

**COH**

# **CITY OF HOLLAND**

102 WEST TRAVIS ~ HOLLAND, TEXAS 76534 ~ USA

## **Employee Handbook ~ 2006**

**~ 29 June 2006**

**(Updated ~ 16 October 2017)**

To COH Employee, Please read this Employee Handbook, sign this page, make a copy of page, and return it to City Administrator for your file.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

It is the intent of the City Council of Holland to harmonize this policy with all applicable State and Federal laws and where a conflict may appear, the applicable State and Federal law shall be deemed to control this policy to the extent of conflict only.

## ***General Provisions***

### **Equal Employment Opportunity and Affirmative Action Statement**

The City of Holland employs, retains, promotes and terminates all employees and applicants on the basis of merit, qualifications and competence. EEO policy is applied without regard to race, sex, religion, color, national origin, age, marital status or disability.

The City celebrates diversity and strives to create an organizational environment that promotes the value, potential and understanding of the differences in each of us. We recognize the need to insure equal employment opportunity for all. Each employee is expected to abide by the City's commitment to equal employment opportunity.

### **Employee Privacy Protection**

The personal data maintained in an employee's personnel folder may be released to persons on a "need to know" basis for "official use only." It will not be released to anyone who does not have a "need to know" unless the disclosure is required by law.

Authorization for release of personal data, which is a matter of public record, may be granted by the City Administrator or, if not available, the Mayor and may include name, positions held, salary range and dates employed.

Personal data, which is not a matter of public record, may only be released upon written authorization from the employee, unless law requires disclosure. An employee may elect to have their address, telephone number, social security number and family information withheld from public release by completing a confidentiality form through the City Administrator or, if not available, the Mayor.

#### **➤ Personnel Records**

Personnel records are maintained by the City Administrator according to established lawful guidelines. The employee is responsible for notifying the City Administrator of any address change or status affecting the personnel record. A copy of the new social security card must accompany any name change. The City Administrator is responsible for insuring that information contained in personnel folders is released according to established guidelines and applicable laws. An employee shall have a right of reasonable inspection of their official personnel file under procedures prescribed by the City Administrator or, if not available, the Mayor.

## ***Terms of Employment***

### **➤ Employee Guideline**

- Employees are not permitted to engage in outside employment that conflicts or interferes with performance of City duties, including work that must later be inspected and approved by the City.
- City employees may not be candidates for a city or public office in a partisan election without resigning from City employment. City employees may not actively participate in political campaigns while on duty or in a uniform.
- City employees should maintain standards of physical fitness in order to perform assigned essential job functions.
- Employees are expected to dress and be groomed appropriately as required for their job.
- City employees in positions requiring professional, Federal, State, or Local licensing or certification, must maintain the appropriate license or certification. Failure to maintain or keep current may result in demotion, lowering of pay, or termination. The City will allow employees the opportunity to attend training and recurrent instruction in order to maintain current licensing and certification. Any requests for additional certification or licensing must be approved by the City Administrator, or, if not available, the Mayor and will be based on the need of the city of Holland.

### **➤ Conflict of Interest**

Employees are expected to devote their best efforts to the interest of the city and the conducts of its affairs. The City recognizes the right of employees to engage in activities outside their employment, which are private in nature and unrelated to City business.

However, employees are not permitted to engage in outside employment that conflicts or interferes with performance of City duties. If there is a question regarding outside employment conflicting with City employment, see the City Administrator, or, if not available, the Mayor.

### **➤ Standards of Conduct**

The following is only a partial list of infractions, which may result in corrective action:

- Falsifying employment application, timesheet or personnel or other documents and records.
- Unauthorized possession of City or employee property, carrying weapons or explosives or violating criminal laws on City premises;
- Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may endanger the well-being of any employee on City premises;
- Engaging in acts of dishonesty, fraud, theft or sabotage;
- Threatening, intimidating, coercing, using abusive or vulgar behavior or language or interfering with the performance of other employees;
- Insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned.
- Unauthorized use of City material, time, equipment or property;
- Damaging or destroying City property due to careless or willful acts;
- Performance which, in the City's opinion, does not meet the requirements of the position;

### **Standards of Conduct (cont'd)**

- Engaging in such other practices as the City determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the City of Holland, its employees or its customers;
- Negligence in observing fire prevention and safety rules;
- Other action and circumstances for which the City feels corrective action is warranted.

This list is intended to be representative of the types of activities which may result in disciplinary action. It is not intended to be comprehensive and does not alter the employment-at-will relationship.

## ***Terms of Employment***

### **➤ Attendance**

Employees are expected to be at their assigned work places during regularly scheduled times. They must notify the City Administrator, or, if not available, the Mayor or duly appointed supervisor if they cannot be at work during these times.

Employees who are unable to report for work for any reason, who arrive late, or must leave early, should notify the City Administrator, or in their absence, the Mayor, before starting time or in no case later than 30 minutes after start of workday.

A physician's release when an employee returns to work following any absence may be required.

### **➤ Absence Without Notice**

If an employee fails to notify the City Administrator or, if not available, the Mayor after three days of consecutive absences, it will be presumed that the employee has resigned and the employee will be removed from the payroll. Likewise, employees must call the Mayor daily while off work due to short-term illness or accident.

### **➤ Inclement Weather**

City employees are expected to report to their workstations at their regularly scheduled times in inclement weather. Employees who are not able to report to work should call the Mayor. Employees must use vacation, compensatory time, or unpaid time off from work, if they are not able to report. The City Administrator or, if not available, the Mayor may also adjust the work hours.

