

City of Celina Human Resources Policies and Procedures



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SECTION 1: Policy and Procedures General Information

I. Administration of Policies

- A. The City reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, procedures and/or benefits discussed herein.
- B. General and final authority for policy administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act on the City Manager's behalf in the administration of these policies; however, the final authority on personnel decisions shall be reserved to the City Manager.
- C. Each department head, manager and supervisor is responsible within the scope of their authority for enforcing the provisions of these policies in matters involving staff members within their department/divisions. Department heads may create additional policies procedures within their own departments which may be more, but not less restrictive than, and which are not inconsistent with these policies.
- D. The terms, conditions, and provisions defined in these policies and procedures do not constitute an employment contract and are subject to change or modification at any time.
- E. No City of Celina supervisor is authorized to modify these policies or this handbook for any employee nor may they enter into any agreement, oral or written.
- F. Human Resources or the City Manager's designee will be responsible for updating and revising these policies and procedures as needed or requested.
 - 1. Human Resources for purposes of these policies, procedures and the processes communicated is defined as whomever the City Manager has assigned at the City to handle such until a formal department or position is defined.
- G. Operational changes, adding a new policy or updating policies and/or procedures require approval by the City Manager.
- H. Questions about application, interpretation or clarification regarding policies herein should be directed to Human Resources or to the City Manager's Office.

II. Applicability and Scope of Policies

These policies apply to all city employees, unless specifically accepted by law, the terms of the policies, or action taken by the City Manager.

- A. Full time is defined as an employee in a position budgeted to work 40 or more hours per week.
- B. Part time is defined as an employee in a position budgeted to work less than 30 hours per week.
 - 1. Part time positions regularly budgeted and scheduled to work less than 1000 hours annually are not eligible for TMRS retirement participation.
 - 2. Part time positions working between 20 and 29 hours per week are required to participate in TMRS.
- C. Temporary or Seasonal employees may only work up to 29 hours on average per week due to provisions under Health Care Reform. If any employee works on average 30 hours or more per week (all positions combined) during the prior 12 month period, they are entitled to benefits, regardless of whether the position normally allows for benefit participation. (1560 hours)

- D. A person on retainer or under contract is not considered to be a city employee in the absence of an agreement to that effect.

III. Distribution/Dissemination of Policies

- A. All city employees shall be informed as to the existence of these policies and each department head should maintain a current copy for reference by its employees.
- B. Employees may request printed copies of these policies from Human Resources.
- C. New employees will receive copies of these policies and will sign acknowledging receipt.
- D. Employees are responsible for reviewing and understanding policies and procedures communicated and for obtaining the most current version available.
- E. Acknowledgement of the policies upon hire includes responsibility to follow any future revisions, amendments, revocations, etc. of such policies in the future without additional signatures being obtained.

SECTION 2: Employment and Compensation

I. Employment at Will

- A. The policies and procedures, including any modifications, are prepared for informational and guideline purposes only and do not constitute a contract (either express or implied) in any respect between the City and its employees.
- B. Employment with the City of Celina is “at will,” and either the employee or the employer may terminate the relationship at any time for any reason not contrary to law or no reason at all.
- C. Any employee of the City who is not appointed by the City Council may be removed with or without cause.
- D. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees.

II. Equal Employment

- A. The City of Celina is committed to providing all applicants and employees with equal employment opportunities and maintaining a diverse workforce. The City will not discriminate on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability, or military status in accordance with applicable federal, state and local laws. Selection is based on the candidates whose background, qualifications, and any preferences requested from the hiring manager most closely match the job requirements.
- B. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship, safety, and/or health risk.
- C. This policy applies to all terms and conditions of employment including, but not limited to recruitment, hiring, placement, training, transfer, promotion, termination, reduction in force, leaves of absence, compensation and benefits.

III. American With Disabilities Act

- A. To ensure compliance with the Americans with Disabilities Act and the Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.
- B. The City will provide a reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City’s obligation under this policy is limited to providing reasonable accommodations that will not result in an undue hardship to the City.
- C. Any employee seeking a reasonable accommodation for a disability that affects the employee’s ability to perform the essential functions of the position shall make a written request through Human Resources.
- D. Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment,

discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the City's Harassment and Discrimination policy noted herein.

IV. Diversity in the Workplace

The City of Celina is committed to creating a working environment that values and respects the differences in each of our employees to contribute to the City's overall mission of service excellence. We recognize that diversity and inclusion enhances and strengthens the City. Our goal is to ensure that our workplace and actions demonstrate professionalism and respect. We expect our employees to maintain the highest standards of ethical behavior, conduct and performance to contribute toward our vision. We believe that the unique skills, abilities, background, and perspectives each employee brings to the City through a shared vision can make an impact to those we serve and positively contribute to our City's success.

V. Eligibility to Work in the United States

In compliance with the Immigration Reform Control Act of 1986, the City shall employ only American citizens or aliens who are authorized to work in the United States. The City of Celina will only accept documentation that is approved by the U.S. Citizenship and Immigration Services, a division of the Department of Homeland Security, for use in completing an Employment Eligibility Verification Form I-9 (the "I-9").

VI. Attendance

All employees are expected to report to work on time and for each scheduled shift assigned, whether regular or overtime hours. Dependability is expected of each employee. Employees shall report to their worksite in accordance with city and departmental policies and regulations. Department heads shall establish appropriate and equitable work schedules to cover hours of operation, as well as procedures to monitor and manage attendance records of personnel.

VII. Indictments Against an Employee

- A. An employee may be suspended, with or without pay, if accused or indicted for a crime or official misconduct pending a decision on the indictment such as dismissal, acquittal or conviction.
- B. If the indictment is dismissed or the employee is acquitted, the suspended employee shall be reinstated to his or her former position or a similar one if not available, without loss of any benefits. Further, such suspension shall not be considered as disciplinary action.

VIII. Work Standards

- A. Each employee is expected to maintain high standards of cooperation, efficiency, work habits, attitude, conduct and proficiency in his or her work for the city.
- B. Department heads are expected to ensure they organize and direct the work of their departments and personnel to achieve such high standards as a team.

- C. Any deficiencies in the work standards noted shall result in appropriate application of the progressive discipline policy until such behavior is corrected to expected levels or the employee is separated from service.

IX. Political Activities

- A. Except as allowed by law, the following restrictions on political activity shall apply to city employees:
 - 1. Employees shall refrain from publicly using their positions for or against any candidate for public office in any jurisdiction.
 - 2. No employee while on duty shall take an active part in any political campaign of another person for an elective position of the city. The term “active part” means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about the candidates.
 - 3. Employees may not be required to contribute to money, labor, time or other valuable thing to any person for city election purposes.
 - 4. No employee may hold an appointive or elective city office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with city employment, with or without remuneration.

X. Solicitation

- A. Solicitation of contributions or anything of value for any purpose whatsoever shall be permitted by city employees on the job only with the express approval of the City Manager.
- B. No employee may be required to make any contribution or may be penalized or rewarded in any way in connection with his or her employment according to his or her response to the solicitation.

XI. Conflict of Interest/Gifts

- A. No officer or employee of the city shall accept, directly or indirectly, any gift favor, privilege, or employment having a 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 or during the employment of such employee of the city and in connection with such office or employment, except as may be authorized by the City Manager and/or City Council on behalf of the city or its benefit.
- B. Under no circumstance shall cash or any instrument of cash having monetary value be accepted. (as a gift, etc.)
- C. 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.

- D. A paid city employee shall not solicit, accept or engage in outside employment or enter into any contract or business relationship which would impair independence of judgment in, or the faithful performance of their official duties, that results in a conflict of interest with their duties as an employee of the city.

XII. Secondary Employment

- A. Outside employment is not expressly prohibited by the city, but the full-time position the employee holds with the City of Celina shall take precedence over any other occupational involvement of the employee. No full-time employees of the City shall engage in any occupation or outside activity which interferes with their employment with the City or presents a conflict of interest.
- B. Any employee desiring to engage in secondary employment must submit a "Request for Outside Employment" which indicates the nature and time required for such employment to his/her supervisor prior to accepting such employment. The supervisor shall forward such request to the Department Manager.
- C. If the Department Manager determines that a conflict of interest exists, the request to engage in secondary employment will be denied and the employee shall be advised not to engage in the secondary employment.
- D. If the employee accepts the secondary employment after the supervisor has advised otherwise, the employee will be subject to disciplinary action, up to, and including dismissal.
- E. If secondary employment is approved, the Request for Outside Employment will be forwarded to Human Resources and put in the employee's personnel file. There shall be a periodic review to ensure there is no conflict of interest.
- F. Approval of secondary employment may be withdrawn at any time when such employment constitutes a conflict of interest with the City. Approval can also be revoked when there is a conflict of interest for the employee or where the secondary employment interferes with the individual's employment with the City.
- G. The "Request for Outside Employment" accompanied by necessary reporting information shall be treated confidentially for all purposes other than review and action by appropriate officials.
- H. Individual departments may have their own provisions regarding secondary employment, in those cases; departments should comply with all applicable directives.
- I. All questions with regard to the above procedure should be directed to the Director of Human Resources.

XIII. Payday

- A. Employees are paid on a biweekly basis on Friday. Pay dates falling on a city-designated holiday will be scheduled for the preceding business day.

XIV. Dress Code

- A. This policy provides general guidelines for departments and addresses appropriate and inappropriate apparel for both normal work days and City authorized "casual" days.

- B. All employees are expected to dress in a professional manner, practice good grooming and hygiene, and maintain neat, clean appearance and in good taste. Attire and hygiene should reflect a professional, businesslike atmosphere.
- C. The City recognizes that different styles will be necessary depending on changes of seasons, degree of customer contact, the nature of the work, and safety issues.
- D. The City has authorized Fridays as "Casual Day". Other casual days or theme days may be authorized by the City Manager.
- E. Attire is defined in the following general categories and is not intended to be an all-inclusive list. Additional clothing may be deemed inappropriate and/or appropriate based on supervisor discretion. Employees and managers should use reasonable discretion as to clothing that fits these categories and which are appropriate based on current trends, styles, etc.
 - 1. "Business" Attire:
 - a) Clothing that is neat, clean, in good taste and appropriate to the duties of the position. Such clothing may typically be worn for more formal business meetings, city council, court venues, vendor/client meetings and/or conferences as appropriate. Business attire includes suits, dress pants, dress shirts, dresses, skirts, ties, and dress shoes or other clothing that reflects a more formal business environment.
 - 2. "Business-Casual" Attire: Clothing that is less formal than business attire but remains appropriate to the position and duties.
 - a) Clothing may include such items as knit pants/skirts; khaki pants (similar to Dockers-style); casual skirts, shirts and blouses, shirts with city approved logo-button, polo or pullover style, etc.
 - b) Clothing in this category should fit properly and not be too revealing, short, tight or baggy. Items such as mini-skirts, cocktail dresses, items which reveal/expose midriff, are tattered/frayed, or which reveal cleavage are inappropriate.
 - 3. "Casual" Attire: Clothing that is less formal than business-casual.
 - a) This clothing is similar to business casual, but usually includes jeans, approved t-shirts for specific city-sponsored events, and more casual shirts, leggings, pants, and general attire.
 - b) Casual shoes, sandals, boots allowed.
 - c) Casual clothing that is torn, frayed or dirty, flip-flops, beach shoes, sweat suits/jogging suits, shirts that are cut off and ball caps are inappropriate attire.
 - d) Shorts in the office environment are not appropriate
- F. Each department is responsible for implementing the dress code policy and communicating it to their employees. Departmental dress codes may be more restrictive than the policy. Exceptions to the dress code may be approved by the director or City Manager under certain circumstances, including a special departmental event, holiday weeks, etc.
- G. Along with attire, employees will maintain proper hygiene and grooming. Piercings in visible body parts, other than the ear, or more than two items of jewelry in each ear, are not acceptable and/or may be asked to be covered or removed while at

work based upon manager's discretion and the work environment. Once hired, employees may not add visible tattoos or body piercings.

- H. Employees who are required to wear City authorized uniforms should follow the guidelines established within their departments and in compliance with this policy for non-uniform related issues.
- I. Unusual circumstances as approved by the supervisor such as weather conditions, special work assignments, medical reasons, worksite conditions and/or non-normal working hours and situations may be sufficient reasons to grant an exception to the dress code.
- J. Employees who do not meet dress code standards may be sent home to correct whatever issue exists that is not perceived to be in compliance and/or may receive disciplinary action if warranted based on severity or any pattern that exists.
- K. Questions about proper attire should be directed to the employee's supervisor/chain of command.

XV. Bar from Employment

An applicant or employee who is separated or resigns in lieu of separation from employment for:

- A. Violating a general city policy will be barred from employment for a period of at least six (6) months.
- B. Gross misconduct such as fraud, theft, harassment or discrimination may be barred from employment indefinitely.

XVI. Nepotism

This section refers to the practice of favoring relatives, roommates or cohabitants over others.

A. Relatives Defined:

- 1. Relatives include, but are not limited to, the first, second, and third degree of consanguinity (blood); adoption; and the first and second degree of affinity (marriage).
 - a) Persons related through the third degree of consanguinity (blood relation) include:
 - (1) FIRST DEGREE – father, mother, daughter, son.
 - (2) SECOND DEGREE – brother, sister, grandparent, grandson or granddaughter.
 - (3) THIRD DEGREE – uncle, aunt, niece, nephew, great grandparent, great grandson, or great granddaughter.
 - b) Persons related through the second degree of affinity (relative through marriage) include:
 - (1) FIRST DEGREE – husband, wife, son-in-law, daughter-in-law, mother-in-law, father-in-law, stepmother, stepfather, stepson, stepdaughter.
 - (2) SECOND DEGREE – brother-in-law, sister-in-law, or spouse's grandparent, grandchild, step-grandparent, stepsister or stepbrother.
- 2. Cohabitants are persons who live together in a sexual relationship but are not married, nor are declared to be married.
- 3. Roommates are anyone sharing the same residence in a non-sexual relationship.

B. General Provisions:

1. No applicant or employee may be hired, transferred or promoted into a position which would cause them to be regularly in the direct line of supervision of a relative, cohabitant or roommate.
2. All internal and external applicants must, at the time of application/hire, disclose the name(s) of any relative(s), cohabitant or roommate serving as elected City officials or currently working for the city in any capacity.
 - a) Nondisclosure of this information will be deemed as falsification of an application and will result in non-consideration for a position or termination if the person has already been placed on the payroll. In the case of collusion, the current employee who is a relative will be disciplined up to and including termination.
3. No relatives, cohabitants, or roommates will be placed in positions allowing for financial signature approval of any purchasing or payroll transactions for one another.
 - a) In the case where business demands require indirect or temporary supervision of relatives, the Department Director of the employees is responsible for establishing a process of auxiliary review for the affected employees to include review and signature authority over timesheets, purchase orders and any other action where a conflict could arise from the reporting relationship of family members.
4. The hiring and promotion of relatives will not be allowed, even in different departments or cost centers, if that action creates a conflict of interest for the city as determined by the City Manager. When any relationship through blood, marriage, cohabitation or roommate presents a conflict of interest for the city, the city reserves the right to take appropriate action to eliminate the conflict.

C. Procedures:

1. Developing a relationship with a co-worker is strongly discouraged, but not prohibited due to a potential awkward environment such relationship ending can create in the workplace for all parties involved. Any inter-office dating that creates a disruption to the work environment during or following that relationship may be addressed in the disciplinary policy.
2. Should a relationship develop during employment which is not allowed by this directive, the following procedures apply:
 - a) One of the employees must resign his/her position and may apply for another position within the city through the established employment process.
 - b) The decision as to which employee will vacate his/her position will, initially, be left up to the affected employees.
 - c) They will be given thirty (30) days to decide and vacate the position. If the affected employees do not make a decision as to who should vacate within the 30 days, the Department Director will notify the employee with the least seniority based on hire date that he/she must vacate their position.

