

CITY OF DICKINSON PERSONNEL POLICY

Welcome to your employment with the City of Dickinson. We hope that you will find the City of Dickinson to be a great place to work and be mutually beneficial to both yourself and the City. Our mission as employees of the citizens of this community is to earn and maintain the public's trust by providing highly efficient and superior quality municipal services with courtesy, respect, and concern.

This Personnel Policy Manual establishes the policies and procedures that will be followed by the City of Dickinson in personnel administration matters. As such, you are expected to become familiar with the contents herein.



APPROVAL

This personnel policy of the City of Dickinson, adopted by Ordinance 543-2005 on January 25, 2005, hereby amended by Ordinance 610-2007, Ordinance 618-2007, Ordinance 619-2007, Ordinance 663-2009, Ordinance 673-2009, Ordinance 679-2009, Ordinance 693-2010, Ordinance 709-2010 and Ordinance 737-2012 supersedes all previously adopted/amended personnel related polices of the City of Dickinson.

[City Charter § 4.08]

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CHAPTER 1. INTRODUCTION

Section 1. Objective

City Administrator designs these rules to bring to the City a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices. Objectives of the City personnel management system, which includes these rules, are to promote and increase efficiency, responsiveness to the public, and economy in the City personnel management; to provide fair and equal opportunity for qualified persons to enter and progress in the City employment based on merit and fitness through fair and practical personnel management methods; to maintain recruitment, advancement, and tenure practices enhancing the attractiveness of a City career and encouraging each employee to give his or her best effort to the City and the public; to promote high morale among City employees by fostering good working relationships and by providing uniform personnel policies, opportunities for advancement, and consideration of employee needs and desires; and to provide for the equitable administration of the personnel system of the City.

See City Charter Section 4.08.

Section 2. Equal Opportunity Policy

The City will take affirmative action to ensure equal employment opportunity. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration, membership or non-membership in employee organizations, or because of race, color, religion, national origin, citizenship status, marital status, or other non-merit factors is prohibited. Discrimination on the basis of age or sex or physical requirements is prohibited except where specific age, sex, or physical requirements are bona fide occupational qualifications. No employee shall retaliate against an employee who makes a complaint of such discrimination, or who has assisted or participated in an investigation of discrimination.

See also. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; the Age Discrimination in Employment Act, 29 U.S.C. § 621; Texas Commission on Human Rights Act, Texas Labor Code chapter 21; Personnel Rules chapter 10, § 9/Retaliation Prohibited; City Charter Section 4.08 (The adopted rules shall establish the City as an equal opportunity employer)

Section 3. Accessibility

The City will make its employee activities and working environment accessible to disabled persons and will make reasonable accommodations for employees unless that accommodation will place an undue hardship on City operations.

Section 4. Applicability; No Contract

These rules apply to all City employees except where inconsistent with the City's Charter, Texas or federal law, or specific written employment agreements. A person on a retainer or under contract is not considered a City employee without a specific agreement to that effect. No one should construe these rules to limit the power of the City Administrator or a department director to issue and enforce reasonable personnel rules not in conflict with the statutes, these rules or federal law. No one should construe these rules as an employment contract, and no City employee may bind the City to an employment contract without the express written approval of City Council.

Section 5. Dissemination

- a. Human Resources shall inform all City employees of the existence of these rules and each department shall keep a copy available for reference by its employees. Upon initial adoption all employees shall be given a copy. Thereafter Human Resources shall give each new hire a copy of these rules.
- b. Human Resources shall place at City Hall, Police Station, and Service Center bulletin boards for communications that Texas law, federal law or these rules require, or that the Human Resources Department (HRD) approves. Postings on these boards should include these personnel rules, the medical insurance handbook, the notice of vacancies, workers' compensation notices (Texas Labor Code § 406.005), Whistleblower notices (Texas Government Code § 554.009), hazardous chemical notices (Texas Health and Safety Code chapter 502), Fair Labor Standards Act notices (29 U.S.C. § 211[c]), Disability Act notices (42 U.S.C. § 12115), Unemployment Act notices (Texas Labor Code § 208.001(a)), age discrimination notices (29 U.S.C. § 627), Civil Rights Act notices (42 U.S.C. § 2000e-10a), and Family Leave and Medical Act notices (29 USC Section 2619).

Section 6. Amendment

- a. The City Administrator, with approval of the City Council, may unilaterally change, rescind, supplement, or supersede these rules anytime without notice.
- b. The provisions of these rules control over any contradictory statement made by any City supervisor.
- c. The City encourages employees to suggest improvements to these policies. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) in writing to the Human Resources Department (HRD). Employees are responsible for knowing and using these rules and for requesting clarification or assistance when needed.
- d. The City Administrator may make administrative interpretations of these rules.

See City of Dickinson Charter – Section 4.08

Section 7. Division of Responsibility

Except matters reserved to the City Council, the general and final authority for personnel management rests with the City Administrator.

The Human Resources Department (HRD) should coordinate all areas of personnel administration, including payroll and benefits.

Each department director is responsible for enforcing the provisions of these rules, related policies and procedures by cooperating with the Human Resources Department (HRD) on all matters pertinent to his or her department. Dept. directors are responsible for employee-management relations, training and career development and employee health, safety and morale.

Section 8. Safety

- a. The City of Dickinson wants to conduct its operations with the utmost regard for the safety of its employees and its citizens.
- b. The City will not require any employee to perform hazardous duty without first receiving training concerning the hazard and proper work methods.
- c. The City Administrator will provide for health and safety programs appropriate to create a safer working environment.
- d. Employees shall not be subject to reprisal or retaliation for filing a workers compensation claim or for reporting unsafe conditions to management or outside enforcement authorities.
- e. Employees should report any accidents or unsafe conditions or practices to their supervisor immediately so that corrective action may be taken. Any suggestions an employee makes to lessen the possibility of on-the-job accidents and injuries will be appreciated and will be given serious consideration.

Section 9. Ethics

All employees will be expected to perform satisfactorily the job duties for which they have been employed, to maintain a high level of personal conduct on the job, to render courteous and efficient service to the public, to be mindful of safety practices, and to exercise the utmost care in the use of City property.

As a public servant, employees are held to the highest standard of ethical conduct. Consistent with this public trust, City employees may not:

- a. Use their official positions to secure special privileges or exemptions for themselves or others;
- b. grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group;
- c. disclose, without proper authorization, confidential information that could adversely affect the City or its employees, beyond that which is available to every other citizen, individual, or group;
- d. engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to them in the course of their employment with the City, or reflect discredit upon the City, or in which their employment with the City will give them an advantage over others engaged in competition with the employee's personal business or vocational pursuits. This shall not prohibit employees from performing the same or other services for another organization that they perform for the City if the City Administrator determines there is no conflict with City duties and responsibilities;
- e. represent, directly, or appear in behalf of private interests before the City, nor shall they represent any private interest in any action or proceeding involving City, nor shall they accept a retainer or compensation that is contingent upon a specific action taken by the City;
- f. use City supplies, equipment, vehicles or facilities for any purpose other than conducting official City business. Unauthorized use for personal reasons may result in dismissal;
- g. have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee of the City.

See Texas Local Government Code Ch. 171; Dickinson City Charter 12.15; City of Dickinson Investment Policy Art. 5.

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CHAPTER 2. DEFINITIONS

<u>Actual Work</u>	See time actually worked.
<u>Charter Officer</u>	The City Administrator, City Secretary, and Chief of Police
<u>Classified Position</u>	A job budgeted and assigned to a pay grade within the City's pay plan.
<u>Certificates</u>	Proof of additional pre-approved training that is beneficial to an employees work position
<u>COBRA</u>	<p>The Consolidated Omnibus Reconciliation Act of 1985; a federal law that, among other things, establishes rules for medical expense benefit plans.</p> <p><i>See. 42 U.S.C. § 300 bb-1</i></p>
<u>Commercial Driver</u>	An employee who is subject to the Commercial Driver's License requirements of the United States Department of Transportation (49 CFR part 383) and operates a Commercial Motor Vehicle (CMV) for the City on a routine, intermittent, or occasional basis. Intermittent and occasional includes operating a CMV on a backup basis or as infrequently as once a year. 49 CFR § 382.
<u>Commercial Vehicle</u>	<p>A motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:</p> <ol style="list-style-type: none">a. has a gross combination weight of 26,001 or more pounds including a towed unit with a gross vehicle weight of more than 10,000 pounds; orb. has a gross vehicle weight of 26,001 or more pounds; orc. is designed to transport 16 or more passengers, including the commercial driver; ord. is used in the transportation of materials hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
<u>Controlled Substance</u>	A substance, including a drug and an immediate precursor, listed in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act, Texas Health and Safety Code chapter 481.

<u>Department</u>	A unit of City government consisting of one or more divisions, as provided by the City budget.
<u>Director</u>	Department head.
<u>Disciplinary Action</u>	Issue initiated by supervisor.
<u>Division</u>	A basic unit of City government as provided by the City budget.
<u>Drug</u>	A substance, other than a device or a component, part or accessory of a device, that is: a) recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or a supplement to either pharmacopoeia or the formulary; b) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; c) intended to affect the structure or function of the body of man or animals but is not food; or d) intended for use as a component of a substance described by items a, b, or c. <i>See Texas Health and Safety Code § 481.002.</i>
<u>Exempt Employees</u>	Employees not covered or exempted by the specific provisions of the Fair Labor Standards Act.
<u>FLSA</u>	Fair Labor Standards Act, 29 U.S.C. § 201.
<u>FMLA</u>	Family Medical Leave Act, 29 U.S.C. § 2611 (1996).
<u>Grievance</u>	Issue initiated by employee.
<u>Injury Leave</u>	Absence from work with pay caused by employee's work related injury (workers compensation leave).
<u>Officer (Appointed)</u>	A City employee entrusted with the administration of justice or the execution of law, including the City Administrator, City Secretary, City Attorney, Municipal Court Judge, Director of Finance, Building Officials, Code Enforcement Officials, Planning and Zoning Commission Members, Board of Adjustments and Appeals Members, Fire Marshal, Police Chief and every police officer of the City of Dickinson.
<u>Open-Salaried Position</u>	A job not assigned to either of the City's pay plans; includes Department directors and council appointed positions.
<u>Outside Employment</u>	Any employment, including self-employment, other than employment by the City.

<u>Nonexempt Employee</u>	An employee entitled to overtime pay under either federal law or Texas law. <i>See Fair Labor Standards Act; Texas Local Government Code (Police and Fire).</i>
<u>Promotion</u>	The assignment of an employee from a position in one grade to a position in another grade having a higher maximum salary.
<u>Regular Employee</u>	An employee other than a temporary employee; an employee in a full-time or part-time position budgeted for more than 1,000 hours in the year.
<u>Regular Rate of Pay</u>	The employee's hourly compensation including certification and longevity pay, but excluding holiday pay, sick leave pay, or vacation pay.
<u>Safety-Sensitive Function</u>	Any of the following duties: (1) Operating a revenue service vehicle, including when not in revenue service; (2) Operating a non revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (3) Controlling dispatch or movement of a revenue service vehicle; (4) Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 18 funding and contracts out such services; or (5) Carrying a firearm for security purposes. <i>See 49 CFR 654.</i>
<u>Other Sensitive Functions</u>	(1) operation of any City owned, leased or rented vehicle; (2) access to any City revenue/expenditures; or (3) authorized to carry a firearm.
<u>Time Actually Worked</u>	The time an employee is on duty, administrative leave with pay, compensatory time, vacation time, injury leave with pay, on military leave with pay or holiday leave with pay, but shall not include the time that the employee is on authorized leave without pay or sick leave (personal leave).
<u>Transfer</u>	The assignment of an employee from one position to another having the same maximum salary.

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CHAPTER 3. VACANCIES

Section 1. Vacancy Identification

A department director will notify the Human Resources Department (HRD) when vacancies occur or are imminent.

Section 2. Announcement of Vacancies

The HRD will post internally all vacancies in the City personnel system that the City will fill. HRD may announce the positions that the City fills by administrative transfer, temporary promotion, or reinstatement by posting notice for three days in prominent places at all City job centers. HRD may advertise vacancies not filled by administrative transfer, temporary promotion or reinstatement in the City's official newspaper and City web site.

Each announcement, as far as practicable, shall specify the job title, salary range, the deadline for and method of application. Each announcement shall contain a statement affirming the City's commitment to a policy of equal employment opportunity.

Section 3. Promotion Policy

A promotion is the assignment of an employee from a position in one pay grade to a position in another pay grade having a higher maximum salary.

The City encourages promotional opportunities whenever possible. The City Administrator, or a Director with notice to the City Administrator, may limit the selection process to qualified City employees, or City employees may be given preference in application and/or consideration. The City Administrator should maximize opportunities for promotion across organizational lines.

Employees should consult departmental rules for specific information regarding promotional opportunities.

Section 4. Emergency Temporary Appointments

Whenever an emergency exists that requires the services of personnel who are not otherwise available, the City Administrator may immediately appoint such personnel for a period not to exceed thirty (30) working days without regard to normal recruitment and selection requirements.

Section 5. Temporary Promotions

The City Administrator may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent. The City will additionally compensate an employee so promoted for the duration of the temporary assignment in an amount set by the City Administrator. The City Administrator may not use a temporary promotion to avoid normal selection procedures. An employee shall not receive any status or rights in a classification in which the employee temporarily serves except as provided above. No one should construe these rules to prevent the assignment of higher-level duties to an employee without additional compensation. The City will pay additional compensation only in cases of formal temporary promotion effected according to these rules.

Section 6. Transfers

A transfer is the assignment of an employee from one position to another having the same maximum salary. The City Administrator, or a Department director with notice to the City Administrator, may transfer an employee from one position to another at any time if the transfer is not a promotion or demotion. The transfer may be made in conjunction with an announced selection process.

Section 7. Demotions

A demotion is the assignment of an employee from a position in one pay grade to a position in another pay grade having a lower maximum salary. The City Administrator, or a Director with notice to the City Administrator, may demote an employee to a lower level position if the employee is qualified for the position and the employee requests the demotion, the demotion is an alternative to a layoff, or the demotion is part of a City Council approved reorganization. Such demotions will not be considered disciplinary actions or disqualify the employees involved from consideration for later advancements. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

Section 8. Applications

A person will submit a written application for initial employment, promotion or any type of transfer or reinstatement as prescribed by the HRD. Only applications officially received in the prescribed manner will be considered. All application information submitted to the City is subject to verification. The City will require such releases as necessary to investigate an applicant's medical, education, employment, consumer report, drug and/or alcohol, criminal and driving histories.

Section 9. Evaluation of Applicants

The HRD will assist the City's supervisors in evaluating applicants against job requirements to identify the best qualified. HRD may use reference checks, interviews, medical examinations, background checks, consumer report, performance tests, written tests, driver license, and/or other screening procedures as appropriate.

HRD will require applicants to provide any information and undergo any examinations necessary to show compliance with prescribed qualification requirements for the positions involved.

See also. Personnel Rules chapter 4, § 6/Medical Examinations.

Section 10. Disqualification

HRD shall disqualify an applicant from consideration if the applicant:

- a. does not meet the qualifications necessary for performance of the duties of the position;
- b. has made a false statement of material fact on the application form or its supplements;
- c. has committed or attempted to commit a fraudulent act at any stage of the selection process;
- d. cannot provide verification of work authorization and identity.

HRD may disqualify any applicant from consideration upon other reasonable grounds relating to job requirements.

Section 11. Referral and Selection

The HRD in cooperation with department heads will develop standard operating procedures for the referral of applicants for final selection. This procedure will insure that eligible candidates are processed in accordance with all applicable laws.

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CHAPTER 4. APPOINTMENTS, TRANSFERS, PROMOTIONS

Section 1. Authority

Except as otherwise provided by Charter, the City Administrator shall confirm employment in all City positions after selection by department directors.

Section 2. Basis

The City Administrator or department director shall appoint persons based on the qualifications of applicants as determined through fair and practical selection methods.

See also. Americans with Disabilities Act, 42 U.S.C. § 12132.

Section 3. Type

Appointments shall be designated either regular or temporary. A regular appointment is ordinarily of indefinite duration and may be either a full-time or part-time position that is budgeted for 1,000 hours or more a year.

See Personnel Policy, Chapter 2, Definitions, Regular Employee.

Section 4. Nepotism, Fraternalization, and Romantic Relationships between Employees

- a. No employee may directly or indirectly appoint to City service, supervise, or be supervised by a member of his or her immediate family. Immediate family means a person related in the second degree by affinity (marriage) or in third degree by consanguinity (blood). The City Administrator and the directors may not appoint any person to a Department that the person has a relative within the second degree by affinity or within the third degree by consanguinity.
- b. The City Administrator may apply the nepotism prohibition in other organizational and/or personal relationships when failure to do so would be detrimental to the City.
- c. The City Council and the City Administrator may not appoint any person related in the second degree by affinity or in the third degree by consanguinity to the Mayor, any member of City Council or the City Administrator, to any office, position, clerkship or other service of the City, except where authorized by Texas law.

See City Charter Section 12.07; Employee Nepotism Charts Attached Texas Government Code Chapter 573.

Employee Nepotism Chart

Prohibited Relationships Include:

1ST DEGREE BY CONSANGUINITY

Parents, Children, Brothers and sisters

1ST DEGREE BY AFFINITY

Spouse, Spouse's parents, Spouse's children, Spouse's brothers and sisters, Stepparents, Stepchildren

2ND DEGREE BY CONSANGUINITY

Grandparents, Grandchildren, Aunts and uncles, First cousins, Nieces and nephews

2ND DEGREE BY AFFINITY

Spouse's grandparents, Spouse's grandchildren, Spouse's aunts and uncles, Spouse's first cousins, Spouse's nieces and nephews

3RD DEGREE BY CONSANGUINITY ONLY

(Does not include spouses family) Great grandparents, Great grandchildren, Great aunts and uncles, Second cousins (child of first cousin), Great nieces and nephews

NOTE: A husband or wife is related by affinity only to those who are related to the other spouse by consanguinity. For example, the rule prohibits an employee from supervising the employee's spouse's first cousin, but not the spouse of the employee's first cousin.

Section 5. Residence

There will be no residence requirement for City employees except as law or the Charter provides. An employee likely to be called to work in cases of emergency may be required to reside within a reasonable commuting range of his or her place of work.

See City Charter 4.01a; Texas Local Government Code Section 150.021.

Section 6. Medical Examinations

The City Administrator, or a department director with notice to the City Administrator, may require a person selected for initial appointment or reinstatement to undergo a medical (mental and/or physical) examination by one or more physicians designated by the City and at City expense. If a medical examination is required, employment will be contingent upon successful completion of the medical examination and determination by the City that the person meets the standards of fitness required for the job position involved.

The City Administrator, or a department director with notice to the City Administrator, may require an employee to undergo a medical examination by one or more physicians designated by the City and at City expense, to decide the employee's fitness for continued employment, promotion, or other personnel action. The employee may be placed on administrative leave with pay pending the medical examination results.

See also Americans with Disabilities Act, 42 U.S.C. Section 12132.

Section 7. Verification of Identity and Work Authorization

The HRD will verify, by examining documents approved on the I-9 form, the work authorization and identity of all individuals before appointment. When a new employee is hired, he or she must complete Section 1 of a **Form I9** no later than close of business on his or her first day of work.

No later than close of business on the employee's third day of employment services, the HRD will complete Section 2 of the **Form I9**. The HRD must review documentation presented by the employee and record document information of the form. Only original documents are satisfactory, with the exception of a certified photocopy of a birth certificate. Proper documentation establishes both that the employee is authorized to work in the U.S. and that the employee who presents the employment authorization document is the person to whom it was issued. The HRD will supply to the employee the official list of acceptable documents for establishing identity and work eligibility. The employer may accept any List A document, establishing both identity and work eligibility, or combination of a List B document (establishing identity) and List C document (establishing work eligibility).

If an employee cannot present documentation that meets the requirements, the City will not continue to employ him or her.

Once the **Form I9** is completed, the HRD will maintain the form in its own files for 3 years after the date of hire or 1 year after the date the employee's employment is terminated, whichever is later. HRD will make a copy of those documents a part of the employee's personnel file.

