasoline purchased and used by the city shall be made and reports of usage filed as required by the city manager.
- (e) Use of employee owned tools will be at the employee's risk. The city will not replace or repair any tools other than those belonging to the city.

SECTION 3 UTILITIES

Department requests for new city electric, gas, and telephone utility installations or additional service must be approved by the city manager.

SECTION 4 HOUSEKEEPING DUTIES

All employees shall be responsible for maintaining neat, sanitary, and orderly office spaces, working areas, vehicles, and equipment.

SECTION 5 SAFETY

Department heads shall be responsible for preparing and promulgating safety procedures applicable to all personnel and operations under their control. Each employee is required to adhere to all safety procedures set forth by the city, state and federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate department heads. Please refer to The City of Terrell Safety Policy available in your department for specific guidelines.

SECTION 6 TELEPHONE USAGE

Department heads shall be responsible for maintaining logs of long distance telephone calls and for assuring that long distance telephone calls are only made for necessary city business. Telephones should be answered promptly and courteously. Personal calls shall be limited so as not to interfere with city business. Employees shall reimburse the city for all long distance telephone calls except as provided under Chapter 18 Travel Policy-Telephone Usage.

SECTION 7 NEWS RELEASES

All news releases by city employees will be approved prior to release by the city manager or delegated authority.

SECTION 8 USE OF CITY EQUIPMENT AND FACILITIES

The use of city equipment and facilities for private use is prohibited

SECTION 9 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

The city will participate in the cost of professional memberships and subscriptions for employees applicable to their positions, provided the necessary funds are available. Requests for membership and subscriptions must be submitted on forms provided by the city and approved by the city manager prior to participation.

SECTION 10 LUNCH PERIODS/BREAK PERIODS

Two paid break periods of twenty minutes each per day are provided to each employee, taken one in the morning and one in the afternoon. Break periods are considered a privilege and if are abused can be taken away at the sole discretion of the department head and/or city manager.

The scheduling of employee lunch periods will be determined by the department head to best serve the public and permit efficient department operations. Lunch periods shall be no more than one (1) hour in length, but may be less when required for efficient service to the public.

SECTION 11 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OR AUTHORITY

No official or employee whose duties involve the use of a badge, card, or clothing insignia, as evidence of authority for identification purposes shall permit such badge, card, or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his/her possession without good cause or approval of his/her department head or other authorized superior. Such badge, card, or insignia shall be used only in the performance of the official duties of the position to which they relate.

SECTION 12 PAYROLL DEDUCTIONS/DIRECT DEPOSIT

- A. The City of Terrell, through its human resources and finance departments, provides employee payroll deduction or where mandated by court order or official decree to other entities for the convenience of its employees. The human resources department will provide a complete list of entities/agencies participating in payroll deductions.
- B. The City of Terrell will deposit directly into the employee's checking or savings account the net payroll check of said employee. The deposit is made the day preceding distribution of the payroll check. (Contact human resources for more information).

SECTION 13 INCLEMENT WEATHER

There are no inclement weather days unless declared by the city manager. Employees are encouraged to maintain ample personal leave time (vacation, compensatory, floating holiday) to be used during inclement weather.