XVII. Residency Requirements

- A. There is no mandated residency requirement for city employment.
- B. Employees who are likely to be called to work in cases of emergency may be required to reside within a reasonable response time set by the director, which is typically within 45 minutes of the city.
- C. Employees allowed take home vehicles may be required to reside within a reasonable mileage from the city as determined by the City Manager.

XVIII. Compensation

- A. The City shall prepare and administer a written compensation plan for city employees. This plan shall be prepared annually and submitted to the city council for approval at the time of adoption of the annual city budget.
- B. City employees shall be paid hourly or salaried wages in accordance with the compensation plan and its ranges, if any.
- C. In preparing the compensation plan, consideration shall be given to prevailing rates of pay among similarly situated public employers (or private employers if available and agreed to by the city manager's office) position duties, responsibilities, budgetary control, span of control, certifications, education, and experience requirements or other relevant factors.
- D. It is the city's policy to use the best possible practice to administer the pay plan and pay rates in an equitable, competitive and consistent manner.

XIX. Administrative/Special Leave

- A. Employees on duty on the date of any national, state, or local election and who are eligible to vote in such elections shall be granted time off without the loss of pay or benefits to exercise this right if they cannot reach their polling place outside of working hours before they close. Evidence of voter registration and voting may be required by the supervisor.
- B. Employees shall be granted sufficient leave with pay when called for jury service or court duty. The employee shall provide his or her supervisor a copy of the jury or court summons. Employees excused or released from jury service or court duty shall immediately report to their work station for the remainder of their shift.
- C. Employees who make donations of blood without receiving compensation for it will be excused from duty without loss of pay or benefits. Employees will be excused for such time as it is necessary to make blood donations and to recuperate, if needed. The excused absence will not exceed four hours and will be authorized for the day of the donation only.
- D. Leave with pay may be granted by the city manager as deemed appropriate for attending a professional conference, convention, job related training activity, legislative proceeding, or civic function or purposes of coordinating with governmental or private agencies and entities in the interest of the city.
- E. The City Manager may authorize other leave without pay for other conditions not specifically noted herein. Employees taking leave without pay shall not lose or gain seniority. All employee benefits will remain in effect during periods of authorized leave without pay.

XX. Overtime and Compensatory Time

A. Definitions for this section:

1. Exempt employees are defined by the Fair Labor Standards Act (FLSA) as salaried employees who, based on their duties and salary level, are ineligible to receive overtime, even if hours worked exceed 40 hours per week.
2. Non-exempt employees, as defined by the FLSA, are employees who are paid hourly and do not meet the salary and duties requirements of an exempt employee.

B. For all scheduled and approved time worked in excess of a regular work week, compensation will be at the rate of one and one-half time the employee's regular base pay rate. Overtime, when ordered for the maintenance of essential city functions, shall be allocated as evenly as possible among all employees qualified to perform the work.

C. Overtime pay will be paid for all time worked over 40 hours per week unless the employee is exempt from overtime pay eligibility. No sick time or time traveling to and from schools, conferences, or seminars shall be considered when determining overtime pay.

D. Compensatory Time

1. Non-Exempt Employees are eligible for "compensatory time."
2. In lieu of overtime pay, the city may provide time-off instead, normally referred to as compensatory time. Compensatory time shall be provided for non-exempt employees at rate of one and one-half hours for each hour of overtime worked.
3. Any and all compensatory time worked must be tracked on the time sheet for accrual and future use.
4. The maximum accrual limit of compensatory time is 24 hours for all eligible employees.
5. Any overtime worked that exceeds the 24 hour maximum shall be paid out as overtime pay in the respective pay period that the overtime is earned.
6. Use of compensatory time must be approved by the appropriate supervisor.

E. Discretionary time

1. Exempt employees are eligible for "discretionary time."
2. Discretionary time is similar to compensatory time as time off for extra hours worked, except that exempt employees are expected, by the nature of their prominent positions within the City, to work a reasonable amount of time over 40 hours without being compensated at a direct hour-to-hour basis.
3. Discretionary time is not an hour-for-hour calculation of time worked or to be banked to be used for extended periods of time off.
4. Requested discretionary time off must be used for a reasonable amount of time, typically one day or less.
5. Time off using discretionary time must be approved in advance by the Department Director or by the City manager in cases of Department Directors requesting time off.
6. Approvals will be decided on a case-by-case basis.

XXI. Termination Pay

- A. Upon separation from employment, only employees who have completed their introductory period shall be paid for unused vacation time earned.
- B. Employees shall be paid any hours worked and overtime compensation due.
- C. No pay is provided for unused sick leave.
- D. Any indebtedness to the city which the employee might have incurred shall be deducted from his or her final paycheck.
- E. If any employee dies while employed by the city, the city shall pay the beneficiary any unpaid pay, unused vacation and accumulated benefits as applicable to normal payouts.

XXII. Longevity Pay

- A. Longevity begins to accrue at a rate of \$4.00 per month after the first year of employment.
- B. Payouts are made in the month of December each year.
- C. In order to be eligible to receive the end of calendar year payout, the employee must be in active status during the first payroll of December of that year.
- D. Should an employee terminate employment with the City of Celina prior to that first December payroll period, they forfeit their right to the longevity payout for that calendar year.

XXIII. Event Pay

- A. Any City of Celina hourly employee who completes hours of work for a City Sponsored event or festival will be eligible to turn in hours for supplemental pay. Number of hours available to work will be regulated by department directors and the City Manager. The event pay hourly rate will be \$15.00 per hour for all employees. All completed hours must be turned in by the close of the pay period following the event.

XXIV. Acting Pay

- A. Acting pay may be authorized by the City Manager at the request of a department head. Acting pay is only considered for a full time employee to be temporarily promoted to a higher level position, and should typically be for a duration of more than two weeks.
- B. Occasional or short term help provided to cover higher level duties does not necessarily qualify for acting pay.
- C. Such acting pay is typically only authorized for a high level or key position which is necessary to maintain safe, efficient and effective operations.
- D. Employees who are temporarily assigned to a higher level position must be qualified to perform, and must actually perform, the full range of duties expected of the position for a majority of the time.

XXV. Recruitment

A. General Information

1. Positions may be filled resultant from two different methods:
 - a) External applicants.
 - b) Internal applicants via a promotion, demotion or transfer for employees qualified to perform the position to which they are moving or interested.
 - (1) Promotion: movement of an employee from a lower pay grade or position to one in a higher position, grade, duties and responsibilities in the organization. This usually involves an increase in pay.
 - (2) Demotion: assignment of an employee from a higher pay grade or position to one in a lower position, grade, duties and responsibilities in the organization. This may be disciplinary or non-disciplinary, at the employee's request, or as an alternative to a reduction in force affecting the employee. This may result in a decrease in pay to remain equitable to other similarly situated employees.
 - (3) Transfer: reassignment of an employee from one position to another that have similar responsibilities, authority, and in the same pay range/grade. Transfers can be done administratively at the discretion of the department head, or with authorization from the City Manager if between departments.

B. Vacancy/Job Posting

1. Departments will notify Human Resources as soon as they determine a vacancy exists.
2. A job requisition form should be completed to notify Human Resources of the position, vacancy date, date needed to be filled, and any posting requests.
3. Human Resources will properly post all open positions.
4. Promotions: For promotional opportunities, the department head may choose to only open the position to internal candidates. Internal candidates are considered an existing employee.

C. Applications and Disqualifiers:

1. Each department will receive applications, review candidates, conduct interviews and other activities related to the recruitment process for their own positions.
2. Applicants may be required to complete additional forms or take job related examinations such as oral, written or skills testing if requested by the hiring manager.
3. Applications may be considered incomplete and removed from consideration if:
 - a) responses have not been provided to all entries on the employment application and supplements,
 - b) The applicant has not signed and dated all designated areas, or necessary diplomas, licensure, certification, or other requested documents have not been furnished as requested by the hiring manager.
4. Any applicant who is found to have made a false statement or who has practiced any deception, fraud, or misconduct in connection with his/her

application, examination or appointment may be removed from further consideration, or if already working, be subject to disciplinary action up to and including termination.

5. Falsification of the application by failing to fully disclose information relating to criminal convictions will result in automatic disqualification from employment; and may result in termination of employment if the employee is already hired when the falsification is discovered.
6. The City of Celina will conduct criminal history records checks on all selected applicants, including those in part-time, seasonal, temporary and volunteer positions. The City Manager has the authority to waive or modify any testing requirements for temporary, seasonal, volunteer or other such positions that are not full time.
7. The criminal history is only one of several factors considered in the application and hiring process and does not automatically disqualify a candidate.
8. Departments shall not hire, promote, transfer or allow an employee to begin working until approval is provided by the City Manager's Office.
9. All applications are to be returned to Human Resources/designee upon a final candidate being selected so that they may be retained and destroyed in accordance with the State Retention Schedule.

D. Conditional Job Offer:

1. Once a final candidate is selected, the hiring manager should notify Human Resources who will make a conditional job offer. Once the conditional offer is made, the employee is required to complete a drug/alcohol test at a city-designated testing site. Medical examinations may be required for some positions as determined appropriate by the city.
2. The selected candidate shall undergo any of the following job-appropriate background checks: reference/prior employment check, criminal history, motor vehicle, credit check as determined appropriate by the city.
3. All conditional job offers are contingent upon the satisfactory completion of the testing and background checks and verification of information listed on the application. Refusal to take a drug test, physical examination or work fitness test will result in automatic removal from further hiring consideration.

E. On-boarding:

1. Departments are responsible for covering department-specific orientations to advise new or transferred employees of any specific procedures or practices such as explaining working conditions, teaching proper use of equipment, and scheduling employees to attend new employee orientation.

XXVI. Introductory Period

- A. All employees except Fire and Police Sworn Personnel must fulfill a minimum six (6) month introductory period starting from the date of employment.
 1. All Fire and Police Sworn Personnel must fulfill a minimum twelve (12) month introductory period starting from the date of employment.
- B. All Non-Police and Fire employees who are promoted will serve a 6-month probationary period from the date of promotion.

1. All promoted Police and Fire employees will complete a twelve (12) month probationary period after the date of the promotion.
- C. The introductory period is designed to give the employee time to learn the position and the supervisor time to evaluate the employee's potential, performance and conduct.
- D. The City reserves the right to terminate the introductory employee's service on the basis of unsatisfactory performance or on the basis of other reasons deemed sufficient by the City.
 1. If the employee is terminated during the introductory period, there is no appeal right except on the grounds of discrimination or harassment. Such appeal must be filed within five (5) business days of the termination.
 2. Promoted employees who fail the introductory period in the new position may be returned to the former position if the vacancy still exists and the department head approves the reinstatement. Reinstatement to the former position is an option, not a requirement.
- E. The evaluation is designed to provide a snapshot of the employee's performance in regards to individual goals within the job as well as performance in regards to team/departmental goals.
- F. Introductory periods may only be extended one time, if unique circumstances arise, up to 60 days, with written approval from the City Manager.

XXVII. Breaks/Meal Periods/Lactation Period for New Mothers

- A. Supervisor Responsibility
 1. Supervisors are responsible for scheduling the time for employee rest, meal and lactation breaks and should take into consideration the work load and nature of the job performed.
 2. Whenever necessary, the supervisor may change the frequency and length of rest breaks.
- B. Breaks
 1. If authorized by an employee's immediate supervisor, employees may be allowed two 15-minute rest periods during the day.
 2. Rest periods shall be considered a privilege-not a right-and shall never interfere with proper performance of the work responsibilities and work schedules of each department.
 3. Rest periods may not be taken at the start or the end of an employee's work day and cannot be used to extend lunch breaks.
 4. Rest periods may not be used to facilitate late arrival or early departure from work.
- C. Meal Periods
 1. Full-time employees (other than Police Patrol and Fire Department First Responder employees), are normally provided a one-hour unpaid meal break near the middle of the workday.
 2. Meal periods may be staggered by the department supervisors in order to minimize departmental interruption.
 3. Supervisors will provide employees with the starting and ending times for their specific meal periods.

4. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period, without express approval from their supervisor.
- D. Break Time for New Mothers
1. Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law.
 2. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor.
 3. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up.
 4. A private area will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

XXVIII. Electronic Communications/Social Media:

City equipment used to communicate, such as cell phones, text messaging, computers, email, and internet, should primarily be used for business purposes. While personal usage will be allowed, guidelines for acceptable and unacceptable uses will apply at all times. Failure to comply with this policy could lead to disciplinary action, up to and including termination of employment.

A. Business Expectations

1. **Do not expect privacy.** The City may access, read, monitor, intercept, copy, and delete your communications if the City deems it appropriate and business reasons exist to do so. Information that passes through, or is stored in or on any City network is considered public information per requirements of the Texas Public Information Act (Texas Government Code 522) and subject to disclosure or release to the public. Thus, you should not expect privacy in your communications tools utilized via the city's systems/networks now or in the future. This includes accessing personal accounts through city equipment such as email, Facebook, Twitter, MySpace or other such forums for communication. Communications, personal or business, to or from city equipment should be business professional.
2. Personal use of the computer systems, internet, email and cell phones are allowed at the City, but must be minimal and not interfere with the employee's productivity nor pre-empt any business activity.
3. Supervisors may be more restrictive in personal use of computer systems/equipment as deemed necessary for departmental operations or if abuse by an individual is found.
4. Ethical behavior of government employees and the appropriate use of government resources apply to the use of electronic communications and computer systems supplied by the City.

B. Acceptable Uses

1. Use of city computers/communication equipment is appropriate for:

- a) Communication and information exchange directly related to City business or operations,
- b) For professional development to maintain any job related or required certification, or
- c) To communicate appropriately amongst employees/council/citizens on city-related topics.

C. Unacceptable Uses

1. Use of city computers/communication equipment may NOT be used for any of the following:
 - a) To buy goods or services for personal use using a City provided purchase card or purchase order.
 - b) For any purpose, which violates federal, state, or local laws.
 - c) For purposes unrelated to city business or operations, except as allowed in A 2.
 - d) To access or distribute any material which is offensive, inappropriate, harassing, or sexually explicit or in violation of others laws or internal policies.
 - e) To intentionally copy any software, electronic file, program or data using City provided electronic tools without a prior, good faith determination that such copying is, in fact, permissible. Any efforts to obtain permission should be adequately documented.
 - f) To intentionally misrepresent yourself electronically as another person, unless explicitly authorized to do so by the person you are representing, or
 - g) To use social media or other communication tools to defame, disparage, threaten or otherwise harm others (“cyber-smearing” or “cyber-bullying.”)
 - h) To disclose the City’s confidential or proprietary information to others who do not have a need to know.

D. Internet Use

1. Use of the Internet is a revocable privilege. This privilege can be withdrawn from an employee for any reason as determined by the employee’s chain of command and/or City Manager if used inappropriately or in a manner which negatively reflects on the employee, department or the City.
2. It is expected that employees will use this to help research city-related information and knowledge as appropriate.
3. Personal use is allowed, but should be minimal and not interfere with city operations or efficiency.

E. E-mails/Text Messaging

Use email and texts on city-issued cell phones appropriately and be business conscious. Simply deleting an e-mail or text message from your systems account does not necessarily destroy the message. This message, even if deleted from your computer, may remain on the City’s e-mail server for any given period of time. Phone companies have security methods for accessing old text messages which are subject to Open Records Requests as well.