See Immigration Reform and Control Act, 4 U.S.C. Section 1324a.

Section 8. Minimum Age; Minors

- a. The City will not employ any person under 18 years of age in any regular full-time position.
- b. The City will not employ any person under 18 years of age in any position requiring the operation of a motorized road vehicle owned by the City.
- c. The City may employ a person under the age of 18 and over the age of 16 in a temporary position involving only casual non-hazardous employment if the person and his or her parents furnish the City with appropriate releases.

See Child Labor Law, Texas Labor Code chapter 51.

Section 9. Lie Detector Tests; Polygraphs

The City Administrator may require a lie detector test of:

- a. An individual applying for employment, or employed by the City, in the design, installation, maintenance of security systems, or uniformed or plain clothes police or security functions; or
- b. an individual if there is reasonable suspicion that the individual was involved in an act involving economic loss or injury to the City, such as theft, embezzlement or sabotage.

The City Administrator shall establish reasonable procedures for the administration of lie detector tests to ensure that the examination and its results are not unreasonably intrusive upon the individual.

This policy does not affect or limit the City's Police Department use of polygraphs in criminal investigations that include City employees.

See Employee Polygraph Protection Act, 29 U.S.C. § 2001; Texas State Employees Union v. Texas Department of Mental Health, 746 S.W.2d 203 (Tex. 1987); 51 1E.R. Cases (S.D. Texas 1990); Texas Local Government Code § 143.313.

Section 10. Orientation; Bonds; Bribery Statements; Oaths of Office

- a. The department directors and other supervisors, with assistance of the HRD, will orient all new employees. The orientation should include instruction and training regarding duties of the position, this personnel policy handbook, safety, the City organization and the community.
- b. Before taking the Oath of Office, all appointed officers will file with the City Secretary a bribery statement entitled "Statement of Elected/Appointed Officer".
- c. Before entering upon the duties of an office, all appointed officers shall, at City expense, execute any bond required by law.
- d. Before entering upon the duties of an office, all appointed officers shall take the State of Texas Oath of Office.

See Tex. Const. art. XVI, § 1; Texas Government Code chapter 602.002; Personnel Policy, Chapter 2, Definitions, Officer (appointed). See Attachments this section.

- e. HRD will give each new employee a copy of this Personnel Policy Handbook. Within two weeks of employment, an employee must sign a statement that he or she has read these rules.

STATEMENT OF ELECTED/APPOINTED OFFICER
(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, _____, do solemnly swear
(or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or
promised to contribute any money or thing of value, or promised any public office or employment
for the giving or withholding of a vote at the election at which I was elected or as a reward to
secure my appointment or confirmation, whichever the case may be, so help me God.

***UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING
STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.***

Affiant's Signature

Date

Position to Which Elected/Appointed

City and/or County

Form No. 2201

Attachment 4A

In the name and by the authority of
The State of Texas
OATH OF OFFICE

I, _____, do solemnly swear
(or affirm), that I will faithfully execute the duties of the office of
_____ of the State of Texas, and will to
the best of my ability preserve, protect, and defend the Constitution and laws of the
United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this _____ day of
_____, _____.

Signature of Person Administering Oath

(Seal)

Printed Name

Title

Attachment 4B

**CITY OF DICKINSON
PERSONNEL POLICY**

CHAPTER 5. PERFORMANCE EVALUATION

Section 1. Performance Evaluation Documentation

Supervisors should continually evaluate the work performance of each regular employee. Supervisors should routinely provide documentation of employee performance to either provide guidance designed to improve employee behavior or to recognize positive behavior. In addition, the City Administrator or designee will provide an appropriate performance evaluation tool to help supervisors and employees measure how well they are doing work and to provide a tool for management decisions regarding assignment, compensation, promotion, retention and training of employees.

Those employees who are eligible under Chapter 6A to receive a 'pay performance' salary adjustment will be evaluated every six months.

Section 2. Counseling

Employees will be given copies of their own performance evaluation reports. Evaluators should individually discuss the reports with the employees and should counsel them regarding their careers and any improvements in performance that appear desirable or necessary before sending the reports to the Human Resources Department for the employee's file.

**CITY OF DICKINSON
PERSONNEL POLICY**

**CHAPTER 6. CLASSIFICATION & COMPENSATION
Excluding Qualifying Law Enforcement Personnel**

Section 1. Basis

The City Administrator will administer a comprehensive compensation plan for City employees. The City will pay employees' salaries and wages by the compensation plan, which may include one or more salary schedules. In positioning classes on salary schedules, the City will consider prevailing rates of pay among public and private employers; the duties, responsibilities, and qualifications required of employees in the classes; and other relevant factors. The classification pay plan in effect is attached as '[Appendix B](#)' of this policy.

See also Tex. Loc. Govt. Code § 141.033;

Section 2. Administration

The City Administrator will administer range/step salary schedules by the following rules:

- a. The City will normally compensate a new employee at the minimum step of the approved salary range. In exceptional circumstances, the City Administrator may authorize hiring above the minimum step. If such authorization is based on general recruitment difficulties rather than on unique qualifications of the new employee, the City Administrator may, with City Council approval, increase the pay for other employees with the same job description to assure that the City does not compensate them less than the new employee.
- b. The City will ordinarily compensate a newly promoted employee at the lowest step of the approved range that would provide the employee at least a five percent increase in pay over that received in the previous class. The City may pay a newly promoted employee at a higher step depending upon eligibility for future step increases at his or her prior position. If the City transfers an employee laterally, the employee will ordinarily continue to receive the same salary and will retain the same eligibility date for pay increases.
- c. Department directors, with City Administrator approval, may grant merit increases within ranges specified in the compensation plan. The directors shall consider the ability and production record of each employee before approving such increases.
- d. The City will not pay any employee more than the rate established in the approved compensation plan; but the City may pay an employee whose job was downgraded by reclassification or changes in the labor market through no fault of the employee at his or her former rate of pay until a rate on the new salary range equals or surpasses the old rate or the employee's job changes.

- e. The City will pay an employee voluntarily or involuntarily demoted for any reason on a step of the new range as administratively determined by the department director, with approval of the City Administrator.
- f. The City will compensate a former employee reinstated pursuant to these rules within the approved pay range as administratively determined by the department director, with approval of the City Administrator.
- g. Open salaried positions shall include those positions appointed by City Council. The City will compensate department directors and employees in open salaried positions as determined by City Council upon recommendation of the City Administrator.

Section 3. Effect of Reclassification

An employee in a position that the City reclassifies from one salary range to another will be entitled to continue to serve in the position with unimpaired status if the City does not change the duties and responsibilities of the position or if the employee substantially meets the qualifications prescribed for the new class.

Section 4. Review of Salary Ranges

Approved salary ranges will remain in effect for a job position until the duties and requirements of the job undergo a sufficient change to merit reevaluation. The City Administrator, with approval of City Council, may authorize reclassification of a job position. The City Administrator, with approval from City Council, may also authorize changes to pay plan based on changing job marked conditions or cost of living. Changes to the pay plan do not automatically trigger individual employee salary changes. The Pay Grade Classification Plan shown herein as Appendix B, may be amended or revised by City Council by Resolution.

Section 5. Official Titles

The City will use official grade titles in its personnel matters. The City may use other appropriate working or functional titles. The City Administrator shall approve all official job titles.

Section 6. Job Descriptions

The City Administrator will along with departmental directors, establish job descriptions so that the employee will have an understanding of what his duties are to be and what is expected. The job description must state the essential functions of the job.

See Americans with Disabilities Act, 42 U.S.C. § 23243.

**CITY OF DICKINSON
PERSONNEL POLICY**

**CHAPTER 7. CLASSIFICATION & COMPENSATION
Qualifying Law Enforcement Personnel**

In Accordance with Chapter 141.034 of the Texas Local Government Code and as approved by the Citizens of Dickinson on May 5, 2001, the following pay plan applies:

Experience	Officer	Investigator	Sergeant	Lieutenant	Captain
Entry	\$31,345.69	\$32,912.98	\$36,286.56	\$41,017.20	\$46,803.60
1 Year	\$32,286.06	\$33,900.37	\$37,375.16	\$42,247.72	\$48,207.71
2 Years	\$33,254.64	\$34,917.38	\$38,496.41	\$43,515.15	\$49,653.94
3 Years	\$34,252.28	\$35,964.90	\$39,651.30	\$44,820.60	\$51,143.56
4 Years	\$35,279.65	\$37,043.84	\$40,840.84	\$46,165.22	\$52,677.86
5 Years	\$36,338.25	\$38,155.16	\$42,066.07	\$47,550.18	\$54,258.20
6 Years	\$37,428.40	\$39,299.81	\$43,328.05	\$48,976.68	\$55,885.95
7 Years	\$38,551.25	\$40,478.81	\$44,627.69	\$50,445.98	\$57,562.52
8 Years	\$39,707.78	\$41,693.17	\$45,966.73	\$51,959.36	\$59,289.40

In addition to the fixed minimum salaries set forth above, each member of the Dickinson Police Department shall continue to receive longevity pay, if applicable to the particular member of the Police Department, as established by state statute and/or city ordinance.

Years of service shall be determined by the number of years an employee has been a member of the Dickinson Police Department (or, where applicable, of a particular rank) on a continuous basis.

Increases in minimum salary based upon years of experience shall be realized on the member's anniversary date of employment with the Dickinson Police Department (or, where applicable, on the anniversary date of promotion to a rank).

At the implementation of the minimum salary plan, each member shall receive a salary increase equal to the salary at the level of service and rank the member has on the effective date of the plan.

In no event shall any member experience a reduction in pay as a result of a promotion; any promoted member whose salary in the lower rank is greater than the entry salary of the promoted position shall continue to receive the higher of the two salaries until such time as his/her years of service in-rank of the promoted position authorize an increase in salary pursuant to the above minimum salary schedules.

The effective date of the proposed salary increases reflected above was June 1, 2001.

Upon completion of eight consecutive years in one position, employees covered under this plan will move into the Chapter 6 pay plan.

(Editor's note: The pay plan noted in this Chapter has been modified. Communication Officers/Dispatchers has been removed from Chapter 7 and placed in Chapter 6, as amended by Ordinance 549-2005.)

**CITY OF DICKINSON
PERSONNEL POLICY**

CHAPTER 8. COMPENSATION AND BENEFITS

Section 1. Overtime

a. Nonexempt employees

1. Nonexempt Employees – 40-Hour Week. Supervisors will allocate overtime, when authorized, as evenly as possible among all employees qualified to do the work. An employee will only work overtime with the approval of their Department Head in writing prior to working overtime hours. The City will pay an employee for overtime worked only when the employee actually works more than 40 hours in one (1) week. The City will compensate an employee for overtime work by pay at one and one-half (1.5) times the employee's regular hourly pay rate.
2. Nonexempt Employees - 171 Hour/28day Work Period. For an employee engaged in law enforcement for a work period between seven and 28 consecutive days long, overtime for the excess hours is based on a proration of 171 hours, to a 28-day work period. Such employees cannot have a work period in excess of 28 days. The City is responsible for setting the work period, with all time worked by an employee during this period totaled and overtime, if any, calculated accordingly. The proration for police is 171 hours/28 days, or 6.1 (rounded) hours per day. The City will pay an employee engaged in law enforcement only when the employee actually works more than 171 hours in a 28-day work period.
3. Except in cases of emergency, all overtime must be approved by the employee's Department Head in writing prior to working overtime hours. All nonexempt employees must report all overtime worked.
4. The City may take disciplinary action, up to and including termination, if appropriate, against an employee who works overtime without authorization or who fails to report overtime worked.

b. Exempt employees.

1. Exempt Employees. All exempt employees do not receive any compensation for overtime, except as noted in Chapter 10 Emergency Operations of this manual.

See also Fair Labor Standards Act, 29 U.S.C. § 201; 29 CFR Sec. 778.108; Tex. Loc. Govt. Code § 142.0015.

Section 2. Work Schedule; Flex-Time

Consistent with the City's needs as approved by the employee's supervisor, an employee may schedule his or her workweek to fit his or her needs. The employee and their supervisor will formalize by written memorandum to the City Administrator and HRD any flex-time arrangement for longer than one (1) month.

Section 3. Work shift

a. A full time employee may, with approval of his supervisor and the City Administrator, use one of the following work shifts:

4 days @ 9 hours and 1 day @ 4 hours	=	40 hour work week
4 days @ 10 hours	=	40 hour work week
5 days @ 8 hours	=	40 hour work week
3 days @ 12 hours and 1 day @ 4 hours	=	40 hour work week

b. Police Officers may use a 171 hour/28 day work cycle.

c. Police Officers and Paramedics may work a shift approved by the supervisor and the City Administrator. Police Officers and Paramedics may, with permission of their supervisor, exchange shifts if such exchanges do not create any overtime liability for the City under applicable federal and state laws.

See TEXAS LOCAL GOVERNMENT CODE §142.0015 (Hours of Labor and Vacation of Members of Fire and Police Department in Municipality with Population of More than 10,000).

Section 4. Compensatory Time

a. Nonexempt Employees; limitation on compensatory time.

1. An employee qualified to receive extra pay for overtime may, with the written approval of the City Administrator, elect to receive compensatory time off instead of extra pay. The City Administrator may require an employee to receive overtime pay rather than compensatory time. Conversely, the City Administrator, at his/her discretion, may require an employee to use compensatory time off instead of receiving overtime pay. An employee will accrue compensatory time at a rate of one and one-half (1¹/₂) hours for each hour of overtime actually worked; further, except as otherwise provided herein, an employee may not accrue compensatory time unless the employee actually works more than 40 hours in one (1) week. In the case of an employee engaged in law enforcement, an employee may not accrue compensatory time unless the

employee actually works more than 171 hours in a 28-day period as specified in Section 1 of this policy.

2. Except for paid police officers, the maximum amount of authorized compensatory time that an employee may accrue and accumulate is 40 hours. The maximum amount of authorized compensatory time that a paid police officer may accrue and accumulate is 64 hours. When an employee accrues a balance of 40 hours or a paid police officer accrues a balance of 64 hours of authorized compensatory leave time, the City will pay all additional overtime. If an employee terminates employment with the City, then the City will pay the employee their accrued balance of compensatory time at one and one-half ($1\frac{1}{2}$) times the employee's hourly rate at the time the compensatory time was accrued.

b. Exempt employees

Exempt employees will not accrue compensatory time. The City Administrator will permit an exempt employee reasonable time off if such time off does not interfere with the normal conduct of the job duties of the employee.

Section 5. Time Records

- a. All employees, except exempt employees, shall keep accurate time records of time worked. The employee and their supervisor will submit certified time records to the Director of Finance.
- b. An employee and their supervisor must report all overtime worked by an employee with explanation (reason), even if the employee's supervisor did not authorize the overtime work.

Section 6. Health and Accident Benefits; COBRA; Retirement

- a. Full-time regular employees will receive health benefits as prescribed in the medical insurance program as approved by City Council annually. Part-time employees are ineligible to participate in such programs.
- b. Dependents covered by the City's medical plan are entitled to continue medical coverage for up to 36 months if they are:
 - the surviving spouse and/or children of a deceased employee;
 - a separated or divorced spouse and/or children of a covered employee;
 - losing coverage because of age.
- c. Employees and/or their dependents covered by the City's medical plan are entitled to continue medical coverage for up to 18 months if the employee's medical benefits would otherwise end because of:
 - reduction of hours worked or a layoff;

- resignation; or
 - termination due to conduct other than gross misconduct.
- d. Employees and/or their dependents covered by the City's medical plan who are eligible for 18 months COBRA coverage are entitled to continue medical coverage for an additional 11 months if City determines that the employee/and or their dependents are disabled under the Social Security Act at any time during the first 60 days of COBRA coverage.
- e. Individuals eligible for any continuation of coverage under this section must elect to continue coverage within 60 days of the event otherwise ending coverage. The individual must pay for the coverage as assessed by the City's provider plus a 2% administrative fee.
- f. A child born to or placed for adoption with the covered employee during a period of COBRA coverage will be eligible for coverage with proper notification.
- g. An individual's right to continue coverage under this section ends when the individual becomes covered by another employer's group health plan that does not limit or exclude coverage for preexisting conditions.
- h. The City may cancel coverage before the applicable 18 or 36-month extension if:
- the City cancels its health plan for all employees;
 - the person fails to pay the monthly premium; or
 - the person becomes covered by another health plan or Medicare.

See 42 U.S.C. § 300 bb-1; Personnel Policy, Chapter 14, § 5.

Section 7. Longevity

All regular full-time employees who have completed 12 full calendar months of service by September 30 of each year will receive longevity pay at the rate of \$5.00 per month for each year of City service.

Longevity will be paid one time per year on the second paycheck in November.

Upon termination, the employee will receive longevity pay at a prorated rate based on the date of termination. Longevity pay will be made on the employee's final paycheck.

Section 8. Social Security; Medicare; Retirement program required

- a. The City does not participate in Social Security for full time regular employees and for certain part-time employees therefore City employees do not receive Federal Insurance Contribution Act (F.I.C.A.) coverage. Employment with the City may adversely affect federal social security benefits. (See SSA-1945 form).
- b. Federal law requires that City employees participate in Medicare. The City will make a matching contribution, as required by federal law.

- c. The City provides retirement benefits through the Texas Municipal Retirement System. Membership in the retirement system is mandatory for all who are projected to work at least 1,000 hours per year. The employee must contribute seven percent of their gross salary to their retirement fund, subject to change by City Council. The City matches the employee's contribution on a percentage determined by the City Council. Employees who leave City employment prior to retirement may, upon request, be refunded their portion of the retirement account plus interest earned on their portion. Employees are eligible to retire when they have reached at least 60 years of age and have at least 10 years of credited service or at least 25 years of credited service, regardless of age.

See Personnel Policy, Chapter 14, § 4, related to retirement.

See also 42 U.S.C. § 410 (Medicare rules); 26 C.F.R. 31 (public retirement rules);

Section 9. Deferred Compensation

The City offers an optional I.R.S. approved Section § 457 deferred compensation plan through the International City Management Association-Retirement Corporation. Since the IRS strictly regulates an employee's contributions to and withdrawals from a deferred compensation account, the employee's funds are not accessible like a savings account. This program is a tax-sheltered retirement fund. For more information on deferred compensation, contact the HRD.

See Internal Revenue Code § 457; Texas Government Code chapter 609.

Section 10. Garnishment

When directed by court order, the City will garnish an employee's wages.

See also Personnel Policy, Chapter 12, § 7.

Section 11. Cafeteria Plan.

Eligible employees may elect to receive a variety of benefits including accident or health plan reimbursement, medical expense reimbursement, dependant care assistance benefits, group term life insurance, or long term disability premium reimbursement as authorized under the City's IRS approved Section 125 cafeteria program. Employees electing group health/dental/vision for dependents, are automatically enrolled in the Section 125 program.

26 U.S.C. § 125.

Section 12. Payroll Checks and Pay Days

- a. Employees are paid every two weeks, generally on Friday, for work ending not more than seven days before that pay day.

- b. Each employee's paycheck or electronic paycheck stub should identify all deductions made by the City. The City will deduct from each employee's pay Medicare, federal income taxes, retirement contributions, court order child support, and any other deductions required by law. If authorized in writing by the employee, the City may deduct from an employee's pay medical and life insurance premiums, §125 plan contributions, credit union payments, and other deductions approved by the City Council.
- c. If there is a change in the employee's family status, address, or any other factor affecting his or her pay roll withholding or other benefits, the employee shall notify the HRD within one week.
- d. The employee's paycheck is payment from the City to the employee for services the employee has rendered, less any applicable deductions. When the employee gets his/her payroll check, the employee should make sure the hours, pay rate, and deductions are correct. If anything on the paycheck is incorrect, the employee should take it to the Payroll Department, so that they may see that any errors are corrected. If the employee must cash his/her paycheck before the error can be corrected, the employee should save the check stub, which is his/her earnings statement. The employee should present the check stub to the Payroll Department. If the employee does not report paycheck errors promptly, the City will treat the employee's silence as proof of the employee's agreement that all calculations are correct. If the employee does not understand how to figure his/her pay or how to read his/her checks, the employee should seek help from the Payroll Department, so that it can be properly explained to the employee.