F. Social Media

1. "Social Media" includes forms of discussion and information sharing such as social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. Examples of social media applications include, but are not limited to, Google and Yahoo groups, Wikipedia, Vine, MySpace and Facebook, YouTube, Flickr, Twitter, LinkedIn and news media comment sharing/blogging. This policy covers other social media applications and tools that may occur in the future and not named herein.
 2. Departments wanting to create and maintain Department-specific social media applications/site separate from the City's primary application must obtain approval from the City Manager.
 - a) Should departments engage in conversations with citizens and are asked questions directly related to the City's operations or business, responses should be approved through the City Manager. Each department's Social Media Liaison is responsible for communicating with the City Manager and gaining approval.
 3. Freedom of Information Act and e-discovery laws and policies apply to social media content.
 4. Outside the workplace, you have a right to participate in social media and networks using your personal e-mail address. Information and communications that you publish on personal online sites should never be attributed or sufficiently related to the City or appear to be endorsed by, or to have originated from, the City.
 5. Personal communication denigrating your employer, "cyber-smearing," or "cyber-bullying" of other employees is prohibited conduct and may result in disciplinary action if they are found to defame, disparage, threaten or otherwise harm others."
 6. If you choose to disclose your affiliation with the City of Celina, you must treat all communication with the disclosure as professional communications governed by this and other organizational policies. Any individual has the right to come forward and report any inappropriate activity on an employee's social media account.
- G. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable laws.
- H. Any violations to these policies will be reviewed by the Human Resources department and the employee's supervisor to determine if any disciplinary actions are required.

XXIX. Tobacco Use

- A. This directive applies to all employees of the city, including volunteer, seasonal, contractor, temporary, full time or part time.
- B. The term "tobacco product" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco (dip/chew), and any electronic nicotine delivery devices such as electronic cigarettes and vapor cigarettes.

- C. The term “city operated facilities and buildings” includes all buildings, parking lots, grounds, sidewalks or other areas surrounding the worksite.
- D. The term “city vehicles and motorized equipment” includes all city-owned and operated automobiles, motorcycles, mobile equipment, including but not limited to tractors, riding lawnmowers, backhoes, etc.
- E. The use of all tobacco products is prohibited in/around any city operated facility and/or buildings or when performing job duties or operating city vehicles and/or motorized equipment.
- F. Use of tobacco products are not allowed around or within a hazardous range of flammable liquids or highly volatile substances.
- G. Managers of their respective departments/divisions are responsible for seeing that employees in their areas comply with this policy. Employees who are in violation of this policy may have disciplinary action taken against them up to and including termination.
- H. Employees will have a six-month grace period following publication of this policy manual to end use of tobacco products.

XXX. Reduction in Force

- A. Reduction in Force (RIF) is the elimination of a position or dismissal of an employee because of a change in a city program, a departmental reorganization, a budgetary restriction, the expiration of a grant or contract, or in the event of a financial or other urgency.
- B. The City Manager, Human Resources and the City Attorney shall meet to determine criteria and legal requirements in determining reductions.
- C. Department/Division managers shall be strictly prohibited from sharing any information about the RIF until specifically authorized to do so by the City Manager. Any breach of sensitive information determined may result in disciplinary action up to and including termination.
- D. Employees affected by the reduction are considered “preferred candidates” and will be notified of the reduction by their supervisor and/or manger and provided a letter of the provisions of the RIF.
 - 1. “Preferred candidates” who apply for other city positions are not guaranteed placement into another position nor the same pay should they successfully move into that position. Pay is determined based on equity of other similarly situated employees in that position at the time of transfer.
 - 2. “Preferred candidates” must meet the minimum qualifications for any position and must apply for positions through the same process as all other candidates.
 - 3. Hiring supervisors are required to review “preferred candidate” applications as a priority and interview them.
 - 4. Although “preferred candidates” were displaced by the reduction, the hiring manager retains the right to make the final hiring decision on any position. The candidate must demonstrate a desire to continue work, learn a new position, maintain a positive attitude and contribute.

XXXI. Exit-Processing

A. Purpose

1. The purpose of this directive is to establish a process to be followed whenever an employee separates employment from the City.

B. Resignations

1. A minimum of a two week notice is expected for employees resigning from the city.
2. An earlier notice is desirable for employees who resign from highly skilled, executive, or technical positions or where replacement may require extensive recruitment.
3. Resignation letters are considered accepted once a supervisor initials and dates the resignation form.
4. If an employee requests to withdraw a resignation letter, it is up to the chain of command as to whether this is allowed or not.
5. An employee who resigns, then demonstrates a poor attitude, work ethic, or undesirable work habits may be required by the supervisor to end employment prior to the resignation date if their actions are disruptive or destructive to the work unit or environment. In such cases, the resignation date may be adjusted to the day released due to employee's actions.

C. Involuntary Terminations

1. Involuntary terminations should be reviewed with the City Manager's Office or Human Resources prior to termination to review circumstances, ensure consistency citywide and to ensure it is in compliance with city policies and state/federal laws.

D. Procedures

1. All exiting employees must go through exit-processing with Human Resources to ensure that s/he receive any required federal, state or local benefits, retirement or other such notices.
2. Collect all city property from the employees
3. Complete exit-processing checklist from Human Resources noting what has or has not been turned in by the employee.
4. Forward a copy of the exit-processing checklist and the resignation/termination letter to Human Resources as soon as possible and prior to separation of the employee.
5. Advise the departing employee to turn in all remaining City property on the final day for Exit-processing.
6. Employees terminated for cause may not return to their work area.
 - a) The supervisor will set a time with them outside of work hours to collect belongings and/or go through files to get personnel information. No exceptions.
 - b) This shall always be supervised and the supervisor has the right to review any information the employee is removing to ensure it is personal and not city property.
7. The employee should call or email Human Resources to schedule the exit-processing on or near their last day.

8. The supervisor and Human Resources should return all property to respective departments.
9. Employees who begin to abuse their final workweeks by calling in sick, failing to show up, evidencing a bad attitude, destructive or disruptive behavior etc. may result in the future resignation date becoming immediate at the discretion of the Department Director.

SECTION 3: Benefits

I. Benefits Plans offered by the City

- A. The City shall furnish medical, dental, or other such benefits at their discretion.
 - 1. For details of coverage, see City's Benefits Summary.
 - 2. This insurance is effective so long as the employee remains on the full-time payroll.
 - 3. Benefits are determined by the city including plans, coverage, eligibility, cost, and effective dates are at the sole discretion of the city and may be modified, added, or dropped by the City as deemed necessary and as provided by the budget annually.
 - 4. The City shall comply with any applicable laws as applicable in the administration of benefits.
- B. Additional supplemental or "voluntary" insurance coverage for employees and members of their families may be offered by the City and will be communicated if such benefits are instituted, added or changed. Supplemental or "voluntary" benefits are typically paid 100% by the employee.

II. Workers Compensation

- A. The City carries a workers' compensation insurance policy.
- B. In cases of job related injuries, provisions and benefits available under workers' compensation are activated.
- C. Employees must notify their immediate supervisor within 24 hours of an injury or illness that is work related so that a proper claim or notice of claim may be filed with the city's workers compensation carrier.
 - 1. Employees are expected to clearly relay the place, time, and date of any work-related illness/injury as well as any witnesses that were present.
- D. When an employee becomes eligible for workers compensation benefits due to an on-the-job injury or illness and also qualifies for FMLA job protected leave, the City of Celina will require the use of accrued sick and vacation leave to compensate for the difference in Workers Compensation wages from the full pay an employee normally receives in an 80 hour, biweekly pay period. Should sick and vacation leave balances become zero, employee's differences will be paid out of the salary budget as supplemental pay.
 - 1. Workers Compensation will be paid on a weekly basis. The city will combine the check values received in each designated pay period from Workers Compensation to determine the value of the check the City will disperse in order to fully compensate the employee. Should the check values from Workers Compensation exceed an employee's normal 80 hour, biweekly pay check; the employee will not receive any supplemental pay benefits.
 - 2. It will be the employee's responsibility to provide payroll with the evidence of their receipt of a check within the designated pay period. Employees who do not complete this responsibility will forfeit their right to a supplemental check.
 - 3. Employees whose normal schedule often includes overtime will not be given supplemental pay above 80 hours per pay period.

4. There will be a 60 day limit on supplemental pay benefits. If the employee has no leave accrued or their balances deplete before the 60 day period we will pay out supplemental pay until the 60 day period has expired. Once the 60 day period has expired, employees will only receive the checks from workers compensation without any supplemental benefits.
5. Should there be an initial overpay balance due to a delay in benefits from Workers Compensation and the normal pay of the employee's salary, the employee will be required to pay back the balance incrementally per pay period upon the return to work, until the balance is completely paid off.

III. Social Security

All of the employees of the city are covered under the Federal Insurance Contribution Act (FICA). This type of government insurance, known as "Federal Old Age and Survivor's Insurance," provides for benefits for retirement, disability or upon death in accordance with federal guidelines.

IV. Unemployment

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

V. Holidays

- A. All permanent full time employees are eligible for the following City designated holidays:
 - New Year's Day
 - Martin Luther King's Day
 - Good Friday
 - Memorial Day
 - Fourth of July
 - Labor Day
 - Thanksgiving Day
 - Day after Thanksgiving
 - Christmas Eve
 - Christmas Day, and
 - (1) Floating Holiday
 - Any other day as declared by the city manager and/or city council as a designated official city holiday.
- B. Floating Holiday
 1. One "Floating Holiday" will be available for use during each fiscal year holiday schedule.
 2. An employee may elect any day of their choosing when utilizing the floating holiday, including, but not limited to, birthdays, religious holidays, or in conjunction with a current city holiday.

3. Once an employee selects the day, they must request approval prior to the date of use of the floating holiday from their supervisor. Holiday pay will not be given if supervisor approval is not received prior to the requested holiday, resulting in unpaid leave.
 4. Employees must request their floating holiday with the Leave Request form.
 5. The floating holiday must be designated on the time sheet.
- C. Seasonal and part time employees are not paid for the holiday time off.
 - D. Employees desiring to observe religious holidays not coinciding with officially designated city holidays may be given time off without pay or allowed to use accrued vacation leave.
 - E. Employees are not allowed to take an alternate day off for a holiday prior to the actual holiday occurring unless authorized by the department head and/or City Manager.
 - F. Any employee that is required to work on the designated holiday, or they are regularly scheduled to be off on a day which the holiday falls, may be given an alternate day off, but this must be done in the same calendar year as the holiday occurred.
 1. Alternate days off must be requested and approved through the department head.
 2. Departments have the authority to approve or reject the alternate day off request due to minimum staffing or other conflicts that arise.
 - G. Unless otherwise communicated by the City Manager, a holiday which falls on a:
 1. Saturday shall be observed on the preceding Friday.
 2. Sunday shall be observed on the following Monday.

VI. Vacation

- A. Full time employees will receive the following vacation time:
 1. General/Police Employees:
 - a) 2 weeks per year up to completion of 5 years of service
 - b) 3 weeks per year beginning the 6th year of service and through 10 years of service
 - c) 4 weeks per year upon completion of 10 years of service
 2. Fire Employees:
 - a) Full time Fire Employees receive 1 ½ times the vacation of general employees in
 1. a), b) and c).
- B. Vacation must be requested in advance and is approved through the department.
 1. Employees are not eligible to take vacation leave until completion of the introductory period.
 2. Vacation leave shall only be charged for time during which the employee would have worked on shift for that day.
- C. A supervisor may approve or reject a request dependent upon minimum staffing or other departmental needs.
- D. Vacation leave accrued shall be limited to 240 hours for general/police employees and 360 hours for Firefighters.

VII. Sick Leave

- A. Sick leave accrues at the rate of 1-day per continuous month of service for full time employees for a total of 12 days per year.
 - 1. Employees who begin employment before the 16th of the month or who leave employment after the 15th of any month shall earn sick leave credit for the month.
 - 2. Employees who begin employment on or after the 16th or who separate on or before the 15th shall not earn sick leave credit for that month.
 - 3. Employees are not eligible to take sick leave until completion of the introductory period except in extenuating circumstances approved by the City Manager or Human Resources.
 - 4. Sick leave accrual is unlimited.
 - 5. Sick leave may not be taken before it is earned.
 - 6. If an employee becomes ill and cannot report for work, he/she must call in at least one-hour in advance of the start time of their shift. Failure to report in will cause an employee's absence to be charged to leave without pay.
 - 7. If sick leave is exhausted, vacation may be used for additional time off needed.
 - 8. An employee terminating from employment will not be eligible to use sick leave in the last two weeks of employment unless providing a doctors certification of the need for leave.
 - 9. Departments are responsible for properly tracking and recording sick leave usage by employees for timekeeping purposes.
- B. Employees will be charged sick leave based on the hours taken or the total hours they are scheduled to work on that day if absent a full day.
- C. Sick leave may be used for an employee's illness or to care for a spouse/child/parent, non-work related injury or health-related appointments that cannot be reasonably scheduled during non-working hours.
- D. Excessive use, misuse, misrepresentation and/or abuse of sick leave benefits is grounds for disciplinary action up to and including termination. The City needs employees who are able to be at work on a regular and dependable basis. The excessive use, misuse or abuse of sick leave may be evidenced as follows, but is not limited to these examples:
 - 1. Misrepresenting the need to use sick leave.
 - 2. Falsifying or altering healthcare provider notices, reports, releases or other such physician documentation.
 - 3. Evidence of a pattern of sick leave usage, such as frequently using sick leave before/following holidays, weekends, or shift days.
 - 4. Using leave on days that evidence a pattern (such as 1 Friday per month; calling in sick during a similar period of time on a routine basis).
 - 5. Taking excessive leave (such as an entire day for an appointment).
 - 6. Failing to accumulate sick leave where usage is frequently in single day or partial day increments or used as soon as it has been accrued.
 - 7. Performing secondary work while on sick leave.

- 8. Participating in actions or activities that are not consistent with the requested need and use of sick leave or which conflict with the physician's certification and/or limitations.
- E. Employees who become ill or injured during the period of their vacation may request that their vacation be temporarily terminated and their time charged to sick leave from the point they became ill.
- F. Departments may request a doctor's note if deemed warranted in any case. Employees shall provide a doctor's note for any absence greater than 3 consecutive workdays. Failure to do so may result in dismissal, suspension and/or forfeiture of such pay.
- G. Unused sick leave is not paid out upon separation from employment.

VIII. Bereavement

- A. All full time employees may be granted leave with pay for a period not to exceed three (3) work days to attend a funeral and handle the necessary family details in case of death in their immediate family or other relative living in the same household. This leave will not be charged against sick leave or vacation. Part time, seasonal, and temporary employees may be granted leave without pay for the same duration and reason.
- B. Immediate family for the purposes of this leave, include spouse, son, daughter, mother, father, mother-in-law, father-in-law, employee's grandparents, brother, sister, brother-in-law and sister-in-law.
- C. For family members not included in the above category, leave may be taken but must be approved by the supervisor and charged to vacation time.

IX. Donated Leave

- A. Purpose
 - 1. Donated leave allows employees to assist and support fellow employees whose leave has been depleted.
- B. Eligibility:
 - 1. All regular and full time employees who are eligible to accrue vacation leave are eligible to donate vacation time to be used by another employee.
 - 2. Seasonal, temporary or contract employees who are in budgeted positions of less than 20 hours per week and ineligible for leave are not eligible to donate or receive leave.
 - 3. All regular full- and part-time employees who have completed their introductory period are eligible to request and receive donated leave provided they have depleted all available leave balances.
 - 4. Employees eligible to receive donation must be in good standing and not have demonstrated disciplinary issues, or misuse or excessive use of their own leave balances for reasons that cause a question as to the legitimacy of the need for leave.
 - 5. Employees may request donated leave in cases of illness, incapacitation, or catastrophic reasons (house burning down, etc) as reviewed and approved by the City Manager.
- C. Donation Procedures

1. Employees requesting leave must complete a Leave Donation Request form and submit to Human Resources
2. Human Resources will review with the City Manager to confirm agreement on eligibility and solicitation.
3. A request for leave will be solicited from employees by Human Resources or the City Manager's Office. In no case shall medical information or the reason for the need for leave be shared with others, except those with a business need to know (such as the chain of command) to protect the privacy of the employee.
4. Employees wishing to donate must complete a leave donation form and indicate the amount of vacation time to be donated. No other type of leave is eligible for donation.
 - a) Donated leave may be in whole hour increments only.
 - b) Leave donated will only be applied as needed. If it is not needed, it will not be removed from the donating employee's balance.
 - c) Unused donated leave that was previously applied will be returned to the donating employee's leave balance.
 - d) Leave donated will be converted to sick leave once applied to the receiving employee's leave.
 - e) An employee may not donate more than 50% of their available vacation leave balance.
5. Employees in need of donated leave may not receive more than six (6) months of donated vacation leave. It is the receiving employee's responsibility to review and understand all available benefits.
6. Donated vacation time is counted and taxed as income.
7. Employees found to have misused donated leave or misrepresented/falsified the reason for the need for donated leave may be disciplined up to and including termination.

X. Confidentiality of Medical Information

- A. Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee.
- B. Human Resources maintains these confidential medical files. Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:
 1. A note to justify an absence;
 2. A note to request a leave;
 3. A note to verify the employee's ability to return to work;
 4. Medical records to support a claim for sick pay or disability benefits;
 5. Insurance records;
 6. Workers' compensation records; and
 7. Medical history records
- C. The City does not request genetic information from an applicant, employee, or health care provider.

1. The City discourages health care providers from sending genetic information.
 2. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.
- D. It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or to Human Resources.
1. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.
- E. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information.
- F. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

XI. Group Health Continuation Coverage

- A. COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the total cost of any such continuation coverage plus a 2% administration fee (102% total of the employee and city portion combined).
- B. Under COBRA, employees may elect COBRA continuation coverage:
1. For up to 18 months after
 - a) Termination of employment (unless the employee is terminated due to gross misconduct), or
 - b) If an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan.
 2. For up to 36 months following a qualifying event if a dependent loses eligibility under federal regulations and certain circumstances.
- C. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.
- D. Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs.
- E. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan from the city's insurance plan.

XII. Education, Certifications and Licenses

- A. The City will reimburse an employee for certifications, licenses or continuing education if such is:

1. Required for the position by another entity (such as the State of Texas or TCEQ) in order for the employee to be able to perform certain functions of his/her position (such as a water quality or signal technician license).
 2. Not required, but is directly relevant to the position for which the employee is occupied and obtaining such would add value to the employee and the city.
 3. Requested by the employee and approved by the city manager.
- B. Such approvals for licenses, certifications and continuing education are at the discretion of the city manager annually based on available budget and may change without notice.
- C. Upon passing completion of a required license or certification, the employee may be awarded a monetary bonus, determined by the department head. The full amount of the corresponding bonus will be divided between six (6) months or thirteen (13) pay periods. Should an employee leave prior to the end of the six month period, he or she will forfeit their right to the remainder of the bonus not yet paid out.

XIII. Retirement

- A. All full- and part-time employees budgeted and scheduled to work at least 1,000 hours per year at the time of their employment shall become members of the Texas Municipal Retirement System.
1. Seven (7) percent of the employee's gross wages shall be deducted each pay period for deposit into the system.
 2. The City will contribute an amount equal to fourteen (14) percent of the employee's salary for deposit in the system, to be credited toward the employee's retirement fund.
 3. It is the City's option to change benefits via ordinance as determined necessary for affordability, benefits desired, competitive ability and in accordance with available funding/budget.
 4. A member must be 1) at least 60 years of age with 5 years of creditable service, or 2) any age with 20 years of creditable service to retire.
 5. Additional information for employees is available through TMRS publications or at tmrs.org.

XIV. Jury Duty

- A. Employees receiving a jury duty summons are expected to fulfill their obligation of citizenship by serving when called.
- B. Employees who are subpoenaed as witnesses for the City or as an expert witness shall be excused from duty for the amount of time necessary to attend the jury selection process and/or service.
1. Employees must notify the supervisor as soon as notice is received and shall receive regular pay during such period required to be in attendance for jury selection or service.
 2. Supervisors may require the employee to provide the official Certificate of Attendance from the court as certification.

- C. Should jury duty fall within a scheduled vacation period, the vacation period may be extended by a corresponding number of days, or the employee may schedule that number of days at another time.
- D. Non-exempt (hourly) off-duty personnel who are subpoenaed as witnesses for the City, or who are subpoenaed as expert witnesses in any litigation, shall receive overtime if their work-week hours exceed 40 as a result or may be required to flex time off if such can be done in the same work-week so that overtime may be mitigated.
- E. Employees required to appear in court for reasons other than a jury subpoena or city-related business shall be excused from duty. However, employees must use vacation leave or other personal time (compensatory time, etc.). If the employee does not have accrued vacation or comp time, the time off will be unpaid.
- F. Jury Duty shall be properly noted on the timekeeping records.

XV. Military Leave

- A. Covered Employees
 - 1. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military.
 - 2. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.
 - 3. This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.
- B. Notice to City of Need for Leave
 - 1. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity).
 - 2. Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders.
 - 3. To be eligible for paid military leave, employees must complete and submit a military leave request along with the official documents setting forth the purpose of the leave and, if known, its duration.
 - 4. The military leave request form must be turned into the Department Director and to Human Resources as far in advance of the leave as possible.
- C. Paid and Unpaid Leave for Training and Duty
 - 1. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year.
 - a) Shift employees will be transitioned to a 40 hour work week during military absences.
 - b) This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or

approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

2. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.
3. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

XVI. Family Medical Leave Act (FMLA)

A. Covered Employees

1. All employees, including seasonal, who have been employed for at least 52 weeks with the City and who have worked at least 1,250 hours in the 12-month period immediately preceding the commencement of leave are entitled to FMLA leave.
 - a) The required 52 weeks of employment need not be consecutive, but must have occurred within seven (7) years from the most recent hire date, unless the break in service was for fulfillment of the employee's National Guard or Reserve military service obligation.
2. In calculating the employment requirement, an employee who appears on the City's payroll, whether receiving pay or not, shall have that week counted as "employed."
 - a) The employee's eligibility is determined from the date leave begins.
 - b) Military time is credited as if the employee would have been working.
3. The 1,250 hours shall be based on actual hours worked in accordance with the Fair Labor Standards Act (FLSA).
4. An employee may not waive FMLA Rights. The employer has an obligation under law to designate the leave if the leave qualifies, even if the employee would "prefer" not to be on FMLA.

B. Definitions

1. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken.
2. "12-Month Service Member Period" means a single 12-month period measured forward from the first day Service Member Family Leave is taken.
3. "Child" means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on covered active duty or call to covered active duty, or for Service Member Family Leave, the child may be of any age.
4. "Continuing Treatment" by a Health Care Provider for a serious or chronic health condition includes any one or more of the following:
 - a) A period of incapacity of more than three (3) consecutive full calendar days;
OR

- b) Involves medical treatment two or more times within 30-days of the first day of incapacity, and the first treatment must take place within 7-days of the first day of incapacity; OR
 - c) Any subsequent (regimen) treatment relating to the same condition; OR
 - d) Any period of incapacity related to pregnancy or for prenatal care; OR
 - e) Any period of incapacity due to the treatment of a chronic serious health condition with at least two visits to a health care provider per year; OR
 - f) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; OR
 - g) An absence to receive treatment for a condition which, if not treated, would result in more than three days of incapacity.
5. "Covered Active Duty" means:
- a) In the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and
 - b) In the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
6. "Covered Service Member" means:
- a) A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or,
 - b) A veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
7. "Fitness-For-Duty Certifications" may be required to address an employee's ability to perform the essential functions of the job. If reasonable job safety concerns exist, this may be required before an employee is allowed to return to work.
8. "Health Care Provider" means any medical provider authorized to practice by the State of Texas to perform within the scope and practice defined by State Law.
9. "Incapacity" means the inability to work, attend school, or perform other regular daily activities due to the treatment of or recovery from a serious health condition.
10. "Intermittent Leave" means leave taken in separate blocks of time due to any FMLA qualifying illness or injury. An employee may not take intermittent leave following birth or placement of a child until an estimated schedule has been accepted by the supervisor and/or personnel.

Departments must track FMLA using the smallest increment of time used for other forms of leave with a maximum increment of one hour for tracking

intermittent leave. This is true even if the department normally requires that vacation or sick time be taken in full day increments. Example: If an employee arrives to work a half-hour late due to an FMLA qualifying condition, then only the amount of leave actually taken by the employee may be counted against FMLA.

11. "Key Employee" is a salaried FMLA-eligible employee in the highest paid ten percent of all City employees.
12. "Limited Duty." An employee is not on FMLA leave while performing limited duty, since they are in a working status for the city and not actually off work.
13. "Medical Certification" means a written statement by a health care provider on the appropriate form that identifies an employee's qualification for FMLA leave and provides medical facts supporting the need, frequency, and duration of leave.
14. "Next of Kin" means the nearest blood relative of a Covered Service member.
15. "Parent" means a biological parent of an employee or an individual who stood in place of the parent to the employee when they were a child (step parent, foster parent, etc.). This term does not include parent-in-law(s).
16. "Qualifying Exigency" includes:
 - a) Notification of a call to covered active duty seven or fewer days from date of deployment;
 - b) Military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such);
 - c) Attending to childcare and school activities;
 - d) Attending to financial and legal matters;
 - e) To spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and,
 - f) Any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.
17. "Reduced Schedule Leave" is a leave schedule that, based on medical necessity, reduces an employee's usual working hours per week, or hours per workday.
18. "Regimen of Continuing Treatment" includes, for example, a continuing course of prescription medication or therapy required to resolve or alleviate the serious health condition. Unless complications arise, it does not include treatment that involves the taking of over-the-counter medication, bed-rest, drinking fluids, exercise, or other similar activities which can be initiated without a visit to the health care provider.
19. "Serious Health Condition" is:
 - a) An illness, injury, impairment, or physical or mental condition that involves in-patient care (overnight stay);
 - b) Incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider;

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

Short-term conditions requiring only brief treatment and recovery, even if beyond three (3) days, such as the common cold, flu, routine earaches, upset stomach, minor ulcers, minor headaches, and dental care, are not considered "serious health conditions" unless serious complications arise and become qualifying under the law.

20. "Serious Injury or Illness" means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.

21. "Spouse" means husband or wife, including common law as defined by Texas State Law. Legal documentation for common-law is required and will be reviewed. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriages that either was entered into a State that recognizes such marriages; or if entered into outside of any State, is valid in the place were entered into and could have been entered into in at least one State.

a) Documentation: The employer has the right to require employees to provide reasonable documentation of the family relationship, such as marriage licenses or court documents.

22. "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.

C. General Provisions

1. FMLA leave runs concurrently with any other leave used in accordance with this policy, including workers compensation.

2. An employee may request FMLA leave for any of the following qualifying reasons:

a) In order to care for a child following the child's birth, adoption, or placement in foster care with the employee;

(1) Leave must be taken within the 12-month period following the child's birth or placement with the employee;

(2) If married spouses both work for the city, their total leave in any 12-month period may be limited to 12 weeks if the leave is taken for the birth or placement of a child.

b) To care for the employee's child, spouse, or parent of the employee with a serious health condition (in-laws are not a qualifying dependent);

- c) The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
 - d) The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.
3. FMLA shall begin on the employee's requested leave start date or the date the supervisor gained knowledge that an employee's absence qualified, even if the employee did not specifically request FMLA leave.
 4. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." Only 12 of the 26 workweeks may be for a FMLA-qualifying reason other than to care for a covered service member.
 5. Spouses employed by the same employer, are limited to a combined total of 26 weeks in a "single 12-month period" if the leave is to care for a covered service member with a serious injury or illness.
 6. The supervisor shall notify the timekeeper to appropriately record leave taken for FMLA.
 - a) For each FMLA leave request, the supervisor should determine the amount of available FMLA leave for the employee based on the 12- or 26-week requirement and any prior qualifying FMLA leave taken in the rolling 12-month period.
 7. The City requires employees to use available leave balances (with the timesheet codes noted) in the following order during FMLA leave:
 - a) For a qualifying serious health condition of the employee, spouse, parent or child, other than a qualifying military exigency:
 - (1) Sick leave (SF)
 - (2) Vacation Leave (VF).
 - (3) Other Accrued Leave (Holiday (HF), Compensatory Time (CF),
 - (4) No-Pay (NPF)
 - (5) Available sick or vacation accruals which occur, even when such balances were already depleted on a prior pay period, shall be applied upon the next use of leave prior to moving to another pay type.
 - b) For qualifying military exigency:
 - (1) Vacation Leave (VF), until exhausted or FMLA eligible time runs out. This leave shall continue to be depleted each pay period as accrued for leave used prior to applying other balances.
 - (2) Other Accrued Leave (Personal Holiday, Compensatory Time etc.)
 - (3) No-Pay (NPF)
 - c) If a holiday occurs during FMLA Leave:
 - (1) If the employee takes a full work week of FMLA, and a holiday falls within that full workweek, count the Holiday as FMLA with payroll code → (HF).
 - (2) If the employee only claims FMLA for a partial workweek, the holiday does NOT count as FMLA and should be charged as a regular holiday (HO).

8. FMLA qualifying absences may not be used in any disciplinary action for attendance.
 - a) However, FMLA does not protect an employee from disciplinary action for failing to comply with other City policies or to meet performance expectations.
 - b) Employees must follow City and departmental policies and provide proper medical certification as required under the FMLA within the timeframes stated.
 9. Where both spouses are employed by the City, the total combined amount of leave taken is limited to 12-weeks for the birth or adoption/placement of a child or to care for a sick parent. If both the spouses use a portion of the 12 weeks of leave for either the birth, adoption, or to care for a sick parent, each would then be entitled separately to the remainder of that combined 12-week period for any other FMLA purpose.
 - a) FOR EXAMPLE: If a spouse took 6 weeks of leave to care for a healthy, newborn child, each spouse could use an additional 6 weeks due to their own serious health condition or to care for a child with a serious health condition.
 - b) If, however, a spouse used all twelve weeks of the combined FMLA leave to care for the healthy newborn child, then the other spouse employed by the City would not be entitled to protection under the Act if they chose to take leave to care for the child as well. However, the spouse who did not receive the protection under the Act to care for the newborn WOULD be entitled to his own 12 weeks for any other qualifying FMLA condition other than for a birth or to care for a sick parent.
- D. Service Member Family Leave
1. Eligible employee who are the spouse, child, parent, or next of kin of a covered Service Member are entitled to up to 14 weeks of additional leave during a single 12-month Service Member period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Service Member who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Service Member Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Service Member Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Service Member Family Leave may be limited to an aggregate 26 weeks.
- E. Employee Requirements For Requesting Leave
1. An employee requesting FMLA leave shall complete a City-Wide Leave Request form and provide a 30-day notice in advance of the first date the leave is to begin if the leave is foreseeable.
 - a) The employee shall complete the FMLA section of that leave form so that the supervisor can determine if FMLA applies to the employee or a dependent of the employee.
 - b) If the FMLA section is unmarked, the supervisor shall return the form to the employee and request completion.