Section 13. Pay upon Termination

Upon termination, the City should pay the employee regular wages by the next regular payday. No accrued vacation, holiday, sick or other leave pay should be paid until the employee completes the termination process.

See Personnel Policy, Chapter 11, § 3, Sick Leave (Personal Leave) and Chapter 17, § 4, Final Pay; Termination Interview; Texas Labor Code chapter 61.

Section 14. Eligible Business/Travel Expense Reimbursement

Subject to the requirements and guidelines of this policy, the City will reimburse all reasonable, necessary and ordinary expenses incurred in travel that are:

- a. Transportation – The mode of transportation is left to the judgment of the department director who shall give due consideration to the time involved, safety, convenience, and cost of such transportation.
 - 1. Air Transportation – Coach-class accommodations must be utilized unless circumstances dictate otherwise. When arranging air travel, departments may want to avoid fare restrictions that limit flexibility. However, if there is little likelihood that travel arrangements will change, airfare should be booked as early as possible and all discounts should be pursued. Airline tickets purchased for non-City employees should not be charged to the City. These tickets are to be paid for directly by the employee or the non-City employee traveling companion.

2. Personal Vehicle – Should an employee use his/her personal car, the employee will be reimbursed on the City's standard mileage allowance (current IRS rate) for actual mileage, up to the cost of a round trip coach airfare. When more than one department employee is traveling for the same purpose, carpooling is required unless such will cause undue hardship or scheduling conflicts to occur. All passengers will be paid for travel time if this is during regular workday.
 3. City Vehicles – Where a department is assigned a City vehicle and more than one department employee is traveling for the same purpose, use of a City vehicle is required unless such will cause undue hardship or time scheduling conflicts to occur. A City-furnished vehicle should be used whenever it is reasonably available and a car is required for official travel. Employees will be reimbursed for gasoline, oil and emergency repairs that are purchased during travel if receipts that show the date, time, and location of the purchase support these purchases.
 4. Rental Vehicle – Rental of a vehicle is authorized when it is more practicable and or less expensive than the use of taxicabs or other public transportation for official business. The size of the vehicle rented should be dictated by the number of staff traveling. An economy/compact car should be used when available. The cost of gasoline for the rental car is reimbursable. Receipts are required.
 5. Other Transportation – The use of hotel courtesy vans or other transportation services such as Super Shuttle should be used whenever available. The use of a taxicab is reimbursable. Receipts are required for any transportation costs.
 6. Parking – The actual costs of parking are reimbursed with receipts. Parking meter fees and toll charges do not require receipts but a log showing the name and location must be submitted to receive reimbursement.
- b. Hotel/Lodging – The actual cost will be reimbursed when supported by a hotel receipt. Reservations should be made at the lowest rate available. If a guest accompanies an employee the incremental difference charged above the single occupancy rate is non-reimbursable. Lodging provided by family is non-reimbursable. Meals, groceries, or gifts for people providing lodging to City employees are non-reimbursable by the City. Hotel lodging expenses will not be paid if destination is less than 60 miles from Dickinson.
- c. Meals
1. Meals are reimbursable at actual cost and must be supported by receipts or per diem basis, whichever is less. The time of departure from or arrival in Dickinson determines the meals eligible for reimbursement, according to the following schedule (assuming the claimant is based in Dickinson):

<u>Leave From Dickinson</u>	<u>Allowed</u>
Before 7:00 AM	Breakfast
Before 11:00 AM	Lunch
Before 6:00 PM	Dinner
<u>Arrive in Dickinson</u>	<u>Allowed</u>
After 9:00 AM	Breakfast
After 2:00 PM	Lunch
After 8:00 PM	Dinner

2. Reimbursements may not be claimed for meals included in conference or seminar registration fees paid by the City.
 3. The eligible per diem meal reimbursement amount is \$30.00.
- d. Policy on Payment/ Reimbursement for Business Meals – The intent of this policy is to provide a mechanism for Department Heads to conduct meetings with his/her subordinates during mealtime. It is anticipated the use of this policy would be restricted to once per month, provided funds are available in the departmental budget. Business meals that are designed to conduct City business or City officials discussing City business will be paid for, or reimbursed, with the proper receipts and other required documentation with prior approval of the City Administrator. A Department Head must be present at the meeting. Business meetings shall be held no further than 15 minutes travel time from the office. The employee must evidence business meals with a detailed receipt of the meal, person in attendance at the meeting/meal and the purpose of the meeting. Only business meals pertaining directly to City business will be reimbursed. Business meals should be kept at a reasonable cost not to exceed \$10.00 per person. Tips/Gratuities may be expended in an amount not to exceed 15% as described in Section I, F “Tips/Gratuities”. Approved business meals may be charged to the City credit Visa card account or paid with petty cash.
- e. Registration – Registration fees for local and out-of-town conventions, conferences and workshops are eligible expenses. These must be supported by receipts that shall include the agenda or program identifying all activities that are included in the registration fee.
- f. Telephone and Other Business Communications – Expense for telephone, telex, overnight mail, and fax for City business is reimbursable. The validity of these expenses must be supported by an itemized bill or receipt. Personal Calls (one call on arrival and one call on departure) may be reimbursed up to a maximum of \$10.00 for each call.
- g. Tips/ Gratuities – Reasonable gratuities for meals are reimbursable, not to exceed 15%. Actual cost of gratuities for purpose other than meals, such as porters, bellhops, may be allowed up to a maximum of \$10.00 per day, limited to the day of arrival and/or departure of business trip.

- h. Spouse/ Companion Attendance – Spouses/Companions travel at their own expense. Generally the difference between a single and double room rate is reimbursable to the city. No travel costs, whether for transportation, lodging, meals or cost of attendance to events, for spouses/companions are reimbursed by or chargeable to the City.
- i. Expense Reporting – Upon returning to the City, the employee must personally complete and sign the standard form, “Travel Expense Report”. The original report must be submitted to Finance, along with the required documentation, within Ten (10) working days from the date of return. If a refund is due to the City, turn in a copy of the completed expense report along with remittance of the funds to a cashier and turn in the original expense report with a copy of the receipt of fund from the cashier to Finance or indicate on the expense report that a payroll deduction is preferred. If reimbursement of funds are due to the employee, turn in the completed expense report to Finance and a reimbursement check should be issued with the next regular payable check cycle.
- j. Approval – Department directors will approve travel requests for their employees. Expense reports will be reviewed by Finance for compliance with this policy. Only those expenses authorized by this policy will be acceptable for reimbursement.

Section 15. Disease Prevention

- a. The City will provide disease benefits for peace officers as required by Texas law.
- b. Inoculation – All City Employees are eligible for reimbursement for flu, pneumonia, hepatitis A & B inoculations.
- c. Paramedics shall, at the City's expense, provide annually to the City a Tuberculosis skin and/or imaging test.

See Texas Government Code chapter 607 (benefits relating to certain contagious diseases).

Section 16. Legal Representation

The City will provide legal representation for employees as required by Texas law.

See also Tex. Loc. Govt. Code § 180.002.

Section 17. Unemployment Insurance

All City employees are covered under the Texas unemployment compensation program, and the City pays for this benefit. This program provides payments for unemployed workers as determined by the Texas Workforce Commission.

See Texas Labor Code Chapter 201

Section 18. Leave Time

Regular full-time City employees are eligible for holidays, vacation, sick leave and other types of released time under certain circumstances.

See Personnel Policy, Chapter 11, Absence. Regular Part-time City employees are eligible for partially paid holidays if it occurs on their scheduled work day.

Section 19. Shift Differential Pay

Law enforcement dispatchers who are assigned twelve (12) hour shifts are eligible to receive a shift differential of \$1.00 per hour for worked hours on the following shifts:

- 6 p.m. till 6 a.m. Monday through Sunday

**CITY OF DICKINSON
PERSONNEL POLICY**

CHAPTER 9. EDUCATION AND CERTIFICATION PAY

Section 1. General Requirements

The City may change an employee's pay rate based on the employee receiving a certification(s), academic degree(s), or professional registration for his or her position.

It is the policy of the City of Dickinson to encourage its employees to participate in advanced training. Additional training is important to the employees and is an overall benefit to the operation of the City of Dickinson. Levels of training and certification for that training should be recognized. It is the intent of this policy to more formally establish criteria by which compensation for certificates may be given.

In order to receive compensation, the certificate must be received and used in the employee's work responsibilities and must not be a minimum requirement for their position. Should an employee transfer to a department where the training becomes applicable, the employee may then be eligible for certification pay. Certification pay may also be forfeited if a transfer places the employee where training is not applicable.

Employees shall receive payment as outlined in the schedule below. Total of all certification(s), academic degree(s) and professional registration shall not exceed \$250.00 per month.

All certification and academic education plans are subject to and contingent upon City Council approval of an annual budget that funds these incentives. Certification and academic education pay is provided to all eligible regular employees as outlined in this policy on a pro-rata basis.

Certification pay will only begin upon presentation by the employee to the HR director original documentation. Should certification lapse; it is the employee's responsibility to immediately notify the HR director.

Section 2. Certification Pay – listed by Department/Division

CITY SECRETARY	TMCA Certification	\$60.00 per month
FINANCE AND HUMAN RESOURCES	Certified Payroll Professional	\$50.00 per month
	Certified Govt. Finance Officer (cumulative)	\$50.00 per month
	Certified Professional, PHR	\$50.00 per month
	Senior Professional, SPHR (not cumulative)	\$80.00 per month

COMMUNITY DEVELOPMENT AND FIRE MARSHAL'S OFFICE

International Code Council Certification:

Commercial Building Inspector	\$ 15.00
Commercial Electrical Inspector	\$ 15.00
Commercial Plumbing Inspector	\$ 15.00
Commercial Mechanical Inspector	\$ 15.00
Building Plans Examiner	\$ 15.00
Electrical Plans Examiner	\$ 15.00
Plumbing Plans Examiner	\$ 15.00
Mechanical Plans Examiner	\$ 15.00
CBO Technology	\$ 15.00
CBO Legal and Management (cumulative)	\$ 15.00

Texas Commission on Fire Protection:

Fire Inspector:

Intermediate Certification	\$ 50.00 per month
Advanced Certification	\$ 75.00 per month
Master Certification (not cumulative)	\$100.00 per month

Texas Commission on Fire Protection

Fire/Arson Investigator:

Intermediate Certification	\$ 50.00 per month
Advanced Certification	\$ 75.00 per month
Master Certification (not cumulative)	\$100.00 per month

Texas Commission on Law Enforcement on Standards and Education:

Intermediate	\$ 50.00
Advanced	\$ 90.00
Master (not-cumulative)	\$120.00

Texas Department of Health:

ECA	\$ 15.00
EMT Basic	\$ 30.00
EMT Intermediate	\$ 60.00 per month
Paramedic (not cumulative)	\$100.00 per month
Intermediate Code Enforcement	\$ 15.00 per month

POLICE

Texas Commission on Law Enforcement On Standards and Education:

Intermediate Certification	\$ 55.00 per month
Advanced Certification	\$ 90.00 per month
Master Certification (not cumulative)	\$120.00 per month

DISPATCHERS

Intermediate Telecommunication Certificate	\$ 30.00
Advanced Telecommunication Certificate (not cumulative)	\$ 60.00

MUNICIPAL COURT

Court Clerk Certification:

LEVEL 1	\$ 20.00 per month
LEVEL 2	\$ 40.00 per month
LEVEL 3 (not cumulative)	\$ 60.00 per month

EMERGENCY MEDICAL SERVICES

Texas Department of State Health Services:

ECA	\$ 15.00
EMT Basic	\$ 30.00
EMT Intermediate	\$ 60.00 per month
Paramedic	\$ 100.00 per month

PUBLIC WORKS – STREETS/DRAINAGE:

Commercial Drivers License	\$ 15.00 per month
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INFORMATION TECHNOLOGY:

Microsoft Certified Systems Engineer	\$ 50.00 per month
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Section 3. Certification Training Reimbursement Agreements

With approval of department Directors, the City will pay for the cost of job related, certification training. However, should an employee elect to voluntarily leave the employment of the City within six months of receiving said training, the employee shall reimburse the City for its costs.

Section 4. Professional Registration Pay

Regular, fulltime employees may qualify for professional pay of \$150.00 per month provided it is used in the employee's work responsibilities and not a minimum requirement for their position.

Section 5. Academic Education Pay

- a. Academic Education pay may be granted to employees with the following degrees from an accredited college. College degrees received from colleges and universities will only be recognized if the institution is accredited with one of the six national institutional accrediting organizations in the United States. They are the New England Association of Schools and colleges, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southwestern Association of Colleges and Schools and the Western Association of Schools and Colleges. Specialized accreditations, those that accredit only specific kinds of schools such as home study institutions or trade and technical schools, will not be recognized. Academic Education pay may be granted to employees with degrees from foreign countries provided that the International Research Foundation verifies the authenticity of the degree(s) and establishes relevant equivalency to degrees awarded by accredited colleges and universities within the United States.
- b. It is the employee's responsibility to furnish documentation that the accreditation by one of the six regional accrediting organizations was in place at the time they received their degree. The Human Resource Department will notify the Department Head upon hire of new employee in their department that has not supplied appropriate documentation. Until documentation is supplied, this monthly addition is not to be added.

Associate Degree	\$ 65.00 per month
Bachelor Degree	\$100.00 per month
Master Degree	\$160.00 per month
(not cumulative)	

Section 6. Second Language Incentive Pay

Employees who speak English who are qualified and able to speak Spanish at an intermediate equivalency level, and who are available to provide assistance in on-duty situations where a Spanish language barrier arises, will be granted an additional \$30.00 per month.

The intermediate equivalency level will be determined by a score of 6 or greater on the ALTA Language Services standardized verbal Spanish exam. In addition, employees who receive the Texas Department of Licensing and Regulation's Licensed Court Interpreter certification, which tests both written and oral capability, will receive \$60.00 per month. Employees can receive either incentive pay, but not both.

Section 7. Education Assistance

The City will provide, subject to budgeted funds, financial assistance to employees who take the initiative in his/her self-development by completing courses of study, undertaken for the purpose of maintaining or improving skills required by the City in direct connection with his/her work. The training must clearly be to the benefit of the City. There must be evidence that the employee can use the training and his/her performance will benefit from it. There must be more than a reasonable expectation that he/she will be able to carry the load of his/her elected course of study without impairing his/her work. The training must be taken on the employee's own time.

ATTACHMENT: REQUESTED TUITION REIMBURSEMENT CHECKLIST



**City of Dickinson, Texas
Request for Tuition Reimbursement Checklist**

Reimbursable Expenses

- Tuition – Courses eligible for reimbursement (capped at a maximum of \$550 per student per fiscal year) must be for college credit(s) from a regionally accredited college or university. This includes classroom and online courses.
- Related Fees (e.g. building use fee, technology fee, student services, health & insurance fees for students in health-related studies, registration fees, etc.

Non-Reimbursable Expenses

- Parking Costs
- Late Fees or Financing Fees
- Books
- Incidental Items – including those required by the instructor (e.g. calculators, book bags, etc.)
- Travel Expenses

Important: Please initial that you have met and understand the requirements on each item listed below. Pre-approval is required from Department Head/s to the beginning of the class(es) start date and the Fiscal Year. Complete information **MUST** be provided on this application along with your degree plan, otherwise; it will result in the delay or denial of your request.

Employee ID #	First Name	Middle Initial	Last Name
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STEP 1 – Department Name _____
Department Head/s _____

Pre-Approval Required Before Class(es) Start

- _____ 1. Employee has worked consistently for 40 hours or more per week, and has completed six months of employment, and employee is in good standing as defined as overall meets standards at last evaluation and has no disciplinary action above a written warning prior to the beginning of class(es).
- _____ 2. The **City of Dickinson, Texas, Request for Tuition Reimbursement Application** form must be completely filled in and have appropriate signature approvals from the employee and supervisor.
- _____ 3. The **City of Dickinson, Texas, Tuition Reimbursement Agreement** form must be completed and signed by employee and employer.
- _____ 4. If applying for a Degree Program, please include the Degree Plan. By providing a degree plan it is only necessary to apply once. If changes or cancellations occur to the degree plan you are responsible for providing updated information in order to receive reimbursement.

- _____ 5. Final approval for tuition reimbursement is authorized by the City Administrator or his/her Designee based on the available departmental budget. Mail the completed and signed forms directly to HR & Finance – Attn: Chief Financial Officer or HR & Payroll Coordinator

- _____ 6. Employees should retain copies of the forms submitted. A notice regarding the status of your request will be sent to you via email or a letter will be sent for employees without email.

STEP 2 – FINANCE – Accounts Payable – (281) 337- 6236
Reimbursements Are Processed Within 30 Days Upon Successful Completion Of Each Semester/Class Period

- _____ 1. Reimbursement may be obtained upon successful completion of the course(s) and is subject to City's Personnel Policy Chapter 9 Section 7 Guidelines.

- _____ 2. If you have met all eligibility requirements for tuition reimbursement, reimbursement will be included as a separate check. Employees should understand that they are subject to comply with all applicable federal and state regulations. This includes review of taxation issues of Federal and FICA Taxes addressed by the Internal Revenue Code.

- _____ 3. To request reimbursement the following items must be submitted:
 - Sealed copies of transcripts with passing grades ("C" or better), **AND**
 - **Legible itemized receipt of paid fees** mailed directly to HR & Finance- Accounts Payable, 2716 FM 517 East, Dickinson, Texas 77539

- _____ 4. HR & Finance – Accounts Payable can be contacted directly for the status of the reimbursement.

Request for Tuition Reimbursement Application

Employee ID: _____ Employment Start Date: _____

First Name: _____ MI: _____ Last Name: _____

Department Name: _____

Other Mailing Address: _____

Home Phone: _____ Work Phone: _____

Based on the policy, the tuition being reimbursed is:

Job Related: _____ Non Job-Related: _____

Are you asking tuition reimbursement in pursuit of a degree? Yes _____ No _____

If yes, please attach your degree plan with course names; course ID; section numbers;

Credit hours; and estimated course start dates. Attachment/s _____

Tuition Reimbursement is for: Graduate _____ Undergraduate _____

Type of Degree Sought (Ph.D., M.S., B.S., A.A.S., etc) _____

Major/Plan/Other: _____

(Please spell completely ex: Business Administration, Journalism, etc...)

Do you or will you receive reimbursement from any other source? Yes _____ No _____

If yes, please state source(s) and attach documentation from the source(s). Please note that reimbursement through this policy can be sought only after these funds have be exhausted

If no degree plan is attached, please complete bottom portion:

Employee ID: _____ Employment Start Date: _____

First Name: _____ MI: _____ Last Name: _____

I am applying for reimbursement for the following: Individual Class(es)

Name (Spell completely)	Course ID (Ex: ENGL, MGMT...)	Section No.	Credit Hours	Class Start Date	Class End Date
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Request for Tuition Reimbursement Application
(Continued)

Name of all Colleges/Universities Attending: _____
(Spell completely with state name)

Employee Email: _____

Employee Signature: _____ Date: _____

I understand the City Policy on tuition reimbursement for College Credit Coursework requirements and the City of Dickinson Tuition Reimbursement Agreement form and hereby confirm that according to the policy employee eligibility requirements have been met for accepting tuition reimbursement.

Supervisor Email: _____

Supervisor Signature: _____ Date: _____

I understand the City Policy on Tuition Reimbursement for College Credit Coursework and the City of Dickinson Tuition Reimbursement Agreement form and hereby confirm that Education initiated by an employee and covered by this policy should be pursued outside normal working hours. In instances, where classes are only available during normal working hours, supervisors are encouraged to provide flexible work schedules and appropriate use of paid leave (e.g. vacation, compensatory time, etc.) However, any such work scheduling to accommodate class time is subject to supervisor approval and shall be reviewed every semester or course period. I further understand that the Institutional Tuition Reimbursement for College Credit Coursework is a City benefit and, therefore; reimbursement is from the General Fund of the employee's department.