- c) A supervisor has the right to ask the employee calling in for leave as to the basic reason for leave (flu, headache, bronchitis, etc) and for whom the leave is taken (self, parent or child), so that leave can be noted and charged properly through timekeeping.
 2. If an employee fails to provide a 30-day notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied up to 30 days from the date the employer receives notice of the need for leave.
 3. When leave occurs unexpectedly, the employee shall follow usual and customary call-in procedures to notify the supervisor of the need for leave. The supervisor may complete the required City Leave Request Form on behalf of the employee upon the call-in being received or may allow the employee to complete it upon return to work if within the pay period. Employees must answer the FMLA section of the form (regardless of FMLA or non-FMLA qualifying), so the supervisor can properly record the absence on timesheets with the proper codes.
 4. If a condition initially does not qualify for FMLA leave, but later turns into a qualifying condition, the employee should provide immediate and proper notice of the change in condition and need for or extension of leave. FMLA notices, both verbal and written as appropriate, should be provided from the point the condition qualified under the Act.
 5. The employee must return the certification form to their supervisor, within 15 days of receipt of the certification request. There are currently four (4) certification forms available depending on the reason for leave:
 - a) Certification – Employee’s Own Serious Health Condition;
 - b) Certification – Family Member’s Serious Health Condition;
 - c) Certification - Qualifying Military Exigency;
 - d) Certification - Military Service member injury or illness
 6. The supervisor should keep certifications and FMLA information received confidential and secure. Only minimal information as needed to share with those for business operations is appropriate. Information regarding employee FMLA reasons for leave should not be openly shared or discussed with those who do not have a need to know in order to protect privacy. This does not prevent the employee from sharing their own information as they are comfortable.
 7. Certification is only required every six months, or for the duration on the most recent medical certification, whichever is less, when intermittent leave is used for the same condition.
 8. During FMLA leave, the employee must contact his/her supervisor during the supervisor’s normal work hours and at intervals communicated. Daily contact may be reasonable for intermittent leave, but may not be appropriate for extended absences. The supervisor should consider what is reasonable based on the duration of leave. A spokesperson for the employee may contact the supervisor if the employee is not able.
- F. Supervisor Responsibilities
1. Notice of Eligibility Rights and Responsibilities:

- a) Within five days after the employee requests leave or after the City learns the leave may be for an FMLA-qualifying reason, the City will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
- 2. Designation Notice:
 - a) Within five days after the employee requests or the City learns of the need for FMLA leave, the City will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains.
 - b) If any part of the requested leave is not designated as FMLA leave, the City will provide written notice of and reason for denial.
- G. Exhausting and/or Withdrawing FMLA Leave
 - 1. The supervisor should track employees on FMLA leave.
 - 2. Once they approach exhaustion of FMLA leave (or if they choose to withdraw a request for leave), the supervisor must within 5-working days:
 - a) Provide verbal confirmation to the employee of FMLA leave exhaustion or withdrawal; AND
 - b) Provide the Designation Notice informing the employee of the same.
- H. Retroactive Designation of FMLA Leave
 - 1. A supervisor may retroactively designate FMLA leave after an employee returns to work only in the following instances:
 - a) If the employee was absent, but the supervisor was not aware the absence qualified until the employee returned. In this case, the supervisor must, within five (5) business days of the employee's return, provide verbal and written notices retroactively to the date leave began.
 - b) The supervisor is aware of the reason for leave, but has been unable to confirm leave as FMLA qualifying, has requested but not received medical certification, or a second or third medical opinion is in process. A preliminary designation should be provided in writing. Upon receipt of the information confirming FMLA, the preliminary designation becomes final. If medical certification is not received or fails to confirm FMLA eligibility, the supervisor must withdraw the designation.
 - 2. If leave is taken for an FMLA, but the employee fails to timely notify the supervisor of such through usual and customary call in procedures, the employee may not assert FMLA protection for such absence at a later date.
 - 3. A copy of the employee's City Leave Request Form, Notice of Eligibility, Rights & Responsibilities and the Designation Notice must be forwarded to Human Resources in a confidential marked envelope by the next pay period. This must be kept in the employee's confidential file.
- I. Medical Certification
 - 1. Medical certification is required within 15 days of an employee's 1st date of requested FMLA leave or from the date of the supervisor's written request for such documentation, whichever occurs first, to support any claim for FMLA leave.
 - 2. More frequent certification may be required by the City when:
 - a) The employee requests an extension of previously certified FMLA leave; or

- b) The nature or duration of the condition has changed; or
 - c) The City receives information casting doubt on the validity of the original or any subsequent certifications or the employee's condition.
3. Physician Certification/Re-certification must be thorough and complete. If a supervisor receives an incomplete, insufficient, or questionable certification, he/she should immediately contact the Human Resources representative and provide a copy for review.
 4. Human Resources has 5-business days to specify in writing to the employee what information is lacking and must allow the employee seven (7) calendar days to cure the deficiency.
 5. Human Resources may contact the employee's health care provider, but may NOT ask for any information beyond that required by the certification form. ***The supervisor is prohibited by law from contacting an employee's provider for information on the employee's absence, certification form, etc.***
 6. Medical certifications are considered confidential and should be immediately forwarded to Human Resources in a sealed envelope. These will be maintained in the employee's confidential file.
 7. If leave is for the employee's own condition, certification must also include whether the employee can perform work of any kind or limited duty, is unable to perform any one or more of the job's essential functions or must be absent from work for treatment.
 8. If leave is requested to care for a parent, child, or spouse, certification must specifically state what type of assistance is needed by the employee and for how long.
- J. Employee Status and Benefits During Leave
1. While on FMLA leave, the employee's group benefits continue as if the employee had continued to work. If the leave becomes unpaid, the employee's portion must be paid by the employee for coverage to continue. If FMLA exhausts and remains unpaid, the employee must pay for the employee and City costs in order to continue benefits.
 2. Payments for group benefits during unpaid leave shall be paid in Human Resources by the first of each month. If payment for group benefits coverage is not received within 30 days after the due date, coverage will be cancelled retroactive to the last date paid through. Coverage will not be reinstated until the employee returns to active status.
 3. Employees who enter a no-pay status on FMLA will no longer accrue vacation, sick, holiday, longevity, or stability during a period of unpaid leave.
 4. If the employee fails to return to work at the conclusion of FMLA leave, the City may require the employee to reimburse the City for the full cost of insurance coverage during the period of unpaid leave. However, the employee will not be asked to reimburse the City if the failure to return to work is for legitimate medical reasons, circumstances beyond the employee's control or the continuation, onset or recurrence of a serious medical condition.
 5. While on FMLA, employees will not be allowed to work secondary jobs or perform any work or activity inconsistent with the need for leave during the

continuous leave period until the day of return from leave or a full duty release date is obtained. This includes non-work days for those on shift schedules.

K. Returning from Leave

1. Any employee who takes leave for FMLA will be restored to the same position held prior to the leave OR to an equivalent position that is virtually identical to the former position in terms of pay, benefits, and working conditions, including privileges, prerequisites and status, as well as similar duties, entailing equivalent skill, effort, responsibility and authority.
2. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave (for instance if a division or group of employees is laid-off, unrelated to leave and the employee on leave is in that group, they may be laid off as with any other employee and are not protected by the act).

L. Unlawful Actions and Enforcement of FMLA Rights

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

M. Genetic Non-Discrimination Act

1. City of Celina FMLA record keeping must comply with the confidentiality requirements of GINA (the Genetic Non-Discrimination Act).

XVII. Health Insurance Portability and Accountability Act (HIPAA)

A. Purpose

The Health Insurance Portability and Accountability Act ("HIPAA") was enacted in 1996. The Department of Health and Human Services has issued privacy and security regulations that cover health plans and health care providers, including the City of Celina's (the "City") health plan ("Health Plan") and the Fire Department, which provides emergency health services (the "Fire Department"). Because the City has many other functions other than providing a health plan and emergency medical services, the City has designated itself as a hybrid entity. Therefore, no other departments but the Health Plan and the Fire Department of the City will be covered by the regulations. However, individual employees who are covered by the Health Plan have certain privacy rights because of the HIPAA regulations, as do patients cared for by the City's Fire Department. This policy is for the protection of those privacy rights.

B. Definitions

1. Protected health information ("PHI") is any individually identifiable health information that is transmitted or maintained in any form, including demographic information collected from an individual, and:
 - a) Is created or received by one of the city's health care providers (medical, dental, vision) or the City; and

- b) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and
 - c) That identifies the individual or for which there is a reasonable basis to believe the information can be used to identify the individual.
 - 2. “Use” of PHI is the sharing, examining, or analysis of individually identifiable health information by any city employee or by a Business Associate of the City.
 - 3. A “Business Associate” is an external agency, consultant, or individual who may send or receive PHI on the City’s employees. A “business associate” must have on file a current agreement with the city stating the intent of that organization to comply with HIPAA requirements and in order to send or receive PHI relative to the city.
- C. Responsibilities of the Privacy Officer
 - 1. The Human Resources designee is designated as the City’s Privacy Officer for the Health Plan. The Emergency Medical Services Chief is designated as the City’s Privacy Officer for the Fire Department. Any questions about privacy policies and procedures should be directed to the Privacy Officer noted herein. Also, any complaints about the violation of this policy or your rights as described in our notice should be directed to the Privacy Officer or may be made to the Department of Health and Human Services at: U.S. Department of Health & Human Services, Office of Civil Rights, 200 Independence Avenue, S.W., Washington, D.C., 20201.
 - 2. The Health Plan Privacy Officer is responsible for the following:
 - a) Providing the *Notice of Privacy Policy* to all Health Plan participants (located in the City of Celina Medical Plan document);
 - b) Posting the *Notice of Privacy Policy*, and all appropriate updates, in a prominent place and posting on the city’s intranet page if made available to employees;
 - c) Processing all complaints and documenting all complaints related to HIPAA and the Health Plan, as well as the dispositions thereof.
 - d) Maintaining documentation of all complaints regarding privacy or other HIPAA violations for at least 6 years, or such other period as may be required by law.
 - e) Fulfilling statutory responsibilities as the Health Plan’s Privacy Officer, including overall responsibility for the Health Plan’s compliance with HIPAA, its related regulations and the Health Plan’s privacy and security policies.
 - f) Ensuring that all of the Health Plan employees who have access to Protected Health Information (“PHI”) by virtue of their job duties are periodically identified.
 - g) Selecting and ensuring implementation of an initial training program and then subsequent “new hire” training for all identified employees.
 - h) Ensuring that Business Associate Agreements are signed with any third parties to which the Health Plan gives PHI, and acting as the custodian for all Business Associate Agreements.

- i) Monitoring compliance with the Health Plan’s privacy and security policies including review to ensure that:
 - (1) patients are given a Notice of Privacy Policy;
 - (2) when PHI is used or disclosed to third parties, a signed Authorization to Use and Disclose Protected Health Information from the affected participant and that the disclosing employee complies with the Accounting of Disclosures Policy and placed a notation in the affected participant’s file; and
 - (3) PHI is not being used or disclosed to third parties except in accordance with Business Associate Agreements or for any reasons other than permitted by law.
 - 3. Serving as a resource for the Health Plan’s employees or participants with questions about privacy standards and practices and/or patients' rights.
 - 4. Serving as the conduit for providing any documentation required when any participant asserts rights under HIPAA.
 - 5. Monitoring legal and regulatory changes and suggest any needed policy and/or procedural changes.
- D. Use and Disclosure of PHI
 - 1. The City WILL require a valid authorization prior to requesting or using/disclosing PHI in certain required circumstances to another entity, health plan carrier, or as required to assist the employee or family member in researching health plan issues.
 - 2. A HIPAA privacy authorization form is NOT required for any of the following:
 - a) To carry out treatment, payment or health care operations by the plan as it relates to you or your covered family members;
 - b) Drug testing or employment required testing or receipt of results;
 - c) Workers’ compensation claims processing or administration;
 - d) American with Disabilities Act administration or related paperwork;
 - e) Long Term Disability forms or inquiries;
 - f) Life Insurance Claims, Forms, Insurability Questionnaires or Inquiries
 - g) For processing of normal daily activities such as payroll, documenting sick leave usage, sick leave donations, etc.
 - 3. While the above list does not fall under HIPAA privacy rules, these areas are still handled under internal confidentiality rules and maintained in secured areas under the Human Resources designee’s responsibility.
- E. The Fire Department Privacy Officer is responsible for the following:
 - 1. Processing all complaints and documenting all complaints related to HIPAA and the Fire Department, as well as the dispositions thereof.
 - 2. Maintaining documentation of all complaints regarding privacy or other HIPAA violations for at least 6 years, or such other period as may be required by law.
 - 3. Fulfilling statutory responsibilities as the Fire Department’s Privacy Officer, including overall responsibility for the Fire Departments compliance with HIPAA, its related regulations and the Fire Department’s privacy and security policies.

4. Ensuring that all of the Fire Department employees who have access to Protected Health Information (“PHI”) by virtue of their job duties are periodically identified.
 5. Selecting and ensuring implementation of an initial training program and then subsequent “new hire” training for all identified employees.
 6. Ensuring that Business Associate Agreements are signed with any third parties to whom the Fire Department gives PHI, and acting as the custodian for all Business Associate Agreements.
 7. Serving as a resource for the patients or citizens with questions about privacy standards and practices and/or patients' rights.
 8. Serving as the conduit for providing any documentation required when any patient or citizen asserts rights under HIPAA.
 9. Monitoring legal and regulatory changes and suggest any needed policy and/or procedural changes.
- F. Security Officer Responsibilities
1. The Director of Information Technology is designated as the City’s Security Officer. The Security Officer is responsible for technical controls in relation to the electronic transfer of PHI, including but not limited to network security, evaluating and protecting against external vulnerability, firewall protection, antivirus protection, etc. Any questions regarding electronic or information technology security related to the electronic transfer of PHI should be directed to the Security Officer.
- G. Responsibilities of Covered Entities
1. The Human Resources designee shall diligently protect the privacy of personally identifiable health information, unless the affected employee has waived his or her right of privacy under HIPAA. A HIPAA Authorization Form is available from Human Resources or the City Manager’s Office.
 2. Human Resources will create administrative, technical, and physical safeguard procedures to appropriately protect the privacy of personally identifiable health information. Those safeguards must reasonably prevent the intentional use or disclosure of personally identifiable health information protected by HIPAA, and limit incidental uses or disclosures.
 3. Access to PHI is always limited to those who have a valid business or medical need for the information or otherwise have a legal right to know the information.
 4. Unless being used to treat the affected individual, access to his or her PHI must, to the extent practicable, be limited to only that necessary to accomplish the intended purpose of the approved use, disclosure or request.
 5. All access to physical areas/files and computer accounts/files that contain PHI should be limited to authorized personnel. This access will be revoked upon termination of employment, or when the individual no longer requires access to do his/her job.
 6. Employees have the right to have access to their own PHI, may request an amendment to their own PHI, and may request an accounting regarding any disclosures that the Health Plan has made of their PHI to third parties.

7. The Health Plan may also use and disclose an individual's PHI without prior permission or authorization where the health information has been sufficiently "de-identified," so as to hide the identity of individual(s), or for other uses allowed by law.
 8. Neither the Human Resources designee nor Fire Department personnel may share PHI except (a) as necessary for treatment, payment or health care operations; (b) as set forth in the attachments to this policy; (c) pursuant to a waiver of privacy rights via the HIPAA Authorization Form; or d) in accordance with a Business Associate Agreement.
- H. Policy Violations
1. The following policy violations will result in disciplinary action, and may result in civil or criminal penalties:
 2. Unauthorized use or disclosure of personally identifiable health information or PHI;
 3. Attempting to make an unauthorized discovery of personally identifiable health information or PHI;
 4. Failing to mitigate the unauthorized disclosure of personally identifiable health information or PHI;
 5. Retaliating against or intimidating an individual who (a) exercises his or her privacy right(s); (b) files a complaint with the Department of Health and Human Services concerning HIPAA privacy violations; (c) participates in an investigation into a HIPAA privacy violation; or (d) participates in a HIPAA privacy compliance review;
 6. Requiring an individual to waive his or her right to file a complaint of a HIPAA privacy violation as a condition for receiving treatment, payment, or enrollment in the Health Plan or eligibility for benefits;
 7. Destroying privacy policies or procedures that are less than 6 years old;
 8. Sharing personally identifiable health information or PHI with anyone who does not have the legal authority or the need to know the information to fulfill his or her job responsibilities;
 9. Removing personally identifiable health information or PHI from the work area without authorization;
 10. Failing to comply with the City's policies and procedures regarding the protection personally identifiable health information or PHI; and
 11. Failing to report any unauthorized use or disclosure of personally identifiable health information or PHI to the Privacy Officer.
- I. Supervisory Responsibility
1. A supervisor who is asked by a subordinate or other employee about a claim under the City's Health Plan must not become involved in the issue unless the employee signs a HIPAA Authorization Form. Instead, the supervisor should refer the subordinate or other employee to Human Resources.

SECTION 4: Employee Relations

I. Discipline and Performance Management

A. General Guidelines

1. Supervisors are expected to use “Progressive Discipline” to communicate expectations in a professional and respectful manner.
2. All employees are expected to meet performance standards and perform their jobs in a safe and efficient manner.
3. If an employee has work performance, attendance, or conduct issues, this directive provides guidance to managers on how to correct and the problem.
4. Supervisors may skip levels of suggested progressive discipline in instances where the behavior, pattern or incidents are severe enough to warrant such.
5. Progressive discipline establishes formal levels of discipline to correct discipline problems with fairness and consistency.
6. The following criteria should be used to help determine which level of discipline to use:
 - a) Severity and kind of offense(s),
 - b) Impact of the offense(s) on other employees and/or operations in the City,
 - c) Employees length of service and work record,
 - d) Period of time since counseling and/or coaching or previous disciplinary action, if any, and past disciplinary actions taken City-wide for similar offense(s).
7. Ignorance of the rules and regulations is not an excuse or justification for any violation of them by an employee. Employees are responsible for their own behavior and acts. An employee shall not attempt to shift the burden of responsibility for executing or failing to execute the employee's assigned instructions or responsibilities.

B. Grounds for Discipline

1. Job Performance

- a) Inefficiency, incompetence or negligence in the performance of duties
- b) Misuse of City time, equipment, materials, or property
- c) Failure to assist the public and/or handle complaints and notify supervisor
- d) Failure to obtain or maintain a current license or certificate required as a condition for performing essential functions.
- e) Conducting outside business while on duty unless approved by Department Manager.
- f) Failure to report accidents
- g) Failure to promptly deliver any evidence, abandoned property, confiscated property, or City property to their supervisor or designated authority
- h) Incurring unauthorized expenses and/or duties under the name of the City of Celina without supervisor approval
- i) Sleeping on the job during working hours
- j) Unsafe and/or illegal operations of vehicles while on official City business
- k) Violation of confidentiality or disclosing confidential information to anyone who does not have a need to know

2. Attendance

- a) Failure to begin work at the designated start time or to call in when the employee is unable to work for any reason.
 - b) Failing to call-in for three (3) consecutive working days. This shall be considered job abandonment and may result in termination of employment.
 - c) Misuse of authorized leave, including engaging in extra duty employment or any other actions that are inconsistent with the stated reason for taking paid or unpaid leave.
 - d) Absence without supervisor's approval
3. Personal Conduct
- a) Unbecoming conduct and/or conduct prejudicial to good order, both on and off the job, that could bring the City into disrepute or which reflects discredit upon or which impairs the operation of the City.
 - b) Participation in any incident involving immoral conduct or moral turpitude which causes the City or department to be brought in to disrepute.
 - c) Inter-office dating that creates a disruption to the work environment during or following that relationship and which falls outside provisions outlined in the policy.
 - d) Harassment or discrimination as defined in these policies.
 - e) Fraudulent employment as a new employee or by promotion in which the applicant or employee willfully misrepresented or omitted facts concerning his/her personal, educational, employment history, qualifications for employment, physical condition and/or criminal history.
 - f) Intentional manufacture, falsification, destruction or withholding of information or knowing or intentionally making false accusations or criminal charges.
 - g) Failure to submit to tests upon the order of the Department Director or Human Resources.
 - h) Provoking or engaging in disorderly conduct while on duty, on City property or in City uniform.
 - i) Horse playing including rough or boisterous play while on duty, on City property, or in City uniform.
 - j) Fictitious illness or injury reports in which an employee feigns illness or injury, falsely reports illness or injury or other means intended to deceive a supervisor or other City official.
 - k) Unauthorized use of information systems for anything other than official City business.
 - l) Insubordination: disobeying a supervisor's order; clear defiance of City or Departmental directive, rule, or regulation; criticizing or arguing with a supervisor in public or in front of other employees; blatantly ignoring supervisor's instructions; disrespect toward a supervisor including tone of voice, and facial expressions; or leading/ participating in an effort to undermine the supervising authority or refusing to accept a reasonable work assignment.
 - m) Failure to truthfully answer questions or to provide information relative to City operations upon request of a supervisor.

- n) Possession of prohibited weapons, explosives, or fireworks on City property, unless authorized by Department Manager.
 - o) Misuse of City funds.
 - p) Negligent or willful damage or destruction to City property.
 - q) Using City equipment or property for personal reasons.
 - r) Willful acts of any kind that would endanger lives and/or damage property.
 - s) Reporting to work under the influence of alcohol, illegal use of drugs, possession, sale, manufacture or use of illegal drugs or other actions violating City drug policies.
 - t) Discourteous treatment of the public or another employee.
4. The above examples are not an all-inclusive list. There may be other behaviors or performance issues that warrant discipline and those remain at the discretion of the department head.
- C. Levels of Discipline
1. **Coaching**: an everyday activity performed by supervisors to teach and show employees how to perform their jobs properly. Coaching is not a formal level of discipline.
 2. **Verbal Reminder** –Usually the first step in the performance improvement/discipline process. This is a discussion with the employee which is then documented and placed in the supervisor’s file, but not sent to Human Resources for the employee’s file.
 3. **Written Reminder** - required when an employee's commitment to improve is not immediately met and sustained following an Oral Reminder. The written reminder is signed by the employee and a copy is sent to Human Resources to be placed in the employee’s personnel file.
 4. **Performance Improvement Program (PIP)**: A PIP is a written document detailing specific tasks or standards and what the employee is to accomplish in order to meet requirements of the PIP. This is a final opportunity for an employee to correct performance or behaviors.
 - a) PIP’s should be issued for up to 90-days, as determined by the issuing supervisor. The employee is not guaranteed employment for this entire period. The employee must show immediate and sustained effort to perform at expected and communicated levels and as documented in the PIP.
 - b) Both the employee and the supervisor sign the PIP.
 - c) The original PIP shall be maintained within the Human Resources Department, with a copy given to the employee, and one maintained within the Department.
 - d) A sample Performance Improvement Plan form is available from Human Resources.
 5. Once a PIP is given, employees are expected to maintain expected behavior and performance indefinitely in the future. Any return to similar behaviors or issues in the future is cause for immediate termination.
- D. Refusal to Sign a Disciplinary Document
1. Employees do not always agree with discipline, but are required to sign the document.

2. They may submit a response to a disciplinary document or notate a comment on the document that they do not agree with the facts as stated, but must sign.
3. Refusal to sign any disciplinary document means the employee is immediately resigning from employment due to their unwillingness to accept the expectations communicated for continued employment.

II. Grievances/Appeals

The City believes that open communication is essential when employees have problems or concerns about their jobs. Should a situation persist that cannot be resolved satisfactorily at the lowest level of supervision, an employee should follow the procedures outlined in this directive to bring the grievance to management's attention.

A. Areas Covered by this Directive

1. Disagreements regarding interpretation, application, or violation of a specific law, ordinance, resolution, written policy, rule or regulation that an employee believes has affected him or her adversely.
2. Disciplinary actions that the employee feels are unjustified such as suspensions, demotions, or terminations.

B. Areas Not Covered by this Directive

1. Generalized feelings of unfairness; grievance must be specific.
2. Disagreements regarding performance evaluations or oral and written reprimands.

C. General Information

1. When an official grievance is filed based on a termination, the department will not be allowed to fill the position until the official grievance has been settled or has gone through the proper channels.
2. Every effort will be made to resolve problems at the lowest possible supervisory level.
3. Grievances may be discussed during work hours without loss of pay to the employee.
4. Grievance discussions are not intended to be formal hearings. Discussions will be conducted privately and will not be recorded without full knowledge of all involved parties.
5. Employees will not be subject to reprisal or any form of retaliation for using this procedure.
6. Human Resources shall monitor the grievance procedure and facilitate problem solving.

D. Grievance Procedures

1. Employees unable to resolve the grievance by communication with their supervisor and/or chain of command, may file an Official Grievance form with Human Resources within 5 working days from the date the discipline was issued. However, this is not a requirement.
7. After receiving the grievance, Human Resources will notify the Department Head and City Manager. If the grievance is with a department head, the grievance shall be reviewed by the City Manager.
8. If the department head was not the cause or issuer of the grievance, they will review the grievance, research the facts, and may choose to speak with the

employee or others involved in order to fairly consider the issue and to consider any optional resolution.

9. Once a course of action, if any, is determined to address and/or resolve the grievance, they should discuss with the City Manager.
10. If the department head was the cause or accused, the City Manager shall provide the review and determine any course of action, as needed, to address/resolve the grievance.
11. The Department Head/City Manager will meet with the employee to advise him/her of their decision within 10 working days, when possible, of receipt of the Official Grievance. Due to scheduling or other conflicts, this may take longer than 10 working days.
12. The City Manager has the authority to uphold, revise, or overturn the Official Grievance.
13. The decision of the City Manager is final.

III. Discrimination/Harassment

A. General Information

1. The City is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.
2. The City of Celina is committed to ensure equal employment opportunity, without discrimination or harassment on the basis of race, color, religion, gender, age, disability, national origin, or any other characteristic protected by law. The City will not tolerate any discrimination or harassment of another based on any of the above, nor will it tolerate reprisals or retaliation against any employee who makes a harassment complaint or participates in the investigation of a complaint. No employee shall discriminate against or favor any individual on the basis of the above areas with regard to any employment decisions.
3. Conduct prohibited by this directive is unacceptable in the workplace or in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
4. Employees are expressly prohibited from displaying any form of conduct, verbal or non-verbal, which has the purpose or effect of interfering with another individual's work performance or which creates a hostile, offensive or intimidating work environment

B. Scope

1. This directive applies to applicants and employees, as well as those employees who work with but who are not directly connected to the City (e.g., outside vendor, consultant, or customer) but whom are on city premises or interact with employees for city related business.

C. Policies

1. Human Resources shall provide information to employees and supervisors in the City regarding policies of the City and prohibited conduct under this policy.

2. The City encourages immediate reporting of all perceived incidents of discrimination or harassment so that there is an opportunity to address and/or stop the behavior. It is the policy of the City to investigate such reports.
 3. Managers and supervisors in the City are responsible to ensure their employees work in an environment free from harassment/discrimination and are responsible to immediately correct any such prohibited behavior that is found to occur.
 4. All information disclosed in a review of a complaint of discrimination or harassment will be held in strictest confidence and only disclosed on a need-to-know basis in order to fully investigate and address the matters. Any employee who violates this confidentiality is subject to discipline up to and including termination.
- D. Harassment/Discrimination Defined
1. Harassment includes implicit or explicit verbal or physical conduct that degrades or shows hostility or aversion toward an individual and that:
 - a) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
 - b) Unreasonably interferes with an individual's work performance; or
 - c) Adversely affects an individual's employment opportunities.
 2. Examples of prohibited general harassing conduct includes but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes, or written or graphic material placed on walls or elsewhere on the employer's premises, or circulated in the workplace.
- E. Sexual Harassment Defined
1. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a) Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
 - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
 - c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
 2. Examples of prohibited conduct including, but not limited to:
 - a) Un-welcomed or offensive sexual flirtation, advances, propositions, touching and/or hugging;
 - b) Graphic/suggestive comments of a sexual nature and/or suggestive or insulting sounds, leering, whistling or obscene gestures; or
 - c) Display, possession or forwarding of sexually suggestive objects or pictures in the workplace or during working hours.
- F. Retaliation
1. Employees are prohibited from any form of retaliation against an individual for reporting discrimination or harassment, or for participating in an investigation of a claim of discrimination or harassment.
 2. Acts of retaliation should be reported immediately to Human Resources for review of the facts and to consider appropriate action.

G. Complaint Procedure

1. Individuals being subjected to harassing conduct or perceived discrimination are encouraged to advise the offender that the behavior is unwelcome and ask that it be stopped. This alone may resolve the problem as often a person may offend without knowing or realizing what they have done.
2. Immediate reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of prohibited conduct.
3. If not comfortable addressing the person, the employee should discuss concerns with the immediate supervisor, Department Head, or Human Resources.
4. A written statement may be requested to detail the facts, dates/times, and/or any witnesses to the events. Once requested, an employee must provide the requested document. If the employee fails to provide this, the person advised of the complainant's concerns may document what they were told by the individual.
5. Any person notified of a complaint of harassment or discrimination has an obligation by law to advise someone in the capacity to address the concern. For the City, you must advise your department head and/or Human Resources, then the City Manager's Office.
6. Allegations of prohibited conduct under this directive will be investigated by a person designated by the City Manager in a prompt, fair, and thorough manner. This may include an outside consultant/attorney.
7. Each person interviewed is expected to maintain confidentiality. Employees who violate this restriction subject themselves to disciplinary action.
8. Employees involved in the investigation, including the complainant, are not allowed to bring any person with them to sit in on any interview conducted.
9. False or malicious allegations will be considered a serious offense. Any individual determined to have made a false or malicious complaint will be subject to disciplinary action up to and including termination.
10. A complainant may withdraw a complaint at any time. However, once made aware of the allegations, the City may still pursue the investigation to conclusion if enough information and/or facts were provided to raise concern of potential prohibited conduct. Generalized or anonymous complaints may not necessarily be investigated unless detailed facts and/or incidents are provided to substantiate such a complaint.
11. Misconduct found to occur relating to harassment, discrimination, or retaliation will be dealt with appropriately by the City. Responsive action may include training, counseling, or disciplinary action relative to each case.

IV. Drug and Alcohol Use and Testing Policy

A. General Information

1. The city wants to provide a safe and productive work environment for all employees and to ensure the safe and efficient delivery of services to the citizens of the City.

2. The city is a Drug Free Workplace and expects employees to be free from the use, sale, distribution or possession of controlled substances or alcohol in the workplace.
3. All covered employees are required to submit to drug and alcohol tests as a condition of employment at a physician or site designated by the city.
4. This policy applies to all applicants for employment in all city departments and all current employees. These policies and procedures are intended to assist with the compliance with the Omnibus Transportation Employee Testing Act of 1991, 49 CFR Part 382 and 49 CFR Part 40. However, the city reserves the right to go above and beyond the Department of Transportation's drug and alcohol testing regulations.
5. The City Manager or designee is authorized to develop, administer and modify this policy or the procedures herein in order to remain compliant with federal, state or other regulations pertaining to drug and alcohol use and testing impacting the city and our employees.

B. Definitions

1. "Alcohol" means alcohol, or any beverage, containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes,, either alone or when diluted.
2. "Alcohol abuse" means use of alcohol in any quantity during 4 hours prior to or during working hours or reporting for work under the influence of alcohol.
3. "Alcohol testing" means testing for the presence of alcohol by a breathalyzer instrument, device, urinalysis, or a blood sample analysis.
4. "City property" means all city buildings and adjacent land, parking lots, sidewalks or city-owned property, including city vehicles.
5. "Department head" is the director over a department and shall also include any person designated by the department head to take any action necessary under this policy in the absence of the department head.
6. "Controlled substance" or "drugs" includes, but is not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine opiates, phencyclidine, amphetamines, inhalants, barbiturates and hallucinates.
7. "Drug testing" means the testing for the presence of controlled substances or drugs by a urine or blood sample by qualified medical personnel and laboratory analysis of that sample.
8. "Employee" means an individual employed by the city in a full time or part time position, including seasonal employees, interns or others on city payroll.
9. "Medical Review Officer" is the city's designated physician to review and interpret drug and/or alcohol tests.
10. "Motorized Equipment" means equipment powered by a motor, including tools, such as weed-eaters, blowers, etc.
11. "Proper medical authorization" means a prescription or their written approval from a physician, for the use of a drug in the course of medical treatment.
12. "Reasonable suspicion" means a conclusion based on personal observation of a specific instance, or instances, of employee conduct on or off duty, which shall be confirmed in a sworn (notarized) statement. On duty observation must be corroborated and documented in writing that an employee is unable

to satisfactorily perform his or her job duties due to the use of controlled substances or alcohol. Such inability to perform may include, but is not limited to, a drop in the employee's performance level or an indication of impaired judgment, reasoning, level of attention or behavioral change or decreased ability of the senses.