City Administrator Signature: _____ Date: _____

HR & Finance Department Head: _____ Date: _____

Tuition Reimbursement Agreement

This agreement is made by and, between The City of Dickinson hereinafter referred to as City, and a City Full Time Employee hereinafter referred to as EMPLOYEE.

- A. Now, therefore, and in consideration of the mutual benefits and covenants, the parties agree as follows:
1. That the City hereby agrees to pay a sum equal to the amount paid for tuition (capped at a maximum of **\$550 per student per fiscal year**) from a regionally accredited college or university. This includes classroom and on-line courses.
 2. That EMPLOYEE understands that upon completion of any semester, EMPLOYEE will work For the City one semester for every semester paid for by City.
 3. **EMPLOYEE UNDERSTANDS THAT THIS AGREEMENT DOES NOT CONSTITUTE A CONTRACT FOR EMPLOYMENT AND NO TERM OR CONDITION IN THIS AGREEMENT SHOULD BE CONSTRUED AS A GUARANTEE OF EMPLOYMENT.** EMPLOYEE further understands that this Agreement is not a guarantee of employment in a Particular position, classification or salary rate. EMPLOYEE understands that continued employment at City is contingent on EMPLOYEE maintaining the standards of performance For his or her position of employment at City. EMPLOYEE further understands that EMPLOYEE is subject to the City Charter and to City's Personnel policies and procedures during EMPLOYEE'S utilization of TUITION REIMBURSMENT and during the PAY BACK PERIOD.
 4. That if EMPLOYEE chooses to resign from CITY but continues enrollment in school, payback Procedures will be initiated thirty (30) calendar days after the semester.
 5. That if EMPLOYEE fails to stay in the employment of CITY for the period of time for which the EMPLOYEE was enrolled after the reimbursement is received, the payback procedures Described in Section B of this Agreement will be initiated immediately. However, if the EMPLOYEE does not stay in the employment of CITY due to a Reduction In-Force, CITY will Reimburse the employee within 30 calendar days after the completion of the semester. It will Be the employee's responsibility to confirm that CITY has a Current Address.
 6. CITY will provide EMPLOYEE with a statement setting forth the total amount to be repaid And a schedule of payments. EMPLOYEE shall have the option of making a lump sum Payment or installment payments.
- B. It is further agreed that:
1. In the event of DEFAULT in payment on any installment due, the entire unpaid indebtedness Shall, at the option of CITY, become due and payable. Notice of acceleration of this Agreement is hereby waived.
 2. In the event of default, EMPLOYEE'S obligation shall become enforceable in Dickinson, Texas and suit to enforce the terms of this obligation shall be brought in Galveston County, Texas. No delay on the part of CITY in exercising any power or right under this Agreement shall operate as a waiver of the power or right, nor shall any single or partial exercise of any Power or right precludes further exercise of that power or right.
 3. No provision of this Agreement shall be modified except by written instrument signed by the Parties expressly referring to this Agreement and to the provision modified.
 4. This Agreement shall be effective from the date of receipt until EMPLOYEE'S completion of The Payback Period as defined in Paragraph A.4 of this Agreement.

Employee Name: _____ Employee ID: _____

Employee Signature: _____ Date: _____

**CITY OF DICKINSON
PERSONNEL POLICY**

CHAPTER 10. EMERGENCY OPERATIONS

Section 1. Emergency Operations Procedures

The citizens of Dickinson depend on City employees to report to work during and in aftermath of a disaster to assist in the restoration of essential public services required for the health, safety and welfare for the citizens of our community.

This policy will be in effect whenever the Mayor or designee, in accordance with Emergency Management Plan (EMP), declares that emergency condition warrant either in preparation for or as a reaction to, a potentially disastrous event. Each emergency situation is unique and this policy is intended for overall guidance only. Upon declaration of an emergency, Department Heads are authorized to release employees in Tiers 2-3 from duty as outlined below.

Section 2. Emergency Operations/ Staffing

Emergency Workers.

Department Heads are responsible for appointing individual classifications to each of their employees. Every City employee will have one of the following classifications. Any employee classification can be immediately or temporarily reclassified upward or downwards depending on the needs of the City.

- "Tier 1" - ESSENTIAL - Employees with specific responsibilities who remain in the City on the job or at a designated location during an emergency.
- "Tier 2" - RE-ENTRY ESSENTIAL - Employees who must return to supplement or relieve Tier 1 employees immediately upon roads becoming accessible.
- "Tier 3" - NON-ESSENTIAL - Employees whose presence is not essential in carrying out the emergency plan, but who cannot leave their positions until release by their supervisor, and must return to work as usual under normal operations after emergency status has ended.

Employees not at work are responsible for remaining in contact with their supervisor regarding assignments, and to stay abreast of the situation by monitoring, radio and television for instructions or by calling the Emergency Operations Center.

Section 3. Emergency Preparation Phase

City property will be secured and protected and other actions will be taken as necessary in individual departments as required by the City's Emergency Management Plans, and departmental Emergency Plans and Standard Operating Procedures (SOPs). Department Heads will reconsider and reschedule or cancel, if necessary, all vacation leave requests of Tier 1 and Tier 2 employees who are on vacation, or are scheduled for vacation. When assigned tasks under the Preparation Phase are completed in accordance with the Departmental Emergency Plan, Tier 2 and Tier 3 employees released from duty may choose to evacuate. Tier 1 employees will be allowed to secure their property and make arrangements for their families as scheduled by the Department Head. Each employee of the City shall have a hurricane evacuation plan for his/her family well in advance of an approaching storm.

Section 4. Essential Services Phase

This phase occurs during the emergency situation. Only those employees whose assigned functions are necessary for the benefit of the general public during the emergency situation will work during the Essential Service Phase. Tier 1 employees will not be authorized to evacuate.

Shifts during the Essential Services Phase will be established according to departmental needs. Employees who are assigned ON CALL status must advise supervisors of locations where they can be contacted at all times.

Employees released from work will follow instructions regarding evacuation and shelter, as applicable.

Section 5. Pay Provisions

Exempt Status

Any employee who is classified as exempt that is assigned to remain on duty at the EOC or designated station during the emergency, is not eligible for overtime pay. Comparable time off will be granted for the number of hours worked beyond 40 hours per week. In the event of a major, declared disaster that extends for more than 96 continuous hours, exempt employees shall be eligible for overtime beyond 40 hours per week.

Non-Exempt Status

Any employee classified as Non-Exempt and is assigned to remain on duty will receive overtime pay or compensatory time at a rate of one-half times their normal rate for the time worked beyond the normal time worked.

Emergency/Disaster Pay

Employees released from duty by their Department head will be compensated at their regular rate of pay until the Mayor or his designee declares the date and/or time when all employees are expected to return-to-duty.

If additional days are needed by the employee after the declaration to return to duty, the employee may request vacation time or compensatory time off for personal emergency recovery. However, that request may be denied if the situation warrants.

Employees who do not return to duty when so ordered are subject to disciplinary action up to and including termination.

Section 6. Return to Duty Phase

By reporting to work on the return-to-duty date and/or time specified by the Mayor, each employee meets their responsibility to work with other City employees as a team in helping to restore the community to normal service levels following a disaster period. Employees who choose to evacuate will be expected to report to work at the start of their next normal shift on the return-to-work date.

Section 7. Departmental Responsibilities

Department Heads shall:

Review this Emergency Policy with their employees annually and identify each position in which employees in their department are required to work during an emergency.

This list of positions and employees who occupy them must be maintained and posted on the department's official bulletin board or circulated to all their employees.

Develop, post, communicate and circulate to all their employees the Standard Operating Procedures (SOPs) under each phase of an emergency.

Hold an annual meeting to reiterate to employees their individual responsibilities and to inform them of any changes in this policy or the SOP.

Ensure that all job descriptions state the Emergency Classification of their positions.

Complete the "Emergency Preparedness Employee Classification Form" for every employee.

Each employee must be provided with a copy to their Tier classification form. The original must be forwarded to the Human Resource Department.

Supervisors shall:

Assist with the responsibility of the consistent and fair implementations of this policy.

Document and initiate any disciplinary action resulting from any violations of this policy.

City Employees shall:

Know his/her responsibility under this policy because compliance with this policy is mandatory and be responsible for complying with waiver request procedures as outlined in this policy.

The Emergency Management Coordinator will provide assistance to departments in planning and coordinating the activities for the preparation and initial services phases to ensure consistency with the City Emergency Plan.

Section 8. Waivers

If an employee has personal circumstances that would affect his/her ability to work during any phase of this Policy, he/she must file a "Waiver Request Form" with his/her Department Head upon employment or within 30 days of the onset of the extenuating circumstances. Waiver requests will be reviewed and approved/disapproved by the City Administrator and forwarded to the Human Resource Department. Documentation of qualifying circumstances shall be attached to the waiver request.

Factors to be considered for a Waiver include:

An employee who is a single parent with primary responsibility for a child or children under the age of 17 or who needs to care for a family member who is disabled.

An employee who personally suffers from serious health problems, has a physical impairment, or who has primary responsibility for a family member under similar circumstances.

In families where both husband and wife work for the City and are classified as Tier 1 or Tier 2 employees, only one must comply with this policy at their discretion.

Tier 1 employees who have a spouse employed by another governmental entity, hospital, or other essential public service provide, and who must report under comparable policy requirements will be handled on a case-by-case basis.

ATTACHMENT: EMERGENCY CLASSIFICATION AND INFORMATION FORM.

Shall be updated annually or upon request of employee for consideration of change in status.

EMERGENCY CLASSIFICATION AND INFORMATION FORM

Name: _____ / _____ / _____
(last) (first) (middle)

Department: _____ Home Phone: (____) _____

Job Title: _____ Alternate Phone: (____) _____

Cellular Phone:(____) _____ Pager Number: (____) _____

Home Address: _____

City _____ State _____ Zip Code _____

Alternate Address: (likely location in event of evacuation): _____

City _____ State _____ Zip Code _____

EMERGENCY PREPAREDNESS CLASSIFICATION

(As assigned by Department Head), (CIRCLE ONE)

Tier 1 ESSENTIAL - Employees with specific responsibilities who remain in the City on the job or at a designated location during an emergency.

Tier 2 RE-ENTRY ESSENTIAL - Employees who must return to supplement or relieve Tier 1 employees immediately upon roads becoming accessible.

Tier 3 NON-ESSENTIAL - Employees whose presence is not essential in carrying out the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual under operations after emergency status has ended.

THIS EMERGENCY PREPAREDNESS CLASSIFICATION IS A PART OF THE JOB DESCRIPTION FOR ALL EMPLOYEES

<p>WAIVER REQUEST _____ YES _____ NO</p> <p>I request to be released from the reporting requirements designated to me under the City of Dickinson's Emergency Preparedness and Operations Policy. Reason for Request (see Personnel Policy):</p> <p>_____</p> <p>_____</p> <p>REQUEST: _____ APPROVED _____ DENIED _____ TEMPORARY _____ PERMANENT</p>

Employee Signature _____ Date _____

Department Head Signature _____ Date _____

City Administrator Signature _____ Date _____

**CITY OF DICKINSON
PERSONNEL POLICY**

CHAPTER 11. ABSENCE AND LEAVE

Section 1. Holidays

The City will normally observe the following ten (10) days, as appropriate during a particular year, as paid holidays for all regular full time employees. If the holiday falls on Saturday, it will be observed on Friday; and if it falls on Sunday, it will be observed on Monday:

NEW YEAR'S DAY	January 1 (For Paramedic, beginning at 19:00 hours on 12/31 ending 19:00 hours 1/1)
MARTIN LUTHER KING, JR.	3rd Monday in January
GOOD FRIDAY	As designated
MEMORIAL DAY	4th Monday in May
INDEPENDENCE DAY	July 4
LABOR DAY	1st Monday on September
THANKSGIVING DAY	Last Thursday in November and following Friday
CHRISTMAS	As designated for two days, including December 25

- a. The City Department Heads will give as many employees as possible each holiday off consistent with the maintenance of essential City functions.
- b. The City provides a regular part time employee a partially paid holiday if the holiday is the employee's regularly scheduled workday. Part-time emergency medical services employees shall receive pay at 1½ times the regular rate for hours worked on holidays, but shall not be entitled to any other additional compensation for holidays.
- c. The City will provide a regular full time non-exempt employee who works on a holiday as directed by their supervisor:
 1. Pay for the holiday at their regular hourly pay rate, and additional pay at one and one-half (1.5) times the employee's regular hourly rate for the hours actually worked, not to exceed 8 hours.
 2. Full-time paramedics shall receive 12 hours of compensatory time off or 12 hours of pay at their regular rate of pay for all official City holidays regardless of whether the Paramedic actually worked the holiday.
 3. An exempt employee who works on an official holiday may reschedule a personal day off.
 4. A regular full-time employee in leave of absence without pay status on the holiday or on the scheduled work day immediately preceding or following will not receive pay for the holiday.

No person, other than a regular full-time paramedic will be entitled to additional holiday compensation at more than their regular hourly rate for more than eight (8) hours worked on any holiday.

Holidays falling within an employee's vacation period or within a period of absence properly chargeable to some other leave will be paid as a holiday and will not be counted against that leave.

The result of an employee being absent from work the day before or the day after a holiday is loss of holiday pay for the holiday. Those employees whose scheduled days off are in direct conjunction with a holiday will not receive holiday pay for the holiday if the employee is absent from work the day preceding or following his regularly scheduled days off. Approved scheduled time off will not affect pay for the holiday, nor will funeral leave, jury duty, or military leave.

See also Tex. Loc. Govt. Code § 142.0013.

Section 2. Vacation Leave (Annual Leave)

Each regular full-time employee will earn vacation leave as follows:

- a. Employees begin accruing vacation from date of hire at the rate of 6.67 hours per month for the first four years of employment
- b. At the beginning of the employees fifth year of service, vacation will accrue at the rate of 10 hours per month.
- c. At the beginning of the employees tenth year of service, vacation will accrue at the rate of 13.33 hours per month.
- d. At the beginning of the employees twentieth year of service, vacation will accrue at the rate of 16.66 hours per month.

See TEXAS LOCAL GOVERNMENT CODE § 142.0013 (Hours of Labor and Vacation of Members of Fire and Police Department in certain municipalities)

The City provides vacation leave according to the following rules:

- a. An employee may take vacation leave only after one (1) year of continuous service.
- b. Vacation leave will not accrue for any month during which an employee actually works less than one-half the standard number of paid days for his or her job type.
- c. An exempt employee may take vacation leave in one day increments with supervisory approval. A non-exempt employee may take vacation leave in one (1) hour increments with supervisory approval.

- d. Supervisors shall encourage and require that employees use a substantial portion of their vacation leave each year. Employees with less than ten years City service may accumulate to a maximum of 80 hours; employees with ten or more years of continuous City service may accumulate to a maximum of 120 hours. At the end of the calendar year, any vacation leave balance in excess of these maximums is reduced to the maximums without compensation. Pay in lieu of vacation is not permitted other than upon separation. Those employees who, on the date this policy is approved by City Council, having accumulated more than the hours provided by this paragraph; shall be required to reduce their accumulated hours at the rate of 80 hours per year until total accumulation drops below permitted hours herein.
- e. Department directors will schedule or approve vacations considering the needs of service and the interests of the employees. Vacations may be split.
- f. The City will charge vacation leave only for time during which the employee would ordinarily have worked. The City will not charge City holidays against vacation leave.
- g. An employee who the City demotes, promotes or laterally transfers will retain accrued vacation leave.
- h. The City will pay employees with at least one (1) year of continuous service who are separated for any reason any accrued vacation leave.
- i. Vacation leave credits are not transferable between employees.
- j. Regular part-time and temporary employees will not accrue vacation leave.

See also Tex. Loc. Govt. Code § 142.0013.

Section 3. Sick Leave

The City allows regular full-time employees sick leave according to the following rules:

- a. Sick leave is paid time away from work due to a regular, full-time employee's bona fide illness or injury that prevents him/her from working, for visits to a doctor, dentist, or other healthcare professional, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures herein.
- b. Regular, full-time employees who have completed their probationary period of 6 months will accrue a maximum of 80 hours per year to be used as sick leave. The employee's date of hire will be the anniversary date used to determine eligibility for sick leave. Sick leave will accrue at a rate of 6.7 hours per month. Probationary employees will accrue sick leave during their probationary period but are not allowed to take paid sick leave until completion of the probationary period. Employees become eligible for accrued sick leave upon completion of their 6 month probationary period. Sick leave may accrue from one anniversary year to the next

anniversary year; provided, however, that employees may not accumulate more than 960 total hours of sick leave. The City will not restore unused sick leave hours if an employee separates from the City and then is rehired at a later date. Temporary or part-time employees do not accrue sick leave.

c. Sick leave will only accrue for months during which an employee is employed for at least one-half of the standard number of paid days for his or her job type.

d. Authorized Use of Sick Leave

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

2. **For the employee's immediate family.** Sick leave may also be used for absences when the employee is needed to care for a member of his/her immediate family who is ill or injured. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Administrator) may allow the employee to use up to 40 hours of accrued sick leave.

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

e. Call-In Procedure

Employees who are unable to give advance notice for sick leave use must call in to their supervisor prior to the beginning of their shift start time to notify them and to receive compensation for sick leave.

f. Minimum Increments

Sick leave must be taken in minimum increments of one (1) hours. Sick leave taken in increments of less than one (1) hours should be made up within the same work week.

g. Failure to Report Absence/Abuse of Sick Leave

Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick leave for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to medical professionals or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or appointment with a doctor, dentist, or other medical professional as provided for in this policy, may result in

immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury or appointment with a doctor, dentist, or other medical professional may be subject to immediate disciplinary action, up to an including termination of employment, and may be disqualified from using sick leave for their absence.

h. Other Employment During Sick Leave

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director or City Administrator.

i. Use of Other Leave: Holidays

If approved by the Department Director (and in the case of Department Directors, by the City Administrator), employees who have completed their probationary period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, in place of sick leave under this Section, but only if the employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. An employee who becomes ill or injured during a vacation may, with proper documentation, request that the City charge the time of the non-occupational illness or injury to sick leave instead of vacation leave.

j. Documentation

When possible, employees requesting paid sick leave must complete a Request for Leave Form and submit it to their supervisor for approval prior to the leave being taken. If sick leave is taken unexpectedly, the leave can be documented on the timesheet. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for 3 or more consecutive work days, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or appointment with a doctor, dentist, or other medical professional if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

k. Family and Medical Leave Act Leave

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

I. Transfer of Accrued Sick Leave

Accrued sick leave hours are not transferable between employees except as provided in the Personnel Manual for the Sick Leave Bank.

m. Accrued Sick Leave Pay at Separation

Upon separation from employment with the City, employees shall not be paid for accrued and unused sick days, regardless of whether the separation was voluntary or involuntary.

Section 4. FMLA – Family Medical Leave Act

- a. An employee is eligible for family and medical leave under this section only if the employee has worked at least 12 months for the City in the last 12 months before the application for unpaid family and medical leave. This section shall be interpreted to provide the minimum benefits required by the Family Leave and Medical Act of 1993.
- b. After an employee uses all accrued, holiday, sick and vacation leave that an employee is entitled to use by another section, an eligible employee will be entitled to family and medical leave up to a total of twelve (12) weeks (combined paid and unpaid) per year for birth or adoption of a child, or to care for a spouse or immediate family member, or to recover from a serious health condition that renders the employee unable to work. Family and medical leave will include any paid holiday, injury, sick or vacation leave (under sections 1, 2 or 3 above) used by an employee due to a serious health condition of the employee or the employee's immediate family.
- c. Employees shall give written notice as soon as practicable upon discovery of a serious health condition.
- d. An employee may take only twelve (12) weeks of family and medical leave per year measured backward from the date the leave is used; provided, however, an employee may seek additional authorized leave without pay.
- e. If two or more family members work for the City, the combined or total family and medical leave benefit (including holiday, sick and vacation leave) for all family members will be twelve (12) weeks.
- f. During the unpaid family and medical leave period, the City and employee shall share the cost of the health plan premium in the manner customarily used. If the employee does not return for any reason other than the continued serious health condition of the employee or the employee's immediate family, then the City shall deduct from the benefits owed to the employee upon separation, the City's cost of the group health insurance premium.
- g. The employee's supervisor may require the employee to provide a medical certification by a health care provider, and recertification on a reasonable basis, of the employee's or employee's immediate family member's serious health condition. If the employee fails to provide the

requested certification within fifteen (15) days of a request, the City will deny the family and medical leave.

- h. Intermittent and reduced-schedule leave – Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours the employee works per workweek or workday) if medically necessary. If leave is unpaid, the City will reduce the salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced schedule leave, the city may temporarily transfer the employee to an available alternative position.

Section 5. Military Leave

The City will grant regular full-time employees military leave with pay up to 15 days per year (regular salaried employees-120 hours). The City will grant military leave without pay according to Texas and federal laws. An employee preparing to take military leave shall furnish his or her department director with copies of their military orders or other appropriate certificate.

See also Texas Government Code chapter 613; Tex. Att'y Gen. Op. Nos. WW-1477 (1962), C-679 (1966), MW-240 (1980) and MW-300 (1981); Texas Local Government Code § 143.072.

Section 6. Administrative Absence with Pay

- a. The City will grant an employee sufficient administrative absence with pay, when necessary, to vote in an official election.
- b. All employees will be excused from work for whatever time is necessary when they are called to jury service or subpoenaed as witness in a court of law. Regular full-time and regular part-time employees may receive pay for absences due to jury duty or witness under court subpoena, except in the case where they are appearing in court on their own behalf. A time ticket received at court should be turned in with their time sheet. In case an employee is released from jury duty prior to noon, they should return to work and complete the day. In case of jury duty only in the afternoon, the employee is expected to report to work that morning. Employees receiving notice of jury call or witness duty are expected to notify their supervisor at the earliest opportunity and to keep their supervisor informed of their expected date of return so that replacement personnel can be arranged if required. In order to receive such pay, however, an employee must present to the supervisor a statement from the court clerk of the days of such service.
- c. A department director may grant an employee administrative absence with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, civic function or meeting, or for purposes of coordinating with governmental and private agencies and entities in the interest of the City. The City will try to offer an employee every opportunity to broaden his skills and develop his professional ability through schools, seminars and training sessions, dependent on the City's ability to pay and/or a work schedule as approved by his or

her supervisor. The employee should notify his or her immediate supervisor of the desire to attend these schools.

See Texas Election Code § 276.004 Unlawfully Prohibiting Employee from Voting.

Section 7. Authorized Leave without Pay (Excused Absence)

- a. In circumstances not falling within other provisions of these rules, the department director may authorize an employee to take leave without pay up to two weeks under such terms and conditions as may be mutually agreeable.
- b. In circumstances not falling within other provisions of these rules, the City Administrator may authorize an employee to take leave without pay under such terms and conditions as may be mutually agreed upon in writing. Upon returning to work after an authorized leave of absence, other than military leave, HRD may adjust the employment date and anniversary date to reflect the period of time that the employee used for the absence. At the expiration of a leave of absence without pay, the City will attempt to reinstate the employee in the same, or a comparable, position. With the exception of military and pregnancy leaves, if no vacancy exists, the employee will be separated and paid accrued benefits.
- c. Below are some of the reasons for which the City may in its discretion grant an unpaid leave of absence:
 1. Personal disability due to illness, injury, or pregnancy which exceeds the employee's paid medical leave. Such leave, whether paid or unpaid and inclusive of extensions, may not exceed twelve (12) months. To qualify for such leave, the employee must report his disability to the supervisor in writing as soon as possible, attaching a statement from his doctor showing the nature of the disability, the date the disability began or will begin, and the approximate date the employee will be able to return to work. During disability leave, the employee may be required to furnish a similar report from the doctor whenever requested by the supervisor. Before an employee on disability leave may return to work, he must present to the supervisor a doctor's written release to return to his regular job duties.
 2. For personal reasons. The granting of such leaves is solely within management's discretion and may not in any event exceed 30 calendar days in any calendar year.
- d. All benefits cease to accrue upon the beginning of the leave of absence without pay. Upon returning to work, an employee retains all benefits accrued before taking leave. Employees on leave of absence without pay in excess of 30 days may continue enrollment of their dependents under the City's group health and life insurance plans only if they pay the applicable premiums. An employee on unpaid leave of absence is ineligible to accrue vacation time and sick time until they return to work.
- e. An employee who does not return to work on the first regular working day following the end of the period provided in the leave of absence shall be terminated unless an extension is

requested in writing by the employee and granted by the City Administrator before the expiration of the originally approved leave.

Section 8. Absence without Leave (Lost Time or Unexcused Absence)

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse will be considered absent without leave and will not be in pay status for the time involved.

Absence without leave is abandonment of duties that may result in dismissal. Absence without leave for three (3) consecutive working days is a voluntary resignation.

If, because of some personal or family emergency or illness, an employee is unable to give advance notice of his absence, the employee must notify his supervisor as soon as possible on the day of the absence according to the following schedule to prevent docking of pay or disciplinary action, up to and including dismissal:

1. City Hall employees must call in to their supervisor or his designee by 7:30 a.m.
2. Street Department employees must call in to their supervisor or his designee at least one hour before start of shift.
3. Police Department employees must call in to their supervisor or his designee at least four hours in advance prior to their scheduled shift. If an employee expects to be late, the employee must call his supervisor and inform the supervisor of the delay before the beginning of the shift.

Section 9. Worker's Compensation; Injury Leave with Pay

- a. The City will provide workers compensation insurance that should cover medical expenses incurred by an employee for compensable on the job injuries.
- b. Unless the employee's injury is due to either (1) the employee's failure to use a departmentally prescribed safety device, (i.e., seatbelt, steel-toe shoes, hard hat, goggles) (2) failure to follow a City safety rule, or (3) use of an intoxicant, the City will pay an employee who sustains a compensable on the job injury leave with pay 100% of the employee's salary for the first seven (7) working days of the disability without any charge to the employee's vacation or sick leave. Any reimbursement by workers comp for this same time period must be returned to the City.
- c. An employee may use accrued vacation, holiday leave, compensatory time and sick leave to supplement workers' compensation for no more than 6 months.

See also Texas Labor Code § 504.052.

See also Tex. Loc. Govt. Code § 142.008; Texas Labor Code chapter 451 and § 504.003.

- d. An employee will not accrue leave (vacation or sick leave) while the employee is on injury leave or unable to work because of an injury for more than one week per pay period.
- e. If medically able, an employee must be available for consultation at the City or at home during the disability. An employee who is on City work related injury leave shall contact his or her supervisor at least once every five (5) working days.
- f. The failure to follow doctor's orders, or employee activity inconsistent with the employee's injury, including any outside employment not approved in writing by the employee's supervisor and the HRD, may result in disciplinary action up to and including dismissal.
- g. An employee who suffers an occupational injury or illness shall return to work immediately when released to do so by the examining physician. Failure to return to work when released shall result in appropriate disciplinary action up to and including dismissal. Employees released by his physician to assume duties after being placed on injury leave status must, prior or immediately upon reporting to work, provide a written release from the attending physician verifying the employee's fitness to return to the employee's full former duties and the date of the employee's release from medical care.

An employee who is unable to return to work in full duty status within six (6) months of an injury may be separated for incapacity reasons.

See Personnel Policy, Chapter 14, § 3, Incapacity. Then the employee may elect to receive accrued vacation and sick leave benefits, if any, payable upon termination.

- h. An employee injured on the job with a physician's release to return to work in less than full duty status will, if approved by the employee's Supervisor, do restricted duty tasks when available. The City will assign light duty as determined by its economic and operating conditions. The Supervisor will notify HRD when light duty assignments begin and end.
- i. No employee on light duty will work overtime.
- j. An employee who is unable to return to full duty status within six (6) months may be separated for incapacity reasons.

Section 10. Light Duty (Alternate Work)

No employee may be permitted to work light duty for any reason other than recovery from a job related injury unless approved by City Administrator.

1. Reporting status.

As soon as an employee is released for any type of work, whether "light duty," "limited duty," or other types of restrictions, they are to report that information to that supervisor.

A written statement of the restrictions is to be provided by the employee from his or her physician to his or her supervisor. A copy is to be forwarded to the Human Resources department.

2. Type of positions.
Generally, employees will be assigned to restricted duties for which they are qualified and which best suit the restriction. Normally, jobs will not be created for an employee even though he or she is available for restricted duty work. Restricted duty jobs may be altered in order to comply with any applicable law.
3. Physical examinations.
Before returning to a restricted duty job, the City has the right to require the employee to undergo a physical examination by a physician selected by the City. The City will pay for this examination. Similarly, employees on a medical leave may be required to undergo a physical examination by a physician selected by the City at the City's expense in order to establish that the employee is not available for restricted duty work.
4. Compliance with City policies.
While on a leave or while on restricted duty, an employee is expected to comply with all City policies.
5. Other work.
Employees who are capable of performing some work are to advise the City so that the City can determine whether there are restricted duty jobs available. Generally, employees are not permitted to work elsewhere while on leave of absence unless approved by the City Administrator beforehand. For example, an employee may be approved for work as part of a rehabilitation program or for work elsewhere when the City does not have restricted duty work available suitable for that employee.
6. No guarantee.
The City does not guarantee the availability of any restricted duty work to those employees who are available for it. Employees who are assigned to a restricted duty job have no guarantee that that job will exist for the duration of their medical or family leave.
7. Maximum duration.
The maximum duration of a restricted duty job is the exhaustion of benefits for time off under the Family and Medical Leave Act.

Section 11. Funeral Bereavement Leave

Regular full-time employees may receive absence with pay upon the death of a member of their immediate family. Immediate Family means persons related within the first degree by consanguinity and affinity and grandparents or grandchildren whether by consanguinity or affinity. See Chapter 4, Section 4 (Nepotism).

The supervisor may require the employee to provide proof of death, such as an obituary notice. The employee's supervisor will approve up to three (3) day – figured at 8 hours per day - of time off for bereavement. Additional time off must be approved by the City Administrator.

Section 12. " Call –In" Pay

On occasion it is necessary for a supervisor to call in hourly employees without notice outside of their regular shift hours to handle emergency situations. In such cases, the employee shall be paid the applicable straight-time or overtime rate for the actual hours worked, or a minimum of two hour regular straight-time base pay, whichever is greater. Supervisors who call in an employee under this policy should notify the payroll department as to which hours on the time card are call-in-pay hours.

Section 13. On Call Duty

All department heads will carry a paging device at all times and considered to be "on-call". If they are leaving the area (more than 3 hours driving time), they are to notify the City Administrator prior to departure. Department Heads receive no additional compensation for this duty. No non-exempt employee may be placed on call without the express written approval of the City Administrator.

All personnel that are subject to on-call are required to have residency within 20 minutes of the City.

Section 14. Sick Leave Bank

The purpose of the Sick Leave Bank is to provide sick leave hours to members of the Bank in the event of a critical illness or surgery or a temporary disability due to a serious injury of a Bank member or a member's immediate household. Sick Leave hours may be requested from the Bank only after the member has exhausted all accumulated sick leave hours, accrued vacation hours, and accrued compensatory hours. Sick leave hours from the Bank are those hours granted to a member who, through a critical illness or surgery or due to a temporary disability because of a serious injury to self or members of the immediate household, is unable to perform the duties of his/her position.

All regular full-time personnel having accumulated fifty-six (56) or more sick hours shall be eligible for membership. Any employee who is eligible to join the Sick Leave Bank may do so by contributing sixteen (16) hours of accrued sick leave during the enrollment period.

The enrollment period shall be January 1 through January 31 of each calendar year. Eligible employees who do not elect to join the Sick Leave Bank at the first opportunity afforded to them will not be permitted to join the Bank until the subsequent annual open enrollment period. Employees desiring to join the Bank shall complete the authorization form and submit to HRD.

The sick leave hours contributed to the bank will be permanently subtracted from the member's official sick leave record. The sick leave hours donated becomes the property of the City of Dickinson Sick Bank.

If the number of sick leave hours in the Bank falls below the number of participating members on December 31, continuing participants must contribute eight additional sick leave hours, effective January 1. Personnel who terminate their employment with the City forfeit membership in the Bank at the effective date of termination. If the employee wishes to regain membership in the Bank upon his/her return to the City, sixteen hours of earned sick leave must again be donated during an open enrollment period. Personnel on approved leave of absence will retain membership in the Bank and will not be required to donate additional hours upon their return to active employment. The Chief Financial Officer for the City shall be responsible for all record keeping and tracking of sick leave hours donated and sick leave hours drawn.

Sick leave hours from the Bank will be granted only after the member has exhausted all accumulated sick leave hours and accrued vacation hours, and accrued compensatory hours. A member may apply for hours from the Sick Leave Bank, not more than one month in advance. Hours from the Bank shall be granted only for illness, injury, surgery, or other temporary disability that necessitates an absence from work for forty (40) consecutive work hours or longer. Sick Leave Bank hours shall be granted only for absences from working hours and will not be granted for holidays, vacation hours, or other such hours for which the member may or may not be paid. A member shall receive 'hour for hour' benefits. The maximum number of Sick Leave Bank hours that may be granted to an employee during the year (January 1 through December 31) will be 160 hours.

If a member who has received fewer than 160 hours from the Sick Leave Bank returns to work and then is ill again with the same or a different illness, he/she may apply to the Sick Leave Bank for additional hours needed the total not to exceed 160 hours in any 365 day period. Each different illness applied for must meet the initial criteria. The Payroll Clerk will be contacted for notification of approved Sick Bank hours. Reimbursement will be made only in the member's next regular payroll check after the governing committee approval of requested hours.

Sick leave hours from the Bank will not be granted for the period of disability when monies are paid to the member under the Texas Workers Compensation Act. All unused sick leave hours in the Bank at the end of the year will be carried over to the next year.

A contributor will lose the right to utilize the benefits of the Bank by:

- Termination of employment or suspension without pay.
- Cancellation of participation made by the member at any time by submitting written notification to the City Administrator.
- While on approved leave of absence for other than personal illness.
- Choosing not to pay back required number of hours used in a prior year.

Individual Bank members have the option to donate eight (8) or more of their own accumulated sick hours to a specific Bank member after that member has drawn 160 hours from the Bank.

Bank members are prohibited from the sale of sick leave hours, any coercive action to donate sick leave hours, or granting favoritism or reward for the donation of sick leave hours. Any violation of the above prohibitions by an employee will be grounds for immediate termination.

Should the member have a critical illness or injury necessitating the need for additional hours after all accumulated sick leave hours and accrued vacation hours have been used, the member may submit a request for hours from the Bank.

A member who requests hours from the Bank must submit to the City Administrator, within thirty (30) work days after returning to duty, forms containing the following information.

1. Request for hours must be made in writing for a specific time period.
2. Completed attending physician's statement that includes: an identification of the nature of the illness and/or extent of injury and certifying the condition to be a disability to perform the employee's regular assigned duties; the date of initial onset of this particular condition; the anticipated date eligible to return to work; and the days, if any, for follow-up examinations.

The City Administrator will call the governing committee together to review and consider approval of the request. If approved, then forward to Payroll the request to draw on the Sick Leave Bank, within 15 working days after such request is received.

If a member is critically ill or unable to file an application for sick leave days from the Bank, the immediate supervisor may initiate the application form.

The City Administrator and four employees, (one appointed by the Police Chief, one appointed by the Street Superintendent, one appointed by the City Hall stationed department heads and one Department Head appointed by the City Administrator,) shall govern the City of Dickinson Sick Leave Bank. All applications for Sick Leave Bank hours shall be reviewed and approved by the governing committee. The decision of the governing committee will be final.

**CITY OF DICKINSON
PERSONNEL POLICY**

CHAPTER 12. STANDARDS OF CONDUCT

Section 1. Attendance

Employees shall be at their places of work at the start of a shift or workday according to City and departmental policies and regulations. Department directors will establish work schedules and maintain daily employee attendance records.

Section 2. Work Standards

Each employee shall maintain high standards of cooperation, efficiency, and economy in his or her work for the City. Department directors will organize and direct the work of their departments to achieve these objectives.

If the work habits, attitude, production, and/or personal conduct of an employee fall below appropriate standards, supervisors should privately point out the deficiencies at the time they observe them. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action, as provided elsewhere in these rules, whenever the interest of the City requires.

Section 3. Political Activity

City employees may not hold or run for a political office of the City of Dickinson. City employees may not use their working time or City resources to participate in a political campaign of another person for an elective position or for any other political purpose or for any political speeches, telephone solicitation, distributing political literature, or writing or handling letters related to a political campaign or activity.

See also Tex. Loc. Govt. Code § 150.001-.003, 180.01.

Section 4. Solicitation; Acceptance of Gift

- a. Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Administrator. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his or her employment according to his or her response to a solicitation.
- b. No employee shall accept or solicit any money, property, service, or other thing of value in excess of \$50.00 from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member.

- c. If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift in writing to his supervisor and the City Administrator.
- d. No employee shall accept or solicit any money, property, service or other thing of value in excess of \$250.00 for the benefit of the City, or any employee, or department of the City, unless approved in advance by the City Council.

See also Tex. Loc. Govt. Code chapter 171 and Texas Ethics Commission.

Section 5. Physical Fitness

It will be the responsibility of each employee to maintain the standards of physical fitness required for doing his or her job.

Section 6. Personal Appearance

All employees, regardless of work location and degree of public contact, are expected to dress appropriately and in good taste and are expected to maintain a good general appearance at all times. Supervisors are responsible for ensuring compliance with this Section.

Office workers are expected at all times to present a professional, businesslike image to the public. Tattoos and body piercings (other than earrings) should not be visible.

At its discretion, the City may allow employees to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, disheveled, or similarly inappropriate clothing.

Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.

Field employees are provided uniforms and are required to wear a clean uniform each workday. Uniforms should not be worn outside of normal work hours. An employee wearing a city uniform in public, whether on duty or not, represents the City and may not engage in any conduct which would be prohibited while on duty.

The City's expectations of proper attire are communicated to all employees with the understanding that anyone who does not conform to these guidelines risks being sent home by their supervisor without pay.

Section 7. Financial Obligations; Garnishment

- a. The City expects all employees to keep their personal financial affairs in good order. Failure to pay just debts, including taxes, may constitute grounds for disciplinary action.
- b. Texas and federal laws allow garnishment of wages.

See also 11 U.S.C. § 525a (prohibiting discrimination by governmental employers against employees because they file for bankruptcy protection); Personnel Policy, Chapter 8, § 10.

Section 8. Reserved

Section 9. Retaliation Prohibited

No supervisor shall suspend or terminate the employment of, or otherwise discriminate against, an employee merely for reporting a violation of the law if the employee makes the report in good faith.

See also Texas Government Code chapter 551.

Section 10. Use of Telephone

Telephones in City offices and shops are for City business. The City discourages personal calls. The City tracks all calls. No employee may charge any personal long distance calls to the City.

Section 11. Cellular/Digital (Cell) Wireless Phones

The City may provide a cell phone allowance for qualifying full time City employees. The City Administrator is charged with the responsibility of determining which employee positions qualify for the allowance and the appropriate 'tier' level. Department Heads are charged with the responsibility of providing justification and documentation of which employee positions will qualify, including their own.

The City will pay the allowance through the regular payroll on a monthly basis. The employee must show proof of cell phone service. Copies of current contracts will be maintained in the payroll clerk's office. Employees will be required to carry the cell phone during working hours and be available to receive calls. The allowance will automatically cease on contract expiration, cancellation, or the failure of an employee to be readily available more than three times by cell phone during working hours.

Three tiers of cell phone allowance are established and will be applied based on the individual employment position requirements. Criteria for tier designation will include the percentage of hours an employee spends in the field, business related need, current cell phone business usage for that position, and cost justification provided by the Department Head.

The tiers are Tier I - \$35, Tier II - \$55, and Tier III - \$75 per month.

All employees approved by the City Administrator for a cell phone allowance will start at Tier 1. Any request to move to a higher tier must be accompanied by three months of detailed billing records and identification of business calls made. Employees are responsible for notifying the Supervisor within ten days.