13. "Safety sensitive position" means a job where an employee's use of drugs or alcohol could render the employee unfit to perform assigned duties and could create a safety hazard to the employee, other employees, citizens or damage to property. For these purposes, any employee who drives or operates a city vehicle or other motorized equipment shall be considered to be employed in a safety sensitive position.
 14. "Substance abuse" is exemplified by, but not limited to, the following:
 - a) Ingestion, inhalation or injection of a controlled substance during work hours or when in a city vehicle or on a city property.
 - b) Ingestion of alcohol during work hours or when in a city vehicle or on city property.
 - c) Ingestion, inhalation or injection of a controlled substance or alcohol during non-working hours which causes an employee to be unable to work in a safe manner during working hours.
 - d) Use of prescription or over-the-counter medication in a manner in which it was not intended.
 15. "Tampering" with a urine specimen includes, but is not limited to, diluting the specimen with water or with any other substance, adding any substance to the specimen, or substituting urine. Possession of a urine sample when an employee or applicant reports to the laboratory shall constitute tampering.
 16. "Testing" includes testing by urinalysis, hair testing, intoxilyzer or blood testing, or any other recognized testing method.
 17. "Under the influence" or "impaired" is defined as abnormal behavior during working hours which results from indulging, in any degree, in alcohol or in any controlled substance or other drug including prescription or over-the-counter medication which, to any degree, may limit an employee's ability to safely and efficiently perform his or her duties or poses a threat to the safety of the employee, other employees, citizens or property.
- C. Education and Training
1. In order to meet the objectives of this policy, the city has established a drug and alcohol free awareness program for the purpose of informing employees about the dangers of alcohol and substance abuse, the city's controlled substance and alcohol abuse and testing policy, the availability of substance abuse counseling and rehabilitation programs, and disciplinary actions that may be imposed on an employee for violations of the city's controlled substance and alcohol abuse policy.
 2. The city will provide a copy of this policy (as part of this manual) to each employee currently employed and subsequently hired, transferred, promoted or demoted into a position involving the driving of a city vehicle or motorized equipment. Each employee will be required to sign a statement certifying receipt of this policy.

3. Supervisory personnel will be provided with training necessary to identify work-related performance problems, to identify potential symptoms of substance abuse, to understand the methods of drug and alcohol testing, to document reasonable suspicion instances, and to understand and implement guidelines for disciplinary action. The supervisors will receive at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on drug use. The training will cover the physical, behavior, speech, and performance indicators of probable alcohol misuse and the use of drugs and controlled substances.
 4. All department heads and supervisors are responsible for recognizing and documenting the reasonable suspicion of controlled substance or alcohol use by employees, which may be indicated by poor performance, and for carrying out the provisions of this policy. Failure of a department head to carry out the requirements of this policy may lead to disciplinary action, up to and including termination.
- D. Disciplinary Reasons
1. A refusal to be tested is considered a positive test and will result in termination.
 2. Employees may receive disciplinary action up to and including termination for the following types of prohibited conduct:
 - a) The manufacture, use, possession, sale, distribution, consumption or transportation of any of the following substances while on city property, using a city vehicle or motorized equipment, or while conducting city business or performing work duties:
 - (1) Illegal drugs, controlled substances, marijuana, mood or mind altering substances, simulated controlled substances, designer and synthetic drugs, and inhalants producing mood or mind altering vapors.
 - (2) Alcoholic beverages or other intoxicating substances ingested 4 hours prior to or during work hours or when on call during those on-call hours which would prevent you from responding to work.
 - (3) Drug paraphernalia.
 - (4) Any controlled substance, except by physician's prescription, and then only if the physician has advised the employee that the drug will not adversely affect the employee's ability to safely perform their job.
 - b) Reporting to work under the influence.
 - c) Use of any controlled substances or alcohol in a manner that:
 - (1) Has an adverse effect on the employee's performance,
 - (2) Could jeopardize the safety of others or use of city equipment, or
 - (3) Could negatively impact the city's relations with the public.
 - d) Tampering with the sample or submitting a false sample.
 - e) Failure to inform supervisors when taking medication that could affect the employee's job performance.
 - f) Engaging in or involvement with any of the prohibited substances noted in this policy which results in off-duty conduct that is damaging to the City's reputation or business.
 - g) Misusing over the counter medications.

- (1) The City reserves the right to have a city designated physician determine if a prescription drug or medication may impair an employee's ability to safely perform his/her job duties and may restrict the job duties performed while using any drug or medication accordingly.
- (2) The City Manager shall be the final authority in reviewing information provided by a medical doctor as to any circumstances warranting such review related to drug/alcohol or prescription issues and if the employee may become or remain employed.

E. Employee Responsibilities

1. Employees in need of professional assistance in relation to controlled substances or alcohol use/misuse are encouraged to explore the use of leave time and medical benefits in obtaining assistance through public and private referral agencies specializing in chemical dependency before the problem affects their job.
2. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. An employee scheduled to be on call who is called out is subject to the provisions of this policy.
 - a) An employee not scheduled to be on call who is called out and is under the influence of legally prescribed drugs or who is impaired by alcohol must so advise his or her supervisor and will not be required to report to work.
 - b) An employee who is called out and who reports to work, but fails to properly notify his/her supervisor that he or she is under the influence or impaired is subject to disciplinary action.
3. An employee shall not consume any alcohol for at least eight (8) hours following any accident or until he or she undergoes post-accident testing. An employee who consumes any alcohol prior to eight (8) hours following this accident or until a post-accident test has been administered may be subject to disciplinary action if such person tests above allowable limits.

F. Drug/Alcohol Testing

1. Human Resources will arrange for drug screenings with a certified laboratory.
2. A urine sample will normally be given to test for the presence of controlled substances or alcohol. However, breath testing for alcohol may also be used. Also, other acceptable testing methods determined by the City Manager or designee.
3. Any applicant or employee who tampers with, or attempts to tamper with, a urine/blood specimen or breath test in any manner shall be disqualified from employment with the city and shall be barred from any future consideration for employment with the city or, if currently employed by the city, shall be subject to disciplinary action as noted herein.
4. Prescription or over-the-counter drugs taken by the person to be tested will not be considered if the drug affects the testing, unless the use of such drugs, in the judgment of the Medical Review Officer, would be potentially harmful to the safety of the person being tested, or others.
5. All positive urine samples will be confirmed by the use of the gas chromatography/mass spectrometry (GC/MS) method. The additional testing (GC/MS) will be at the city's expense.

6. Any questions relating to alcohol and drug testing will be referred to Human Resources.
- G. Pre-Employment Testing
1. All persons offered positions with the city shall be required to submit to a drug and/or alcohol test.
 2. Prior to the test, all applicants shall be required to sign a written consent form authorizing a urine or breath test for the presence of controlled substances and alcohol. A job applicant refusing to sign a requested consent form will not be considered for employment.
 3. Test results shall be sent to the City Manager/Human Resources designee in a confidential manner from the Medical Review Officer.
 4. An applicant shall not be placed on city payroll or be allowed to begin work until negative test results have been received by the City.
 5. If test results are positive, the hiring supervisor shall be contacted by Human Resources and told nothing more than the applicant did not successfully pass the test. If negative results are returned, and the applicant otherwise passes the test, Human Resources shall notify the hiring supervisor and authorize the start date for the applicant.
 6. In the case of positive test results, disclosure of the results shall be made to the applicant by Human Resources. The applicant shall be told by Human Resources of their disqualification from employment with the city for one year, and to be reconsidered, must successfully pass and show completion of a substance abuse rehabilitation program.
 7. Exceptions to Pre-Employment Testing:
 - a) An applicant will not be required to undergo pre-employment drug and/or alcohol test if the applicant provides the city with satisfactory evidence of drug and alcohol tests as indicated below:
 - (1) Drug Tests: The has passed a drug test within six (6) months from the date of the application with the city and has no records showing any violations of drug misuse during this same six (6) month period. However, such testing must meet the current federal criteria.
 - (2) Alcohol Tests: The employee has passed an alcohol test with a result of below 0.02% within six (6) months from the date of application with the city and has no records showing any violations of alcohol misuse during this same six (6) month period. However, such testing must meet the4 current federal criteria.
 - b) If the applicant wants an exception to the pre-employment drug or alcohol test requirement, he or she must sign a specific, written authorization for the release of information which will allow the city to obtain the following information from each previous employer within the six (6) months preceding the date of the application with the city:
 - (1) Names and addresses of the employer.
 - (2) Verification that the applicant participated in drug and alcohol testing program.
 - (3) Verification that the program conformed to federal drug and alcohol testing regulations.

- (4) Verification that the employee has not refused to be tested for alcohol or drugs.
 - (5) The date the applicant was last tested for alcohol and/or drugs.
 - (6) The results of any alcohol or drug tests taken within the previous six months and any other violations regarding the misuse of alcohol and drugs. If a drug or alcohol test is positive, information must also be provided regarding the applicant's previous evaluation by a substance abuse professional and compliance with a recommended treatment.
- c) If a previous employer or employers will not release the above information after a reasonable attempt has been made, the applicant will have to be tested.
- H. Reasonable Suspicion
1. Employees may be required to submit to reasonable suspicion testing for drugs and/or alcohol if the appearance, behavior, speech, body odors, erratic behavior, smell or other symptoms of the employee lead a supervisor to believe he/she may be under the influence of a drug or alcohol.
- I. Post-Accident
1. Drug/Alcohol testing may be required of employees following motor vehicle or motorized equipment accidents in any of the following circumstances:
 - a) When a fatality or bodily injury occurs (any person involved);
 - b) When a city vehicle or motorized equipment or other city property is involved;
 - c) When a third party (non-employee) is involved;
 - d) When any damage to city vehicle or motorized equipment occurs;
 - e) When a city driver while operating a city vehicle or motorized equipment receives a citation under state or local law for a moving traffic violation arising from an accident.
 2. Employees who drive city vehicles or equipment on or off duty will be subjected to testing for motor vehicle accidents as described above.
 3. Procedures for "Post Accident" or Motorized Equipment Accident Testing:
 - a) The employee(s) involved in the accident and the employee(s) from the department, whose employee and vehicle are involved in the accident, first arriving at the accident site are required to inform their direct supervisor, and the department head of the accident immediately, but not longer than two (2) hours following the accident.
 - b) If the department head is not available in that period of time, the employee shall notify the Human Resources designee of the accident.
 - c) The employee(s) involved in the accident shall be prohibited from working or continuing to work until reporting to the testing facility designated by the City.
 - d) Alcohol testing may be administered within two (2) hours of the accident and in no event more than eight (8) hours after the accident. Drug tests must be administered within eight (8) hours after the accident and in no event more than thirty-two (32) hours after the accident. If this deadline for alcohol or drug tests cannot be administered, such tests shall not then be conducted.

- e) The supervisor or a designated person not involved in the accident shall take the employee off the worksite and drive him/her to the Medical Review Officer's office or approved testing facility.
- f) Under no circumstances will the employee be allowed to drive themselves to the testing location.
- g) If the employee is seriously injured or unconscious, first seek medical treatment for the employee at the nearest hospital. The first consideration is for the health and well-being of the employee. Blood or urine specimen may be taken at the hospital following treatment and once the employee is deemed stabilized.
- h) After a finding of reasonable suspicion, the supervisor or a designated person shall stay with the employee being tested and will drive him/her home or make arrangements to have the employee transported if the employee is released by the Medical Review Officer or other treating physician.
- i) If the employee, in the judgment of the Medical Review Officer, exhibits physical and/or emotional impairments such that the employee's safety or the safety of others could be in jeopardy if the employee returned to work, or if a supervisor who has received a drug awareness training, the department head and/or City Manager/Human Resources has confirmed there is a reasonable suspicion that the employee may have been under the influence of a controlled substance or alcohol at the time of the accident, the employee shall not be allowed to return to work. In that situation, after being tested, the employee will be driven home by the supervisor or other designated person. The employee shall not be allowed to drive home.
- j) An employee tested for controlled substances or alcohol following a post-accident testing provision may be placed on leave with pay until the results of the test are received.
- k) An investigation surrounding the circumstances of the accident leading to a drug or alcohol test should be conducted by the department head and/or their designee.

J. Reasonable Suspicion

1. All employees suspected of controlled substance or alcohol use will be required to submit to an appropriate drug and/or alcohol test at the city's designated testing facility.
2. A written record of specific, observable facts creating such reasonable suspicion will be required before such drug and/or alcohol test is ordered.
 - a) Such written record should include the exact reasons why suspicion exists, including actions, odor, observations by another employee that were reported, or other such evidence which establishes reasonable suspicion.
 - b) The written record shall be forwarded to Human Resources for inclusion in the employee's confidential file.
3. Only department heads, supervisors, the City Manager and/or the Human Resources designee who have received the required supervisory drug and alcohol awareness training may refer an employee for reasonable suspicion

testing based on observed and documented behavior and conduct of the employee under suspicion.

4. The City Manager must approve any reasonable suspicion test and that reasonable suspicion exists based on the written facts and observed behaviors. In the absence of the City Manager, the Human Resources designee or acting City Manager at the time may approve such test.
 5. The employee referred for testing must sign a form consenting to such testing and be driven to the test site immediately by a supervisor or designee. Under no circumstance may the employee drive themselves to the test site, nor may they be allowed to delay such testing. Should they refuse to test, that is considered a positive test and will result in disciplinary action up to an including termination of employment.
 6. The supervisor or designee shall stay with the employee being tested and shall drive the employee back to work following completion of testing. If the Medical Review Officer or testing facility, after observation and examination of the employee, determines the department head's suspicion is founded, the department head or designee shall arrange for the employee to be driven home.
 7. The employee will be placed on leave with pay until such time the results of the test are received.
- K. Return to Duty
1. The city will ensure that before an employee returns to duty after engaging in prohibited conduct concerning alcohol the employee must take another alcohol test with a result indicating an alcohol concentration of less than 0.02%.
 2. The city will ensure that before an employee returns to duty after engaging in prohibited conduct concerning drugs, the employee must take another drug test with a result indicating a verified negative result for controlled substances or drugs.
 3. A consent form shall be signed by the employee for any test performed. Refusal to test is grounds for disciplinary action as stated herein.
- L. Follow-Up Testing
1. Following a determination that an employee is in need of assistance in resolving problems associated with alcohol, drug or controlled substance use/misuse, the employee is subject to unannounced follow-up/random alcohol and/or drug testing at a frequency and duration of time as directed or recommended by a substance abuse professional. Such testing includes return-to-duty and drug or alcohol test as determined necessary for that particular employee.
- M. City Approved Testing Facility
1. The City will select and designate a laboratory certified by the United States Department of Health and Human Services which follows chain of custody procedures in conducting and preserving the tests required under this policy.
 2. The laboratory will report each test result to the medical Review Officer who will notify the City Manager/designee of the results.
 3. An employee who does not pass the drug or alcohol test may request that the original urine/blood sample be analyzed again. Such retest may, but is not required to, be performed at another certified, qualified laboratory.