Section 12. Incident Accident Reports

An employee shall immediately report to his supervisor any incident that involves either any personal injury, or any damage or loss to City property or the property of others. His or her supervisor shall notify both the City Risk Manager and HRD immediately of any incident that involves personal injury to the employee and shall reduce such report to writing within one (1) day.

It should be immediately forwarded to the department director, City Administrator, Risk Manager and HRD. (An employer has eight (8) working days after an injury is reported to file a written report with the servicing contractor and the Industrial Accident Board).

The primary purpose of the accident report is to obtain an objective insight into facts surrounding the accident to improve future accident control measures. It is not the intent of this investigation to cause undue embarrassment to the employee. If an employee failed to take precautions or use safety appliances that he or she was familiar with, however, this fact should be given along with a reason for the employee's neglect in following safe procedures and use of safety equipment.

The supervisor is to recommend or indicate positive action in his comments or corrective action to be taken following investigation of each accident, to insure it does not happen again.

The City Administrator or his designee may appoint an Accident Review Board composed of City employees to review an employee's accident.

Section 13. Outside Employment

Second jobs, including self-employment, held by the employee are permissible under the following conditions:

- a. The employee informs the department director in writing of the outside employment, including self-employment, and the type of duties performed.
- b. The department director and City Administrator have approved the outside employment, including self-employment.
- c. The outside employment does not constitute a conflict of interest, interfere with employee efficiency, or require the use of City time or equipment.
- d. If a City employee is injured on the job in the course of employment outside his or her employment with the City, the employee may not file a workers' compensation claim against the City for benefits related to the injury, even if the City Administrator may have authorized the outside employment.

- e. If an employee becomes unable to do his or her City job because of an injury or other incapacitation caused while engaged in private business or in the employment of an employer other than the City, the City will deny the benefits otherwise granted by these policies.

See also Police Department – General Order, No. 2.1

Section 14. Harassment

- a. The City holds “people excellence” as a core value and believes that all employees shall be treated with dignity and respect. Employees have the right to expect a professional, business-like atmosphere.
Harassment, disrespectful treatment or disruptive conduct create a hostile work environment and adversely affects productivity and morale. All employment relationships shall be conducted in an environment that is not hostile or offensive and does not condone intimidation or harassment of any person for any reason, including race, color, religion, gender, national origin, age, sexual orientation, veteran status or disability.
- b. It is the responsibility of management and all employees to maintain a work environment free of intimidation, harassment, or insult of any form. Corrective action will be used to redress and eliminate these actions.
- c. Harassment includes statements, gestures, or actions that are offensive, unwanted, interfere with job performance or cause unnecessary discomfort, humiliation or harm, to another employee.
- d. Employees at all levels of the organization have the responsibility not to engage in any actions, implied or explicit, that may involve harassment and they are encouraged not to tolerate and to call attention to such actions. Management and supervisors have the additional responsibility to implement, maintain, and monitor compliance with the above policy and to take immediate and appropriate corrective action.
- e. The following standards apply to the implementation and intent of the harassment policy:
 - Management endorses and actively supports the policy by providing a harassment-free work environment.
 - The City communicates the definition of harassment and the City's complaint procedures to every employee.
 - Training, communication materials, and programs exist to ensure ongoing recognition, understanding and awareness of the City's policies and procedures on harassment.
 - Complaint procedures and guidelines exist to ensure fair and adequate treatment of all parties.
 - Confidentiality is maintained in all aspects of investigation and resolution to protect the rights of all parties and avoid the damage that can occur in terms of morale, reputations, and legal liability.

- Each harassment allegation is regarded as serious and is investigated thoroughly, confidentially and in a timely fashion.
 - Upon learning of harassment, management takes immediate steps to correct the situation.
 - Violators are subject to corrective action, and employees involved, in any way, will experience no retaliation.
- f. The Employee Assistance Program will provide additional guidance and support in the context of the harassment policy.
- g. All employees are responsible and accountable for complying with this policy.
- h. Management responsibilities:
1. All managers and supervisors are responsible for implementation of this policy and for ensuring that all full-time, part-time, and temporary employees have knowledge of and understanding of the policy. All managers and supervisors are additionally responsible for monitoring compliance with this policy, for taking immediate and appropriate corrective action and for timely follow-up to prevent recurrence.
 2. Supervisors are responsible for conducting timely and confidential investigations into all reports of harassment and for reporting the results of such investigations to the City Administrator; and for providing information and other resources to ensure appropriate training.
- i. Complaint Process:
1. Employees who believe they have been harassed are to report the incident immediately to their supervisor or another supervisor.
 2. If the problem or complaint involves their supervisor, the complaint is to be filed with another supervisor or the City Administrator.
 3. All complaints are to be handled in a timely and confidential manner; both the complainant and those accused of harassment are entitled to confidentiality in all respects of the complaint investigation and resolution.

Documentation is retained by the City Administrator.

j. Recognizing Harassment:

It is sometimes difficult to recognize behavior that may be considered harassment. When having to make this determination, ask whether the behavior in question:

- is offensive, unwanted or both
- interferes with job performance
- causes unnecessary discomfort, humiliation or harm to an employee, customer or supplier.

Because harassment can come in many forms, some doubt may still exist after asking the question above. Listed below are examples of specific verbal, visual or physical behaviors that may be considered harassment:

- Whistling at someone making cat call or kissing sounds
- imitating a person's speech or accent
- attributing specific behavior or descriptions to an ethnic group, race or nationality, or to an individual who is a member of such a group
- referring to an adult as a "Hunk, Babe, Young thing, Girl, or Honey"
- making a joke or comment that refers to a certain ethnic group, race, sex, nationality, age, disability, sexual preference, religion, or belief
- turning work discussions to sexual topics
- making comments about a person's anatomy or body measurements.

See also Tex. Penal Code § 39.02.

Section 17. City Employees Prohibited from Carrying Weapons on City Property; Exceptions

Employees of the City may not have on their person, either concealed or unconcealed, or in their immediate possession, or bring onto any premises of the City any firearm, gun, pistol or other similar item, regardless whether the person is licensed by the State of Texas to carry a concealed weapon.

Certified Law Enforcement employees are authorized to carry firearms in accordance with State law.

Section 18. Computer and Internet Restrictions

With the development of the City's Computer Network and the usage of the Internet and e-mail, it is necessary to establish guidelines for all employees to follow. The privilege of using our computer system is based on the premise that each employee will strictly adhere to these rules.

The Internet and E-mail Rules

- Only access sites on the Internet that are intended to be used for appropriate information retrieval, correspondence and communication related to your job classification. Appropriate is defined as what is morally correct, free of antisocial behaviors, pornography and any form of abusive or obscene behavior.
- Follow the copyright laws dictated by the current regulations in the U.S. government.
- Do not attempt to alter or deface any Web Page in any manner.
- Do not download any files, programs or applications without authorization.
- Online chat is prohibited
- Do not misrepresent self as another person on the Internet. Do not attempt to make a personal profit using the City's Computer systems. Follow all applicable federal and state laws pertaining to the Internet.
- Most computer viruses that infect PCs come by way of an attachment to an innocuous e-mail. Never open an attachment to any e-mail from anyone that is not personally known.

- Any e-mail received that is not related to job classification should be deleted. Do not create or forward to anyone e-mail containing jokes, cartoons, funnies, religious material, or any other information not related specifically to job classification.

Computer Workstation and Network Rules

- It is the sole intent of the city to provide and maintain computer systems to train and benefit staff and customers. To keep this standard as well as maintain equipment in good operating condition, the following rules are in place.
- Treat all equipment as fragile and sensitive electronic equipment; use good sense in handling computers.
- Run the programs that you know how to operate, and request assistance with those that is not known. Do not make alterations to the system files, in files, registry files, or any other operating system file. This is the job of the system administrator.
- Avoid floppy disks from outside sources. Each outside disk should be virus checked. A virus protection is on the system, but all viruses are not always detected. In the case of a lockout due to virus detection, get help from a supervisor or system administrator immediately.
- It is the employee's responsibility to insure that all computers and related equipment are attached to an approved surge protection strip. Do NOT assume all electrical plug strips have proper surge protection. If in doubt, have workstation checked out by the system administrator.
- All servers need to be backed up daily and password protected. Off site storage of data files is required at all times.
- Do not delete files unless it is created for employee's sole use. Even then, deletion of certain files may be violations of the Texas Open Records Act. Be advised to check with the City Secretary before deleting any files. All received Emails may be deleted immediately, however, Emails that is sent from the employee's computer is considered open record and cannot be deleted until the retention period has expired. The City's retention period for sent e-mails is established as 4 years from date of creation.
- Do not install software to any workstation of the City without the system administrator's written approval. All "received" emails may be deleted, however "sent" emails shall not be deleted.
- Do not place any magnets or fans on or near any computer equipment or disks; including telephone receivers.
- All work product, documents and files should always be saved to a file on the server. This way they are 'backed up' and stored off site. Saving documents or files only to the hard drive on a workstation may likely result in the loss of that file should the hard drive fail. Hard drives on workstations are known to fail without warning.
- No games are to be installed or played on any PC. Any existing games are to be removed.
- For the protection of the City and each employee, PC and Server hard drives will be periodically monitored by the system administrator to insure that this policy is being followed. City owned equipment is for the expressed use of City business only.

Security Rules

- The highly sensitive nature of the information and databases contained within the City's computer system requires a high level of security measures.
- Do not attempt to login as another user. A security system is in place that protects the records and software of the City from unauthorized use.
- Do not share password or user id with anyone except the system administrator. Notify the system administrator immediately of all passwords or password changes. Be expected to be directed to change passwords by the system administrator on an irregular basis.
- Do not discuss with anyone the City's computer system, hardware, software, network or internet connections. Do not divulge the specific names of any software or hardware components. When asked, be vague. Unwanted intrusions by computer "hackers" often occur when specific knowledge of the system components is obtained. In particular, do not divulge the version or release number that is associated with any particular software program.
- No files, programs, or other data is to be copied to any disk or other media for transport outside of the building complex; nor sent via the Internet or e-mail without authorization.
- All passwords must be made known to the system administrator. The use of passwords to gain access to the computer system or to secure specific files does not provide users with an expectation of privacy in the respective system or document.
- Users may not encrypt any emails without obtaining written permission from their supervisor. If approved, the encryption key(s) must be made known to the City.
- Users expressly waive any right of privacy in anything they create, store, send or receive on the City's computer system. The City can, but is not obliged to monitor without prior notification. If there is evidence that you are not adhering to the guidelines set out in this policy, the City reserves the right to take disciplinary action, including termination and/or legal action.

SECTION 19. Fraternalization Prohibitions

The City always seeks to respect the dignity of its employees. At the same time, when employee conduct, off- or on-duty, has the potential to impact the City, other employees, or guests, the City will need to review that conduct. Thus, occasions may arise when, in order to avoid the appearance of favoritism, maintain management objectivity, maintain the ability to effectively manage employees, safeguard our guests, and safeguard our property, the off-duty actions of an employee must be reviewed. These off-duty actions include fraternization between supervisory and subordinate employees.

It is not possible to anticipate all off-duty conduct or fraternization that may relate to the City's business, but can provide some general guidelines. Further, when in doubt, please ask action is taken. Discuss this policy with the City Administrator.

In general, it is against City policy for individuals who have an economic, social, or family relationship to supervise the other or to work in positions that have an audit or control function over the other.

Economic relationships include roommates, landlord-tenant, creditor-debtor, and the like. Social relationships include dating, intimate relationships, close friendships, regular hosting, and frequent attendance at social gatherings together. Family relationships include spouses, parent-child, siblings, in-laws, aunts, uncles, and stepfamily.

Employees and applicants are expected to disclose these relationships whenever they may come into existence. Failure to do so may lead to discipline. Normally, if these relationships come into existence after employment an attempt will be made to transfer employees to comparable (but separate) positions to avoid any appearance of favoritism, preferential treatment, or conflict of interest. If a transfer is not possible, the employees may be requested to decide among themselves which individual is to resign. If the employees are not able to make a decision about who is to resign the City may take appropriate action, which can include requiring both employees to resign or requiring one of the individuals to resign based on a neutral factor such as seniority.

This section will also apply to employees and their relationships with vendors and contractors working within the City.

Section 20. News Media Relations

It is City policy not to grant interviews to the media without prior approval of the City Administrator. With respect to City matters that are appropriate for public knowledge, it is the policy of the City to cooperate with news media inquiries and communicate truthfully with the media.

Section 21. No Smoking Policy

Smoking will not be allowed in any City owned building, structure or vehicle. A person who smokes outside a building or structure is to dispose of all smoking material in a manner that maintains cleanness of the area. This policy applies to all employees, vendors, contractors, or other persons on the City's premises. Appropriate signs will be posed at all City facilities and appropriate containers will be placed in certain areas. The City will provide smoking cessation treatment for those employees who request assistance.

See also Sec. 12-3 of City Code of Ordinances.

Section 22. Use of City Credit/Purchase Cards

All City credit or purchase cards are the property of the City of Dickinson. Use of the City card for personal purposes is strictly prohibited.

Authorization for a City card must be obtained from the Department Head, City Administrator and Finance Director. The Department of Finance will maintain a list of all outstanding City cards, the authorized user, employee signature verifying receipt of card and signature verifying the cards return.

The City Administrator may, at will, revoke any employee-issued City card and require any such card to be returned immediately to the Department of Finance.

Charges may be made only by the employee to whom the card is issued. Use by any other individual will result in disciplinary action to all employees involved, up to and including termination.

Employees who use City cards are personally held responsible for all charges. Receipt of a City card does not imply authorization to expend city funds. The validity of all transactions will be verified, signed and approved by the Department Head prior to submission to the Department of Finance for payment. Unless pre-approved as evident by a City purchase order, it is solely the right of the City Finance Director to consider any or all charges to be the personal responsibility of the employee assigned to the card.

All original invoices must be presented to the Department of Finance within 10 working days. Failure to do so will result in the deduction of charges from the employee's next pay check, immediate suspension of the employee's rights to use the card, at which time the card will be returned to the Department of Finance, and disciplinary action up to and including termination.

Invoices may have sufficient detail so as to satisfy established City policies regarding purchasing.

It is the employee's responsibility to ensure that credit limits are not exceeded.

Travel expenditures allowable up to the established credit limit available are limited to:

- Hotel room charges accompanied by detailed receipt;
- Gasoline receipts showing mileage and vehicle number or license plate;
- Use of rental car supported by detailed receipt;
- Detailed food receipts for the employee only;
- Conference/seminar registration;
- Airline tickets

All such expenditures must comply with policies and procedures established for travel.

Charges not authorized for payment by the Department Head and/or City Administrator and/or Finance Director will be deducted from the employee's following paycheck. Such charges will include personal charges as determined by the Finance Director; expenditures not supported by sufficiently detailed invoices; non-allowed travel expenditures, such as tips in excess of 15%, purchase of periodical or books in excess of \$100.00; personal travel, payments for alcoholic beverages or other violations of the City's travel policy; finance charges for exceeding credit limits; purchases in violation of the City Charter, ordinances or policies; or any purchase which violates existing city, state or federal laws. Any unauthorized charges will result in suspension of rights to the use of a City card as well as disciplinary action, including possible termination.

**CITY OF DICKINSON
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CHAPTER 13. DISCIPLINE AND APPEALS

Section 1. Grounds for Disciplinary Action

The City of Dickinson is an at-will employer, i.e. all city employees serve at the pleasure of the City Administrator (except for those charter officers who serve at the pleasure of the City Council) and the City may terminate any employee from service with or without cause. Subject only to any applicable state or federal laws, or specific provisions of a written employment contract approved by City Council, the City may discharge any employee with or without cause.

The City may take disciplinary action, including immediate discharge, against an employee for illegal, unethical, abusive, or unsafe acts; violation of City rules, regulations, policies, or procedures; insubordination; inefficiency; poor work performance; neglect or abandonment of duties; failure to report overtime worked; working overtime not authorized; participation in prohibited political activity or solicitation; abuse of illness, injury, disability, or other benefits; tardiness or absence without leave; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages while on duty; improper use of alcohol or drugs, including positive drug or alcohol tests administered under these rules; refusal to undergo a properly ordered drug and/or alcohol test; waste, damage, or unauthorized use of City property or supplies; unauthorized use or disclosure of official information; unauthorized or improper use of official authority; violation of the provisions of the City Charter; discourtesy to the public or to fellow employees; or for refusal or neglect to pay just debts.

Section 2. Types of Disciplinary Action

Formal disciplinary action taken should be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action includes written reprimand, suspension, reduction in pay, demotion, and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally warned anytime that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct.

Section 3. Written Reprimand

An employee may be reprimanded in writing. The written reprimand shall describe the deficiency or infraction involved and shall state the likely consequences for further unsatisfactory performance and/or conduct. The written reprimand shall be noted in the employee's official personnel file.

Section 4. Suspension

An employee may be suspended without pay for up to 30 calendar days in one (1) calendar year. A written notice of suspension that describes the deficiency or infraction involved and states the likely consequence of further unsatisfactory performance and/or conduct may be given to the employee. The suspension will be permanently noted in the employee's official personnel file.

Section 5. Demotion

An employee may be demoted. A written notice of demotion should be given to the employee that describes the deficiency or infraction involved and states the likely consequences of further unsatisfactory performance and/or conduct. The demotion will be permanently noted in the employee's official personnel file, but the employee will not be disqualified from consideration for later advancement.

Section 6. Notice and appeal of certain disciplinary actions

Prior to disciplinary action against a law enforcement officer employed by the City based upon a complaint, the complaint should be reduced to writing, signed, and provided to the employee.

Texas Gov't Code §614.021 et seq.

Prior to dismissal of any other city employee, a written notice of the proposed disciplinary action describing the employee's alleged deficiency or infraction may be given to the employee subject to the disciplinary action.

Formal disciplinary action taken under this chapter may be appealed in writing directly to the City Administrator within five (5) working days following notice of the action.

The action may be stayed pending decision on the appeal, or may take effect anytime after issuance of the notice as determined by the City Administrator.

The City Administrator has authority to approve, disapprove, modify, increase, or rescind any disciplinary actions taken or proposed. The decision of the City Administrator shall be final.

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CHAPTER 14. NON-DISCIPLINARY SEPARATION

Section 1. Resignation

An employee may leave City employment in good standing by submitting his or her resignation in the prescribed manner at least two (2) weeks in advance. Upon approval of the City Administrator, any portion of the notice period may be waived.

Section 2. Layoffs/Reorganizations

The City may layoff an employee, transfer an employee to another position, or demote an employee because of changes in duties or organization or for lack of work or funds. Whenever possible, the City will give the employee at least two (2) weeks notice before the layoff or demotion.

The City does not consider layoffs, transfers, or demotions resulting from reorganizations as disciplinary actions.

See also Worker Adjustment and Retraining Act, 29 U.S.C. § 2101.

Section 3. Incapacity

An employee may be separated for incapacity or medical reasons when the employee no longer meets the standards of fitness required for the position. The supervisor will decide incapacity based on individual medical determination by competent authority as prescribed by HRD.

See also Personnel Policy, Chapter 15, § 5, Physical Fitness.

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

An employee on disability will not accrue additional holiday, vacation or sick leave benefits.

Section 4. Reserved

Section 5. Continuation of health insurance upon retirement

A retired employee may continue health plan coverage at the 150% of cost that the City sets for regular employees or employee dependents if the retired employee retires with eighty or more points (age plus service).

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CHAPTER 15. REINSTATEMENT

Section 1. Following Layoff

The City may recall to work a person whom it laid off, including a former temporary employee separated upon completion of duties, anytime provided the person remains qualified to do the duties of the position.

Section 2. Following Separation for Incapacity

The City may reinstate a person who was separated for incapacity in his or her former type of position, if available, within one (1) year following separation, provided the person removes the reason for the incapacity to the satisfaction of the City, the person remains otherwise qualified to do the duties of the position, and rehire would be in the interest of the City.

Section 3. Veterans

Employees who left City employment in good standing to enter duty with the armed forces of the United States will be eligible for reinstatement according to applicable Texas and federal laws.

See Personnel Policy, Chapter 11 Absence and Leave.

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CHAPTER 16. GRIEVANCE PROCEDURES

Section 1. Notice to Supervisor

The City encourages employees to informally take any job-related complaints or problems to their immediate supervisors. Following informal discussions, an employee remaining dissatisfied with a working condition, or some other aspect of employment not subject to the disciplinary appeal procedure (Chapter 11), may submit a written grievance to his or her immediate supervisor within ten (10) calendar days after the cause of the grievance arises or becomes known to the employee.

Section 2. Response by Supervisor

It will be the responsibility of the immediate supervisor to study the grievance and attempt to resolve it within five (5) calendar days. Further discussion with the grievant will be encouraged. If the supervisor cannot satisfactorily resolve the employee's grievance within five (5) calendar days, then the immediate supervisor shall refer it with comments and/or recommendations to the next higher level of supervision.

Section 3. Appeal to City Administrator

Upon an employee's written appeal to the City Administrator from a director's decision, the City Administrator may investigate the matter and may render a written decision. The City Administrator's decision will be final and binding on all parties on all matters except those that Council has jurisdiction over.

**CITY OF DICKINSON
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CHAPTER 17. PERSONNEL FILES AND REPORTS

Section 1. Personnel Files

The Human Resources Department will maintain the official personnel files for all City employees. Unless otherwise provided by law, personnel files and information will be confidential and no person may use or divulge this information for purposes unconnected with the City personnel management system except with the permission of the employees involved. Nothing herein shall prevent the dissemination of impersonal statistical information. An employee shall have a right of reasonable inspection of his or her official personnel file.

The employee's personnel file shall include, but not be limited to, employment application, resumes, any changes in work status, memos, letters concerning the employee, evaluation/performance reports, W-4 form, employee authorization for release of information, employee signature acknowledging review of company policies and receipt of employee handbook, discipline grievances, performance goals, training records, salary history, emergency classification and information form, certification/educational documentation, consent to biological test, application for copy of driver record and results, at-will employer statement, emergency information form, Texas new hire Reporting form, medical test results, I-9 forms, and the results from any other testing.

A separate medical/confidential file will be kept in the Finance Department. This file will be kept secure and shall include, but not be limited to, worker compensation agreement, payroll records, employee medical records including medical benefit claims, retirement forms, section 125 forms, and supplemental medical and retirement forms.

See also Texas Government Code chapter 552. Open Records.

Section 2. Status Change

Department directors will report changes in personnel status of their employees following procedures developed by the Human Resources Department.

Section 3. Personnel Reports

The Human Resources Department will prepare such rosters, narrative reports, statistical summaries, and other reports as are necessary or desirable to provide useful information to management.

Section 4. Final Pay; Separation Interview

Before receiving the final paycheck, an employee shall:

- return all tools, uniforms, keys, ID badges, and other City property issued to the employee in the course of employment; and
- provide the City a list of passwords on the phone system and computer access.

The exit interview form will be filled out by the HRD and made part of the Human Resources Office files. The employee shall also visit with an employee of the Finance Department regarding COBRA benefits and other exit matters.

See Texas Labor Code chapter 61 (public employees are not however subject to the Texas Pay Day Law).

**CITY OF DICKINSON
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CHAPTER 18. ALCOHOL AND DRUG POLICY

Section 1. Statement of Purpose and Scope

- a. The City recognizes that alcohol and drug abuse in the work place is a major concern. By reducing or eliminating drug and alcohol abuse, the City will improve the safety, health, and productivity of employees. The objective of this drug and alcohol policy is to provide a drug and alcohol-free work place for all City employees.
- b. This policy applies to all employees of the City, regardless of rank or position and includes all temporary and part-time employees, as well as individuals offered conditional employment with the City.

Section 2. Definitions

- a. **Alcoholic beverages** shall mean alcohol or any other beverage containing more than 1/2 of 1 percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted. When used in this policy, the term **alcohol** shall be construed to include "alcoholic beverages."
- b. **Controlled substances** shall mean those drugs listed in schedules I through V of Section 202 of the federal Controlled Substances Act, 21 U.S.C. Section 812, and includes, but is not limited to, marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, heroin, amphetamines and barbiturates. When used in this policy, the term **drugs** or **illegal drugs** are meant to include "controlled substances" and "illegal inhalants." The term does not include those controlled substances used pursuant to and in accordance with a valid prescription.
- c. **Illegal inhalants** shall include the following:
 - i. Volatile chemicals as defined in Chapter 484 of the Texas Health and Safety Code; and
 - ii. Abusable glue or aerosol paint as defined in Chapter 485 of the Texas Health and Safety Code.

Section 3. Policy

- a. The use, possession, sale, distribution, transfer or purchase of alcohol, a controlled substance, or illegal drug by employees at any time while on City business or performing duty on behalf of the City is prohibited. Being under the influence of alcohol, illegal drugs, or illegal inhalants by employees on City property or on City business is prohibited. The unauthorized use or possession of prescription drugs by employees on City property or on City business is prohibited. An employee's use, while on City property or on City business, of over-the-counter drugs in a manner inconsistent with the directions provided by the manufacturer is prohibited.
- b. If an employee is taking a prescribed medication that may adversely affect his/her job performance or the operation of City equipment, it is the employee's duty to notify his/her Supervisor that he/she is taking this medication before the employee begins work. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if the employee is determined to be unable to perform his/her job safely and properly while taking the prescribed medication.
- c. An employee shall notify the City in writing of any drug/alcohol related arrest or conviction not later than five (5) calendar days after the arrest or conviction or immediately upon the return in work, whichever occurs first.

Section 4. Consequences of a Violation of Drug and Alcohol Policy

Violation of this drug and alcohol policy will result in one of the following forms of corrective action: Immediate termination, suspension, written warning, or oral warning. In arriving at a decision for proper action, the seriousness of the infraction, the past record of the employee and the circumstances surrounding the matter will be taken into consideration.

Section 5. Drug and Alcohol Testing

- a. *Pre-employment testing.* All applicants for employment with the City shall undergo a drug and/or alcohol test prior to employment with the City. Applicants who refuse to consent to a drug and/or alcohol test, who fail to appear at the designated collection site, or who fail to provide their urine specimen after reasonable opportunity shall have their hiring process terminated and any conditional offer of employment from the City shall be withdrawn. An applicant who has a confirmed positive test result shall have his/her conditional offer of employment from the City withdrawn.
- b. *Random testing.* All City employees shall be subject to random alcohol and/or drug testing. A random computer selection process shall make the selection of employees for random alcohol and/or drug testing. Employees selected for a random test shall be notified by their immediate supervisor.

- c. *Reasonable suspicion testing.* The City may require an employee to take a drug and/or alcohol test if there is reasonable suspicion that the employee is under the influence of drugs and/or alcohol while on City property or while acting in the scope of employment on behalf of the City. Reasonable suspicion exists if the employee 1) is observed using alcohol or drugs during work hours; 2) is in an apparent physical state of intoxication or drug-induced impairment of motor functions; 3) or has engaged in other actions or conduct that indicates that the employee has been involved in alcohol or drug use.
- d. *Post accident testing.* As soon as practicable following an accident involving a commercial vehicle or other machinery being used by an employee in the course and scope of his employment with the City, the City shall test for alcohol and/or drugs. Alcohol tests should be administered within two (2) hours following the accident. No alcohol test will be administered after eight hours following the accident and no drug test will be administered more than 32 hours after the accident. Employees shall remain readily available for testing after an accident; failure to do so will be treated as a refusal to test.
- e. *Testing Procedures.* Employees selected for alcohol and/or drug testing for any reason shall be notified by the appropriate supervisor to submit to the testing immediately. The supervisor of any employee selected for alcohol and/or drug testing shall accompany the selected employee to the testing facility. The employee is expected to cooperate with collector or test technicians to facilitate employee identification, completion of applicable forms, labeling of specimen where required, and strictly adhere to test procedures. It will be considered a failure to test and violation of City policy to tamper with, adulterate, or substitute a urine specimen required by the City under this policy. All drug tests shall be conducted at medical facilities or laboratories selected by the City, or, in the case of post-accident testing, at a medical facility at which the employee is receiving treatment related to an on-the-job accident.
- f. *Consent.* Prior to the administration of a test required by this policy, the employee or applicant will be required to sign a consent form authorizing the test and permitting the release of the test results to those City officials who need to know the results of the test. The consent form shall not be altered or changed by the applicant or employee. Refusal or failure to sign the consent form shall be considered a as a refusal to test and a violation of this policy.
- g. *Refusal to submit to testing.* The refusal to take a test as instructed will result in disciplinary action up to and including termination. Failure to appear timely or failure to give a breath and/or urine sample after reasonable opportunity to do so will be treated as a refusal to submit to testing.

Section 6. Searches and Inspections

The City reserves the right at any time and at its discretion to search all City-owned or leased vehicles and all packages, containers, briefcases, purses, lockers, desks, and enclosures. Any employee failing or refusing to promptly permit a search under this policy will be subject to

discipline up to and including termination. By this policy, the City expressly states that no right to privacy, apparent or actual, shall exist with regard to the areas listed herein.

Section 7. Commercial Drivers

- a. Each employee who performs duties as a commercial driver for the City shall be subject to alcohol and drug testing described in 49 Code of Federal Regulations Part 382.
- b. No commercial driver shall report for duty, and no employee shall remain or permit another employee to remain on duty, as a commercial driver while having a blood alcohol concentration of 0.04 or greater.
- c. No commercial driver shall perform, and no employee shall knowingly permit a commercial driver to perform, safety sensitive functions within four hours after using alcohol.
- d. No commercial driver shall report for duty, and no employee shall remain or permit another employee to remain on duty, as a commercial driver when the person's performance may be impaired by the use of a controlled substance.

Section 8. Treatment, Education and Training Programs

While the City does not sponsor or endorse any specific drug treatment programs, such programs are available through public and private health care facilities. Affected employees are encouraged to seek assistance for themselves and their dependents. The City does not offer, nor require participation in, drug and alcohol abuse education, counseling or training programs. However, various public and private facilities offer such programs and affected employees are encouraged to seek assistance.

**CITY OF DICKINSON
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CHAPTER 19. FRAUD, WASTE AND ABUSE POLICY

Section 1. Introduction

The purpose of this directive is to define what constitutes fraud, waste and abuse ("FWA") and to outline the procedures employees must follow when FWA is suspected.

We, as government employees, are expected to be dedicated in providing responsible government characterized by integrity and accountability. Each employee is accountable for the City's property, money and good name.

The City of Dickinson is committed to preventing FWA. All City employees must share in this commitment. The City expects all employees to perform their duties conscientiously, honestly, and in accordance with the best interests of the citizens.

While not necessarily constituting FWA, employees should not use their position or the knowledge gained through it for private or personal advantage or in such a manner that a conflict or an appearance of conflict arises between the City's interest and the employee's personal interest.

City employees, especially supervisory personnel, must be aware of the circumstances, or "red flags," that lead to FWA.

The City will not tolerate dishonesty, either against the City or on behalf of it. If an employee becomes aware of the reasonable possibility of any FWA activity, the employee has an obligation to report it through the appropriate channels – supervisory personnel and/or the City Administrator, Mayor or City Attorney in the event the FWA is being committed by a Department Head. Any employee in doubt about the application of this directive should discuss the matter with their supervisor or the City Administrator. In addition, the City will not tolerate any retaliation against an individual for reporting FWA or for cooperating, giving testimony, or participating in any manner in an audit/investigation, proceeding, or hearing.

Employees of the City, citizens, vendors, outside agencies, consultants, and anyone doing business with the City may report suspected FWA activity by calling the City Administrator at (281) 337-2489. If the individual would prefer, concerns could be recorded in detail in writing and sent to the City Administrator at 4403 State Highway 3, Dickinson, Texas 77539. It is important to note that tips are the number one way to catch FWA.

Section 2. Definitions

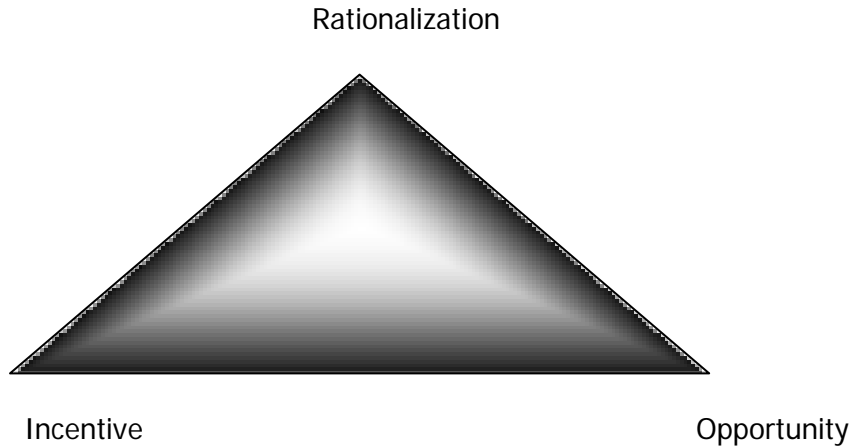
For the purposes of this directive, the following definitions apply:

- a. **Abuse** means the intentional, wrongful or improper use of resources or misuse of rank, position or authority that causes the loss or misuse of resources, such a tools, vehicles, computers, copy machines, etc. An example of abuse is using City equipment or supplies to conduct personal business.
- b. **City funds** means currency, checks, procurement cards, or other negotiable instruments belonging to the City of Dickinson or for which the City is the fiscal agent or has a fiduciary responsibility.
- c. **City property** means any tangible item owned by the City of Dickinson.
- d. **Fraud** means an intentional or deliberate act of deception to gain an improper advantage. Examples of fraud include, but are not limited to:
 - Forgery or alteration of a check, bank draft, or any other financial document
 - Theft of a check or other diversion of a payment
 - Misappropriation of funds, securities, supplies or other assets
 - Impropriety in the handling or reporting of money or financial transactions
 - Profiteering as a result of insider knowledge of City operations
- e. **FWA Coordination Committee** means the committee established to facilitate coordination and make decisions on how each case of alleged FWA will be investigated and is comprised of the City Administrator, City Attorney, Director of Finance, Mayor and the City Auditor).
- f. **Retaliation** means when an individual is discriminated against or penalized for reporting illegal acts including FWA, or for cooperating, giving testimony, or participating in any manner in an audit/investigation, proceeding or hearing.
- g. **Waste** means the loss or misuse of City resources that result from deficient practices, system controls, or decisions.

Section 3. General Administration

1. Management is responsible for designing and implementing systems and procedures for the prevention and detection of fraud and for ensuring a culture and environment that promotes honesty and ethical behavior. Each member of the management team is responsible for initiating preventative measures and being familiar with and alert for the types of improprieties that might occur within their area of responsibility.

THE FRAUD TRIANGLE



The above chart illustrates the frame of mind of a person tempted to commit FWA. Typically, there is incentive to commit the fraud. For example, an inability to make loan payments creates pressure to find alternate sources of income. The fraudster will look for any opportunity available. The opportunity may be a weakness in the City's internal control structure. The combination of incentive and opportunity facilitates the fraudster's rationalization to commit the wrongdoing. That is why it is important for management to be alert to their employees' incentives and weaknesses in their department's internal control system.

If an audit/investigation reveals FWA, the employee will receive appropriate disciplinary action, up to and including termination and/or prosecution.

2. Studies have shown that "red flags" indicating FWA have been ignored by organizations. Internal controls and an informed management are the best methods of preventing FWA. Inadequate controls or circumvention of existing internal controls allow most FWA to occur.
3. The existence of FWA can be most often traced to one or more of the following reasons:
 - Lack of Internal Controls
 - Lack of Management Review
 - Override of Existing Controls
 - Poor Tone at the Top
 - Lack of Competent Oversight
 - Lack of Independent Checks/Audits
 - Lack of Clear Lines of Authority
 - Lack of Employee Fraud Education
 - Lack of Reporting Mechanism
 - Collusion Between Dishonest Employees and/or Third Parties

Source: "2008 Report to the Nation on Occupational Fraud & Abuse," Association of Certified Fraud Examiners.

4. The most frequently cited “red flags” indicating possible FWA behavior by an employee are:

- Living beyond means
- Financial difficulties
- Wheeler-dealer attitude
- Control issues, unwillingness to share duties
- Divorce/family problems
- Unusually close association with vendor/customer
- Irritability, suspiciousness, of defensiveness
- Addiction problems
- Past legal problems
- Past employment-related problems
- Complaining about inadequate pay
- Refusal to take vacations
- Excessive pressure from within organization
- Instability in life circumstances
- Excessive family/peer pressure for success
- Complaining about lack of authority
- Unusually high expenses or purchases
- Frequent complaints from citizens
- Missing or incomplete files, records or other documentation
- Repeated employee comments concerning possible FWA
- Changes in employee’s lifestyle, spending habits or behavior

Source: “2008 Report to the Nation on Occupational Fraud & Abuse,” Association of Certified Fraud Examiners.

5. Other indicators of possible FWA behavior by an employee include borrowing money from co-workers, collectors or creditors appearing at the place of business; excessive use of telephone (to stall creditors); falsifying records; refusing to leave custody of records during the day; working excessive overtime; and excessively rewriting records (under the guise of neatness).

6. The following internal controls help prevent FWA:

- Setting the tone at the top
- Creating a positive workplace environment
- Hiring and promoting appropriate employees
- Appropriate discipline
- Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions
- Physical security over assets such as locking doors, restricting access to certain areas and appropriate, lawful video surveillance
- Proper training of employees
- Independent review and monitoring of tasks
- Separation of duties so that one employee is not responsible for a transaction from start to finish

- Clear lines of authority
- Enforcement of conflict of interest policies and laws
- Rotation of duties in positions more susceptible to FWA
- Ensuring that employees take regular vacations
- Regular independent audits of areas susceptible to FWA
- Establishment and enforcement of an FWA policy

These controls help to create an environment where employees believe that dishonest acts will be detected, reported and dealt with appropriately.

This policy is to be distributed to all employees at the time of hiring by the City. Employees will acknowledge receipt of the policy by signing and dating a form, which will be filed in their personnel files. The policy will be distributed to all vendors and posted in all departments.

Section 4. Responsibilities

1. All Employees – Any employee who has knowledge of an occurrence of FWA or has reason to suspect that FWA has occurred shall immediately notify their supervisor. If that supervisor is the subject of the alleged FWA, the report should be made to the next higher level supervisor or the City Administrator. If the alleged FWA involves the City Administrator, or, if the employee is uncomfortable reporting through management, the report may be made to the Mayor or the City Attorney. Every employee shall cooperate with investigations pursuant to all administrative procedures. The employee shall not discuss the matter with anyone other than the employee's supervisor or next level of management, City Administrator, Mayor, or the City Attorney. Any employee having knowledge of FWA who does not report it may be considered to have been an accomplice to the FWA and may be subject to disciplinary action, up to and including termination and/or prosecution.

Employees have a prime responsibility for:

- Identifying potential risks
- Fully understanding the laws, rules and regulations with which they must comply
- Accepting their ownership responsibilities for all assets and processes entrusted into their care
- Reporting suspected dishonesty and potential control failure and assisting in investigations

These responsibilities should be reinforced at the time of hire and during periodic performance reviews.

2. Supervisory Personnel (Supervisor through Department Head) – Upon notification from an employee of suspected FWA, or if the supervisor has reason to suspect that FWA has occurred, the supervisor shall immediately notify the next higher level manager up to and including the Department Head. The supervisor shall not attempt to investigate the

suspected FWA or to discuss the matter with anyone other than the necessary management personnel, City Administrator, Mayor or City Attorney. However, if the supervisor has reason to believe that the next level manager may be involved in FWA, the supervisor shall contact the next higher level manager, City Administrator, Mayor or City Attorney.