- a) Such request must be made via written request within two days of the employee's notification of the test result.
 - b) The employee shall pay for the retest and all other associated costs that may be required to complete the retest.
 - c) If the employee subsequently passes the retested specimen, the city shall reimburse such costs of the retest.
- N. Breath Alcohol Technician Requirements
- 1. Any individual qualified as a breath alcohol technician may be used to conduct alcohol tests.
 - 2. Law enforcement officers certified by state or local governments to conduct breath alcohol testing are deemed qualified as a breath alcohol technician.
 - 3. For a test conducted by a law enforcement officer to be accepted under Department of Transportation (DOT) regulations, the officer must have been certified by a state or local government to operate an evidential breath testing device or non-evidential alcohol screening device that is used for the DOT-mandated testing.
- O. Drug/Alcohol Related Arrest
- 1. Employees who have been arrested and/or convicted of DWI/DUI, Public Intoxication, possession, distribution or other such drug/alcohol related charge shall notify their supervisor within 24 hours after the arrest. Failure to do so may result in disciplinary action up to and including termination.
 - 2. It is up to the City Manager and City Attorney as to whether the employee may be retained or not, depending on the employee's position, driving privileges, and duties which may result in unsafe liability for the citizens, employee and crew/team members or perception of such.
- P. Employee Responsibilities
- 1. Employees shall immediately and confidentially notify their supervisor if they believe that another employee may be under the influence or possession of drugs, alcohol or inhalants.
 - 2. Employees are required to cooperate with all phases of the drug and alcohol testing process.
 - 3. Employees subject to emergency call back are required to declare to their supervisors the use of alcohol or controlled substances including prescribed medication that might affect their ability to perform under the emergency. The supervisor shall determine if the employee is fit to work and in what capacity.
 - 4. Employees attending training and conferences may participate in social functions associated with the conference. This may include the responsible consumption of alcohol, so long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions shall follow the law and shall not operate City owned vehicles, and are discouraged from driving personal vehicles after the consumption of any level of alcohol. The moderate use of alcoholic beverages may be authorized by the City Manager or designee at city sponsored gatherings, which may occur within the workplace after normal working hours.
 - 5. Persons authorized by the city manager to have access to drug and/or alcohol test results will maintain confidentiality of such results.

Q. Confidentiality of Information

1. The following procedures will be used to assure that records pertaining to the drug and alcohol testing process are kept confidential.
 - a) Test results and other written materials concerning a particular drug test will not be kept in the employee's official personnel file or the individual's departmental file.
 - b) Results of tests should only be released to the City Manager/designee, Human Resources, and the applicable chain of command. Additional parties may be provided results as required by an appeal or disciplinary process (for those involved), and any state, federal and law enforcement agencies as necessary or required. Openly sharing an employee's test results for those without a need to know is strictly prohibited.
 - c) Personnel who are authorized to have access to drug test results will maintain complete confidentiality. Breach of confidentiality relating to drug test results or other portions of this policy may result in disciplinary action, up to and including termination.

R. Rehabilitation and Employee Assistance

1. Employees who test positive for controlled substances, drugs, or alcohol may be permitted an opportunity to enter a rehabilitation program as a condition of continued employment at the sole discretion of the city.
2. Treatment for chemical dependency, both in-patient and out-patient, may or may not be covered under the city's medical plan. Employees may contact Human Resources about substance abuse treatment and the city's benefits related to such.
3. Any employee who has completed a rehabilitation program must remain alcohol and drug free. Any relapse by an employee may result in immediate termination.
4. An employee's decision to seek assistance by entering a rehabilitation program before work performance or behavior difficulties occur will be kept confidential.
 - a) Once work performance or behavior difficulties affecting the job occurs resultant from substance use/abuse however, the subsequent voluntary entrance into a rehabilitation program will not necessarily prevent disciplinary action, up to and including termination.
 - b) Any employee who tests positive and then refuses to enter a rehabilitation program, who fails to complete the rehabilitation program, or who refuses to cease using or abusing controlled substances, drugs or alcohol will be immediately terminated.
5. Employees who seek controlled substance, drug or alcohol abuse assistance and rehabilitation and cannot report for work while undergoing such rehabilitation may use sick leave, then vacation, then no-pay for the duration of the absence. If the employee is eligible under FMLA due to the absence, it shall be properly designated in accordance with that policy.
6. Employees who are involved in rehabilitation and are able to report for work may do so under the following conditions:
 - a) An employee may resume regular duties only after the employee tests negative for a drug or alcohol test and can provide a release to return to

work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a recognized substance abuse assistance program.

- b) Prior to being allowed to return to work, the employee shall be required to meet with the City Manager (or designee), the department head of the employee and Human Resources to receive an explanation of the terms of continued employment.
- c) An employee may, at the city's request, be required to at any time to submit to interviews and physical examinations by the Medical Review Officer and/or evaluations by the qualified personnel at the chemical dependency treatment facility.
- d) An employee will be required to submit to unannounced drug and alcohol testing up to sixty (60) months after resuming duties.

S. Special Exemptions

- 1. Any police officer who is required to be in possession of alcohol, controlled substances or drugs in the course and scope of their employment will be exempt from the provisions of this policy pertaining to possession only. The Police Department may establish protocols regulating procedures regarding this.

T. Employee Search Policy

- 1. The city reserves the right to search for illegal drugs and alcohol on any employee, city vehicles and equipment, the employee's personal effects, on city property, and the employee's other property located on city premises or worksites, including but not limited to, private vehicles, city or personal lockers, desks, file cabinets, lunch boxes, backpack, purses, or other containers brought on to city premises/worksites.

U. Forms and Record Keeping

- 1. All forms and retention requirements for records as promulgated by the Federal Highway Administration and the Department of Transportation pursuant to the Omnibus Transportation Testing Act of 1991, 49 CFR Part 382, and 49 CFR Part 40 are hereby adopted and made a part hereof as if they had been fully set out at length herein.

Section 5: General Operations Procedures

I. Invoicing Policy

- A. It will be the department or Event Director's responsibility to provide the Director of Finance with the information to create an invoice using the invoice request form (Form 5-A in Section 7: Appendix)
 - 1. The invoice request form will include the following information and must be filled in entirety: Name, Business Name, Address, Billing Address (if different), event name, sponsorship level, and sponsorship amount.
 - 2. If more than one event is going to be sponsored by the same business, the request for an invoice must be itemized by event with the respective amounts for each.
- B. The Department or Event Director must submit each request form as soon as information becomes available.
- C. The Director of Finance will create an invoice and send out to the businesses within three (3) business days.
 - 1. The Director of Finance will provide a response and copy of the sent invoice to the Department or Event Director within those same three (3) business days.
- D. Both the Department or Event Director and the Director of Finance will maintain copies of all invoices for their records.
- E. All Invoices must be sent prior to the day of the event.
- F. All monies must be collected no later than 30 days after the event unless it is understood and approved by the Finance Director.

II. Expense Reporting

- A. All completed expense reports shall be turned in no later than 30 days after the date of the expense. Any receipts documenting the expense shall be turned in with the report. All expenses occurring September 1st-30th must be turned in prior to completion of end of fiscal year reporting. Any expense reports not turned in within the designated time frame are subject to rejection of payment.

III. Contacting the City Attorney

- A. The City Attorney shall not be directly contacted by any Department Head or other employee, unless specifically authorized by the City Manager, until the question or concern has been brought to the attention of the City Manager.

IV. Badges

- A. City Hall will be secured with control access requiring each employee to carry a badge with them at all times.
- B. All employee badges must be requested by the supervisor by completing the badge request form and turning it into the Human Resources Department. Human Resources must have the City Manager sign off on the access form before processing any new badge.
- C. The first badge will be provided to the employee without charge. Should an employee lose their original badge, a replacement will be provided to them for a \$25.00 fee.
- D. Badge Request Form 5-B

V. Time Clock

- A. All hourly employees will be required to utilize the appropriate time clock for their department.
- B. If an employee must leave work for any reason other than their lunch hour, they must clock-out upon leaving and clock-in upon return. Prior to leaving, supervisor approval must be given.
- C. Time cards with handwritten entries may result in disciplinary action, except in cases relating to emergency responses or on-call duties where completing a time card punch would result in delayed response times. On-call or emergency responses must be designated on the time card when turned into payroll at the end of the pay period for processing.
- D. Frequent leave may be subject to review by the Human Resources Department and Department Head and subject to disciplinary action.

Section 6: Miscellaneous Provisions

I. Travel Policy

- A. This policy is applicable to all city employees and applies to all travel on city business outside the city limits and to all travel reimbursements, subject to budget limitations and authenticated expenses.
- B. The City Manager may authorize travel leave and expenses for city business outside the city. All travel requests must be approved by the department head and City Manager prior to its occurrence. Any employee traveling on official city business shall leave word with his or her supervisor as to where he or she can be reached while out of the city. All travel requests must be submitted on forms provided for that purpose as required by the City Manager.
- C. Travel expenses for the City Manager shall be approved by the Mayor.
- D. Transportation
 - 1. Normally, when travel is required for city business, a city vehicle or personal car may be used when such travel distances are within a two hundred and fifty mile radius. For travel beyond a two hundred and fifty mile radius of the city, air transportation may be approved if authorized by the City Manager or Mayor, if applicable.
 - 2. All approved transportation expenses will be reimbursed as follows:
 - a) When employees use their personal vehicles all travel mileage will be paid at the “percent” rate in effect and adopted at the time of travel by the City Manager’s office. A copy of vehicle insurance will be kept on file.
 - b) When city vehicles are used, all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, etc.) shall be reimbursed. Receipts will be required.
 - c) When air travel is permitted, the cost of such airfare will be reimbursed. Additionally, reimbursement will be made for the use of rental cars, taxi or bus fares, provided such expenses are necessary and reasonable.
 - 3. Alternate routes which are desirable because of personal affairs of the traveler can be used, but only on the traveler’s time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses

incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.

- E. Food and Lodging
 - 1. Whenever authorized by the city Manager (or Mayor in the case of travel of the City Manager), food and lodging expenses associated with official city business travel shall be reimbursed for actual expenses incurred. Receipts required.
 - 2. Lodging will be reimbursed at single rates unless two or more employees occupy a single room, or otherwise approved by the City Manager. The city shall only reimburse for lodging that is reasonable and practical.
 - 3. Exceptions to this may be granted when cheaper hotel rooms are unavailable or where conferences are held in or nearby the hotel. Meal expenses shall be kept within reason and any excessive costs must be justified and receipted.
 - 4. No reimbursements shall be allowed for personal telephone calls, alcohol, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, except as provided in other sections of this policy.
- F. Entertainment
 - 1. The mayor, city council and city manager realize that from time to time it is necessary to entertain dignitaries and state, federal, or other business representatives whenever it may be deemed in the best interest of the city.
 - 2. Such expenses may be reimbursed at the discretion of the City Manager, Mayor or City Council. Receipts will be required before reimbursement can be made. Prior authorization should be obtained from the Mayor or City Council.
- G. Travel Advance and Reports
 - 1. Minimum, but sufficient cash advances may be allowed for employees traveling on city business.
 - 2. All unused, unauthorized, or unapproved travel advances shall be returned immediately upon return of the business trip.
 - 3. An expenditure report must be filed with the accounting department within two working days following the trip.
 - 4. Failure to submit an expense report will subject the employee to a payroll deduction for any funds advanced.

II. Vehicle Use and Policy

- A. Vehicle Use
 - 1. The purpose of this vehicle policy is to provide for the safe and effective utilization of the city vehicle fleet through rules, regulations and procedures.
 - 2. This policy applies to all city owned vehicles and all persons assigned a vehicle, inclusive of operators and passengers.
 - 3. All city equipment and vehicles are intended for official city business use only. The city manager may extend said use according to need and circumstances to another public agency or for uses beneficial to the general public. Use of city equipment and vehicles is limited to the Grayson, Collin,

Denton, Tarrant and Dallas County area unless otherwise approved by the City Manager.

4. Except for maintenance, service and repair, only city officials and employees are allowed to operate a city vehicle. Ridership should be limited to employees or persons on official city business. Due to the nature of certain employees being required to be on call and take a vehicle home, the City Manager may exercise limited discretion in situations wherein the ridership policy might cause transportation difficulties to an employee required to be on standby and use a city vehicle.
 5. Those personnel assigned use of a vehicle or piece of equipment will be responsible for the maintenance and care of said vehicle/equipment. Damage arising from misuse or neglect attributable to operator negligence is subject to review by the city manager and subsequent repair at the expense of employee held responsible for same.
 6. No one shall operate a city vehicle or piece of equipment that is unsafe and the operator will be responsible for exercising good judgment and performing a cursory inspection prior to operating said vehicle or equipment.
 7. All operators and passengers will be individually accountable for abiding with all laws pertaining to vehicles and their operation.
 8. No one is allowed to operate a city vehicle or piece of equipment while transporting or under the influence of alcohol, medication or drugs that is subject to altering judgment or reflex.
 9. No person with corrective devices or appliance shall be allowed to operate city equipment or vehicles without same being in place and in good repair.
 10. Any person who is injured or becomes ill should use the radio/phone to obtain assistance rather than try to operate a vehicle or piece of equipment.
 11. It will be the responsibility of each operator of a city vehicle or piece of equipment to properly fill out any paperwork associated with the use, mileage, gas/lubricant application or any other documentation which may be required from time to time.
- B. Take-Home Vehicle
1. Take-home vehicle assignments will be designated by the Department Head and finalized by the City Manager.
 2. To be eligible for a take-home vehicle, the employee selected for assignment must be in a position where direct on-call or emergency responses are part of the job duties.
 3. An employee with an assigned vehicle understands that under no circumstance will personal business or transportation of non-city employees be conducted while operating the vehicle unless specifically authorized by the Department Head. This includes school drop-offs and pick-ups.
 4. All policies listed above in the Vehicle Use section regarding maintenance, operation and safety apply to this Take-Home Vehicle policy as well.
 5. Any violation to the Vehicle Use or Take-Home Vehicle policy will result in the loss of city vehicle use privileges and may be subject to discipline, including termination.

III. Property Control

- A. Department heads shall ensure that property under their control is properly safeguarded, accounted for, and administered.
- B. The Accounting Department 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 reported to the Accounting Department or City Manager's designee.
- C. Postage, stationary, office supplies, tools, vehicles and equipment purchased, leased, or owned by the city are to be used for city related business and in the course and scope of employment. No items shall be used for personal use without specific approval.

IV. News Releases

- A. All news releases by city employees will be approved prior to their release by the City Manager and Mayor, as applicable.
- B. The reason for this process is to ensure that day to day operations as well as political correctness are considered prior to issuance of any official statement. The Public Information Officer for the City of Celina will be the Mayor and or City Manager or designee.

Section 7: Appendix

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Form samples begin on next page.**

**FORM 5-A: Invoice Request Form –
Please Contact HR or Finance Departments for Form**

Department/Event Director Name: _____

Sponsor Name: _____

Address: _____

Billing Address (if different): _____

<u>Event Name</u>	<u>Sponsorship Level</u>	<u>Amount of Sponsorship</u>

Department/Event Director

Date Submitted

Finance Director

Date Invoice Completed

**FORM 5-B: Badge Request Form –
Please Contact HR or Finance Departments for Form**

Badge Request Form

Employee Name: _____

Date of Hire: _____

Employee Title: _____

Employee #: _____

Department: _____

Access Requested: _____

Supervisor Name _____

Signature _____

Human Resources Manager _____

Date Received _____

Date Processed _____

City Manager _____

Employee Acknowledgement Form

The City of Celina (the “City”) Policy and Procedure Manual (the “Manual”) effective March 17, 2014 and as amended at any time in the future, with or without notice, describes important information about the City’s personnel policies and procedures. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time.

With the exception of the City’s employment-at-will policy, all of the information, policies, and benefits described in the Manual are subject to change. I acknowledge that revisions to the Manual may occur, except to the policy of employment-at-will provision. I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this Manual is neither a contract of employment nor a legal document. I have received the Manual, understand my responsibility to read and comply with the policies contained herein and any as amended in the future. I also understand that the policies in this Manual supersede all prior written and/or oral City policies, except those as provided within departments for operating procedures. No departmental policy shall conflict with these policies.

Employee Printed Name

Date

Employee Signature