3. City Administrator's Office – As a general rule, the City Administrator, through his/her management staff, will have the lead responsibility for investigating allegations of FWA. However, there may be exceptions. The type of offense and the seriousness of the offense will help determine the lead component and support components in the investigation. Additionally, the City Administrator may need to bring the matter to the attention of the FWA Coordination Committee. Other examples of items that the City Administrator might investigate can be found in Section 4.5.
4. City Attorney's Office – Upon notification or discovery of a suspected FWA, the City Attorney's Office will perform a preliminary investigation to determine the legitimacy of the allegation and to collect information and documentation. Since FWA can involve an infinite number of circumstances and degrees of seriousness, how each case is handled can vary. To facilitate coordination and make decisions on how each case will be investigated, an FWA Coordination Committee will determine the course of action.
5. Employee activities that are not fraudulent but may be considered inappropriate should be reported to the respective department's supervisors and/or Director of Finance. Examples of employee activities that should not be reported as an FWA issue are as follows:
 - Equal Employment Opportunity Complaints
 - Safety Hazards
 - Grievances
 - Workplace Violence
 - Harassment
 - Substance Abuse
 - Sexual Harassment
 - Compensation Issues
 - Workers' Compensation Issues
 - Customer Service Issues
 - Management Issues

These types of employee activities should be reported in accordance with adopted City policies.

Section 5. Procedures

1. Each allegation shall be treated consistently, regardless of the position held or length of service of the employee under investigation.

During the course of the investigation, all information relating to the investigation shall be kept confidential. In addition, if at the end of an investigation no evidence is found to justify the allegation, the names of anyone accused of wrongdoing will remain confidential to the extent allowed by law.

At the point in the investigation that it is determined that there is some basis for the allegation, the FWA Coordination Committee will determine whether to pursue the employee criminally, civilly or administratively.

2. Record Security – A successful investigation can only be performed if the documentation relating to an alleged FWA is available for review in its original form. Therefore, once an FWA is confirmed by the City Administrator's Office or the City Attorney's Office, either office shall ensure that immediate action is taken to prevent the theft, alteration or destruction of relevant records. Such actions include, but are not limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the FWA from having access to the records.
3. Confidentiality – All participants in a FWA investigation shall keep the details, identities, and results of the investigation confidential except as expressly provided in this direction or as otherwise provided by law. Great care must be taken in the investigation of suspected fraud so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. Failure to comply with this provision may result in disciplinary action, up to and including termination.
4. Personnel Actions – If a suspicion of FWA is substantiated by the investigation, disciplinary action shall be taken in conformance with the City's Personnel Policies and Procedures. A false allegation of FWA is a violation of this administrative procedure.

All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions, up to and including termination.

5. Retaliation – It is a violation of this directive and Texas law for any individual to be discriminated against for reporting FWA or for cooperating, giving testimony, or participating in an investigation, proceeding or hearing. Every effort will be made to protect the rights and the reputations of everyone involved, including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s).
6. Media Issues – If the media becomes aware of an investigation, any person contacted by the media shall refer the media to the City Attorney's Office. The alleged FWA and the investigation shall not be discussed with the media other than through the City Attorney's Office. Investigation of alleged FWA may simply detect control weaknesses, without revealing or indicating the presence of FWA. In such instances, confidentiality of all involved is important to protect the legal rights of those individuals. However, the control weaknesses will be reported and become public information via normal practices.

Section 6. Disposition of Investigation

1. At the conclusion of a serious FWA investigation, a report to the City Council will be made by the City Administrator or City Attorney. The report will not include the names of individuals involved in the fraud. Minor instances of FWA do not require a report to the City Council. However, any FWA investigation not performed by the City Attorney's Office will have the final report sent to the appropriate Department and City Attorney. The reports should include the findings, action plan to correct and implementation dates.
2. If the FWA has resulted in City property loss, coordination with the Department of Finance is needed to report the loss. The City Attorney/City Administrator/Director of Finance shall coordinate in seeking restitution for property loss.
3. Upon completion of the investigation and all legal and personnel actions, records will be returned to the appropriate department unless prevented by law or internal policy.

**CITY OF DICKINSON
PERSONNEL POLICY**

CHAPTER 20. VEHICLE USE

Section 1. Policy Statement

City Vehicles shall be used only for City business except as otherwise provided in the policies and procedures adopted by the City of Dickinson and the Vehicle Operation, General Order Number 4.9 of the Police Department. Risk of loss from vehicle accidents involving all City employees will be minimized through driver record screening, hands-on training and education, and defensive driving training.

Section 2. Definitions

For the purposes of this policy, the following definitions apply:

- a. **Authorized Personnel** shall mean those persons authorized to use a City vehicle in accordance with these procedures.
- b. **City Business** shall mean any authorized work or activity performed by a City employee or other person on behalf of the City.
- c. **City Vehicle** shall mean any motor vehicle or motor-driven equipment owned or leased by the City.
- d. **On-Call Employee** shall mean those employees subject to being summoned to perform City work or duties beyond their normal work hours.

Section 3. Driver's Licenses and Driving Records

1. The City of Dickinson requires that all employees driving or operating a City vehicle or equipment have the appropriate operator's or commercial driver's license as required by the State of Texas. Employees who use their personal vehicle while conducting City business shall maintain current liability insurance and driver's license in accordance with Texas law. Failure to maintain current liability insurance and driver's license may result in disciplinary action up to and including termination.
2. The Finance Department, as part of the post-offer evaluation process, will conduct a driver's license check on all new employees whose essential job functions include the operation of City vehicles/equipment or his/her personal vehicle to conduct City business. An application does not meet criteria and will not be considered for positions requiring driving if the record reveals any of the following:

- A. Three (3) or more moving violations, fault accidents (the accident and any subsequent tickets related to the accident will be considered on event) or any combination in the previous 12 months
 - B. Four (4) or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous 36 months
 - C. One (1) Driving While Intoxicated (DWI) or One (1) Driving Under the Influence (DUI) conviction in the previous 36 months, including probated sentences
 - D. Suspended, expired, or non-Texas license. New hires with an out-of-state license will have 30 days to obtain a Texas license
3. New employees who do not meet the criteria in Section 3.2(A) through (D) above but have one or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous 36 months shall be counseled by Human Resources regarding these requirements.
 4. The Finance Department will conduct a driver's license check through the Texas Department of Public Safety, or other acceptable source, on a periodic basis for City of Dickinson employees who operate a City-owned vehicle or who utilize their personal vehicle for City business. Current employees will be subject to the same criteria as new employees as outlined in Section 3.2 above. Current employees whose driving record indicates any of the violations contained in Section 3.2(A) through (D) will be suspended from operating City vehicles/equipment and/or their personal vehicle to conduct City business and may be subject to reclassification, transfer or demotion to a non-driving position and/or other disciplinary action up to and including termination.
 5. Employees shall self-disclose, without the necessity of an inquiry, any loss or limitation in driver's license status and any and all arrests, charges, or convictions for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving, whether or not such incidents arose out of work-related driving. Employees shall make such self-disclosure to his/her supervisor or the Director of Finance at the earliest opportunity and shall not operate any City vehicle/equipment or their personal vehicle to conduct City business until cleared to do so by the Director of Finance. Employees who fail to make such required self-disclosure at the earliest opportunity shall be subject to disciplinary action up to and including termination.
 6. In the event the self-disclosure required in Section 3.5 is made, and assuming no other City policies have been violated, the following criteria shall be utilized:
 - A. One DWI or DUI conviction within the previous 36 months – Mandatory referral to the City's Employee Assistance Program (EAP). Once evaluated and released by the EAP counselor, the employee may return to duties requiring him/her to operate a City vehicle/equipment and/or to drive his/her

personal vehicle to conduct City business, providing the employee adheres to any treatment plan recommended by the EAP

- B. Two DWI or DUI convictions within the previous 36 months – Suspension from operating City vehicles/equipment or personal vehicle to conduct City business and may be subject to termination
 - C. In the event the arrest, charge or conviction for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving occurs while operating a City vehicle/equipment or operating his/her personal vehicle to conduct City business, the employee shall be subject to termination
 - D. In each of the above situations, based on the frequency of DWI and/or DUI convictions, as well as the employee's complete and overall driving and/or performance record, the Director of Finance, City Administrator, and the employee's supervisor have the discretion to deviate from this criteria and apply a suspension from driving duties, disciplinary action up to and including termination, or any combination Physical security over assets such as locking doors, restricting access to certain areas and appropriate, lawful video surveillance
7. The requirements for self-disclosure in Sections 3.5 and 3.6 above do not in any way affect the requirements of holders of a Commercial Driver's license from notifying the City within 30 days of any conviction, in any jurisdiction, for a traffic violation (except parking) regardless of the type of vehicle being operated or the suspension, revocation or cancellation of license.
8. Individuals who apply for positions or transfer to positions requiring a valid operator's or commercial license, and who do not already possess the requisite licensure, must pass the written portion of the examination for the specific license required prior to the initial interview. The applicant selected for employee must then pass the driving portion of the examination within five (5) working days and may not drive until the applicable license is obtained. A driver's record check will be made prior to assignment to the new position.

Section 4. Driver – Safety and Training

- 1. Department directors shall confirm that an employee or applicant has demonstrated the ability to operate vehicles and special equipment in a safe and competent manner by requiring the employee to operate the equipment to the satisfaction of his/her supervisor. Training will be conducted for those individuals who cannot satisfactorily operate such equipment. Under no circumstances shall an unsupervised employee be allowed to operate a vehicle or piece of equipment for which he or she is untrained or unqualified.
- 2. Employees who are required to operate vehicles as part of their job descriptions or normal duties shall attend a Defensive Driving Course (DDC) as soon as possible after

employment and every three (3) years thereafter. Each department will maintain driver records and budget for completion of DDC courses.

3. All City drivers shall wear safety belts when any vehicle is in motion and require all occupants (including back seat passengers) of the vehicle to do likewise. This Section applies to motor vehicles, other than motorcycles, as those terms are defined by Tex. Rev. Civ. Stat. Ann. Art. 6701d§2, or its successor.

Section 5. Rules and Regulations for Use of City Vehicles

- A. No employee shall use a City vehicle for commuting to or from his or her residence during off-duty work hours unless authorized to do so in accordance with these procedures and regulations.
- B. Every employee who is responsible for a City vehicle shall properly secure, lock and remove the ignition keys from the vehicle at any time during which the vehicle is parked and unattended.
- C. No employee shall use a City vehicle to transport any person, except for the purpose of performing City business.
- D. Every employee driving a City vehicle shall use best efforts to park the vehicle off-street, except when otherwise necessary to perform City business.
- E. Every employee who drives or is otherwise responsible for a City vehicle shall use all reasonable care in the operation and use of the vehicle and shall promptly report to the appropriate person or department any needed servicing, repairs or maintenance.
- F. Each employee operating a City vehicle shall comply with all applicable traffic laws. An employee will be personally responsible for any fines incurred as a result of driving or parking violations while driving a City vehicle or their personal vehicle while on City business.
- G. An employee shall not transport alcoholic beverages or any other intoxicant within or upon a City vehicle at any time.
- H. Employees are not authorized to conduct personal business in City vehicles during work hours except as specifically authorized by this policy. "Personal business" includes running personal errands and shopping.
- I. During scheduled work shifts, an employee operating a City vehicle is authorized to stop for limited time periods for meals, refreshments, restroom breaks, and other de minimis stops. Discretion will be used by employee when other City vehicles are already present at the establishment.
- J. Employee operating City vehicles are not authorized to transport family members or friends for non-City business. Supervisors may grant specific and limited exceptions to

this rule when the employee demonstrates good cause and an urgent need. Supervisors may only grant such exceptions on a case-by-case basis and may not grant blanket exceptions on a continuous basis.

- K. Supervisors may authorize employees to operate City vehicles to transport sick or injured individuals to medical care facilities in specific emergency situations. Each supervisor is strongly encouraged, if time permits, to discuss any such authorizations with his/her immediate supervisor and an authorized representative of the Finance Department
- L. A City employee driving a City vehicle or personal vehicle for City business is expected to drive with safety as the first consideration. This includes driving safely while operating cellular telephones, electronic paging devices, and/or other wireless personal communication devices. A City employee driving a City vehicle or personal vehicle for City business is strongly encouraged to find a safe and secure location and stop their vehicle to use cellular phones, laptop computers or pagers.
- M. Employees authorized to operate City-owned vehicles and equipment should be aware that the operation and appearance of such vehicles and equipment reflects on the professionalism of the driver, the department, and the City. As such, employees must be constantly aware of their actions and ensure that their behavior, appearance and operation exhibit the highest in professionalism and courtesy.
- N. City vehicles and equipment are not considered private property and may be searched at any time for any reason.
- O. Smoking and smokeless tobacco products are prohibited in City vehicles and equipment.
- P. No City employee may carry firearms or other weapons that are not required for his/her position with the City in any City vehicle or equipment while conducting City business.
- Q. The City does not provide insurance coverage on any loss of personal articles that may be stolen from a City vehicle and will not be responsible in any way for such loss.

Section 6. Take-Home Vehicles

1. Certain employees may be identified by the department director or City Administrator as requiring a take-home vehicle. Regular assignment of a City vehicle to be taken home by an employee will be reviewed by the Director of Finance and authorized by the City Administrator.
2. Employees authorized to take home City-owned vehicles must be readily available and easily accessible at all times. Such employees may use their City vehicles outside the City limits as long as they are within radio or telephone range and are within one hour response time from Dickinson city limits.

3. A *Take-Home Vehicle Request/Justification Form* must be submitted by the requesting employee's supervisor to the department director prior to the employee being allowed to take a City-owned vehicle home. The department director must then submit that request to the Finance Director who will forward it to the City Administrator for approval. A separate request form is required for each potential operator for a vehicle that is to be used for callback or standby purposes. Positions that utilize a take-home vehicle will be reviewed on an annual basis and will require approval each year.
4. A new vehicle request /justification form is required for the following reasons: (a) an employee's change in job duties; (b) a change in any information such as vehicle number, work or storage address, department; (c) reassignment of a vehicle; or (d) reassignment of vehicle status based on request justification or policy criteria.
5. Employees given the use of take-home City-owned vehicles must execute a written acknowledgement regarding receipt of said vehicle with the Finance Department. Departments must annually forward a list of employees with take-home City-owned vehicles to the Finance Department. The Finance Department will keep a central list of employees with take-home City-owned vehicles.
6. Aside from providing services and conducting business related to the City, take-home vehicles may be used for commuting and de minimis personal errands during work days pursuant to the Internal Revenue Service (IRS) regulations. Employees using take-home vehicles must comply with all other rules and regulations for the use of City vehicles provided in Section 5 above.
7. The City is required to comply with the IRS's regulations regarding the reporting of income. Since the only authorized non-business use is commuting and de minimis personal errands, the City will use the Commuting Valuation method to report income. This method will use \$3 per day for each day of commuting as the amount of taxable income reported to the IRS. This amount may be amended by the IRS at any time. Marked and unmarked law enforcement vehicles and fire emergency response vehicles are excluded from this IRS requirement.
8. Employees authorized to use take-home City-owned vehicles who submit leave notices for three (3) or more consecutive work days must arrangements with their supervisors to leave the vehicle and keys for use by other City personnel during such period.
9. The approval for a take-home vehicle shall be made for the purpose of assuring the performance of City business, and such authorization or use shall not constitute or be considered a vested employment benefit or right of the employee. Such authorization or use may be denied, revoked, or suspended at any time for any reason or for no reason.

Section 7. Use of Personal Vehicles

1. City employees must carry liability insurance on any personal vehicle used to transact City business. Each employee will contact his or her insurance carrier to determine the necessity for a "Business Use" rider to their policy. The City will not assume

responsibility for any deductible amounts necessitated by claims, and the employee shall bear the responsibility of pursuing claims against either his or her carrier or the other driver in the event of a collision or other loss. If the City employee does not receive full compensation (e.g., an uninsured driver), a claim for the unpaid expense may be filed with the Finance Department. All such claims must be accompanied by full documentation of payments and expenses.

2. The City of Dickinson will pay employees for using their personal vehicles on City business at the IRS mileage rate, as such may be amended from time to time.
3. The City pays for maintenance and insurance costs through mileage payments. Consequently, the City will not pay employees for vehicles repair costs. If an employee's vehicle fails to operate while he or she is out of town on City business, the City will pay reasonable towing costs to the nearest garage. The City will not pay towing costs within the City.
4. Persons who donate their time and services to the City are not covered by the Worker's Compensation Act or by the City insurance coverage, and the City assumes no liability for the use of their personal vehicle during any volunteer activity.

Section 8. Vehicle or Equipment Accident Procedures

An employee that has an accident while operating a City vehicle shall immediately notify the Dickinson Police Department, their supervisor and the Director of Finance. Additionally, the employee must comply with the procedures outlined in Section 12, Incident Accident Reports, of Chapter 12, Standards of Conduct, of the Personnel Manual.

**APPENDIX B
PAY CLASSIFICATION STRUCTURE**

Position	HGAC Position #	City Minimum	City Low Mid	City High Mid	City Max
Accountant	14	53,000	57,620	62,240	67,000
Accounting Clerk	34	35,000	39,950	44,900	50,000
Administrative Support Staff, Entry Level	38	28,000	32,950	37,900	43,000
Administrative Support Staff, Intermediate Level	38	34,500	41,100	47,700	54,500
Animal Control Officer	58	30,000	34,950	39,900	45,000
Animal Shelter Manager*	N/A	48,500	55,100	61,700	68,500
Bailiff*	N/A	40,000	44,950	49,900	55,000
Building Official	18	65,000	71,600	78,200	85,000
Building Superintendent	32	63,000	67,950	72,900	78,000
Cashier I	60	25,500	32,100	38,700	45,500
Cashier II	61	32,000	38,600	45,200	52,000
City Administrator	2	111,000	125,850	140,700	156,000
City Secretary	1	62,500	70,750	79,000	87,500
Civilian Jailer*	N/A	29,500	36,100	42,700	49,500
Code Enforcement Officer	63	33,500	40,100	46,700	53,500
Community Development Director	5	77,500	84,760	92,020	99,500
Crew Leader	62	33,500	40,100	46,700	53,500
Crime Victim Liaison*	N/A	41,500	46,450	51,400	56,500
Emergency Communications Dispatcher	40	37,679	42,301	46,922	51,684
Emergency Communications Supervisor	41	49,576	55,735	61,894	68,240
Emergency Management Coordinator	42	52,500	59,100	65,700	72,500
EMS Administrator	43	74,500	80,110	85,720	91,500
Equipment Operator - Heavy	67	29,500	34,450	39,400	44,500
Equipment Operator - Light	68	24,500	29,450	34,400	39,500
Executive Assistant	15	46,000	52,600	59,200	66,000
Finance Director	7	90,000	98,580	107,160	116,000

**APPENDIX B
PAY CLASSIFICATION STRUCTURE**

Position	HGAC Position #	City Minimum	City Low Mid	City High Mid	City Max
Fire Marshal	57	52,500	59,100	65,700	72,500
Street - Drainage Foreman/Supervisor	66	43,500	50,100	56,700	63,500
General Office Worker	35	31,500	35,460	39,420	43,500
Inspector	59	45,000	51,600	58,200	65,000
Laborer	69	23,500	27,790	32,080	36,500
Librarian	21	30,000	36,600	43,200	50,000
Library Director	8	63,000	69,600	76,200	83,000
Library Director - Assistant*	N/A	50,000	54,950	59,900	65,000
Municipal Court Administrator	22	59,500	66,100	72,700	79,500
Municipal Court Clerk	36	26,500	31,450	36,400	41,500
Municipal Court Clerk - Senior*	N/A	39,500	44,450	49,400	54,500
EMT Basic	44	23,000	29,600	36,200	43,000
EMT Intermediate	44	40,000	46,600	53,200	60,000
Paramedic - EMT, Includes all Levels	44	23,000	39,170	55,340	72,000
Paramedic	44	52,000	58,600	65,200	72,000
Personnel Generalist	17	39,500	46,100	52,700	59,500
Planner	23	49,500	56,100	62,700	69,500
Police Captain	47	80,500	87,100	93,700	100,500
Police Chief	45	102,500	109,100	115,700	122,500
Police Lieutenant	48	74,500	81,100	87,700	94,500
Street - Drainage Superintendent	29	63,000	67,950	72,900	78,000

*Not a recognized HGAC position