### **➤ Lunch Period**

Employees receive one hour for lunch. This time period may be adjusted by the Mayor in certain circumstances. No City vehicles are authorized to be driven home for the lunch period. City owned vehicles are only authorized to be driven to City hall or City Barn for the lunch hour. Lunch periods are not accumulated or carried forward.

### **➤ Rest Periods**

Employees receive one fifteen-minute break in the morning and one fifteen-minute break in the afternoon. **No employee is authorized to return home during the day except for designated Lunch Break, unless prior authorization is received by the City Administrator or, if no available, the Mayor.** Rest breaks may not be accumulated or carried forward.

### **➤ Telephone Use**

City telephones and City issued cellular phones are to be used for business purposes in servicing the interests of our customers and in the normal course of City operations. Employees should limit any calls to emergencies or essential reasons. Long distance phone calls may only be authorized by the City Administrator or, if not available, the Mayor.

### ➤ **Electronic Media**

Electronic media, meaning electronic mail, voice mail and the Internet are intended for City business use. This media is considered a formal communications tool. Electronic media should not be used to waste time. Personnel desiring to possess personal communication devices such as cellular phones, pagers, PDA's, etc... may do so only with City Administrator or, if not available, the Mayor approval. In any case, personal communication devices shall not interfere with the assigned work duties and this privilege may be revoked by the Mayor.

### ➤ **Drug-Free/No Tolerance Workplace**

City employees are obligated to perform their assigned duties while in optimum mental and physical condition. The City recognizes that the on the job use and/or being under the influence of either abused prescription drugs, illegal or controlled substances and alcohol may result in serious and costly adverse job related conditions. Not only is the employee in jeopardy, but the well-being, personal health and safety of fellow employees and the citizens of Holland are threatened. **Drug Testing is Required. See attached Drug-Free/No Tolerance Policy.**

Public interest demands effective measures for preventing the placing and/or retaining of substance abusers in City positions. The City of Holland prohibits employees from reporting to work or remaining at work in an unfit or impaired condition. The City also prohibits possession, consumption and/or being under the influence of abused prescription drugs, illegal or controlled substances or alcohol on the job. It is the intent of the City of Holland to eliminate substance abuse and its effects in the workplace.

### ➤ **Harassment Free Environment Statement**

The City of Holland Strives to educate all employees, supervisors and managers to be sensitive to the issue of unlawful harassment, including sexual harassment. Each employee has the right to be free from harassment because of age, color, creed, national origin, gender or disability. Unlawful harassment of any type will not be tolerated. Harassment is the verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age or disability or that of his or her relatives, friends or associates that?

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

Employees who engage in this type of activity will be severely disciplined or terminated.

Sexual harassment is a form of gender discrimination and is not considered acceptable conduct by the City. Examples include unwelcome physical contact; sexually explicit language or gestures; uninvited or unwanted sexual advances; the telling of sexual jokes and stories; and any material, picture, poster or cartoon that could be characterized as demeaning from the perspective of sex and gender. Any case of harassment should be reported to the City Administrator or, if not available, the Mayor.

## ➤ **Vehicle Policy**

City vehicles will not be used to transport family or passengers not on City business, and not to transport firearms or alcohol except for the performance of official City business as authorized by the City Administrator or, if not available, the Mayor. Employees are expected to abide by all traffic and vehicle laws of the State of Texas and must maintain a valid Texas Driver's License.

## ➤ **Operation of Motorized Vehicles and Equipment**

All personnel authorized to operate City vehicles and equipment shall be required to obey all traffic rules and regulations prescribed by law, to have a current, valid and appropriate operator's license.

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

Only those personnel authorized by the City Administrator or, if not available, the Mayor shall be permitted to take city vehicles home after duty hours. Vehicles furnished by the City are for business use only and personal use is strictly forbidden. Any operator of City vehicles or equipment that violates any part of this regulation shall be subject to disciplinary action.

All accidents and any type of damage to City vehicles or equipment must be reported immediately to the City Administrator or, if not available, the Mayor. The Mayor, along with the Police Department if necessary, will investigate all accidents involving City vehicles and equipment. Each accident will be classified as Preventable or Non-preventable based upon the investigation. Any City employee found to have had a Preventable accident will be subject to disciplinary action including reprimand, suspension, demotion or termination. Any city employee having (3) three Preventable accidents within (3) three years will be subject to immediate termination.

## ***Employee Compensation & Benefits***

### **➤ Salaries**

In determining salaries and wages, consideration shall be given to prevailing rates of pay among private and public employers; the duties, responsibilities and qualifications required for the position; and other relevant factors. The City of Holland classifies each job position as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA). City employees are paid every two weeks on Friday. When a payday falls on a holiday, checks will be distributed on the preceding workday.

### **➤ Part-Time/Full-Time Status**

Full-time employees are those who are regularly assigned to work at least forty (40) hours each week. Part-time employees are those who are regularly assigned to work less than full-time. While part-time employees may occasionally work forty (40) or more hours in a particular workweek, or in a series of workweeks, that by itself will not change their regular schedule. However, the company reserves the right to change the regular schedules of employees at any time. In such a case, the company will give affected employees as much advance notice as possible of their new regular schedules and will advise employees of the effect of such changes on their eligibility for company benefits.

### **➤ Overtime**

Overtime, when ordered for the maintenance of essential City functions, shall be allocated as evenly as possible to those qualified to complete the work. For all scheduled and/or approved overtime work in excess of the normal forty (40) hour workweek, the pay shall be at one and one-half the employee's regular base pay.

### **➤ Overtime Compensation**

Non-exempt employees are compensated for overtime worked by being given (listed in order of the city's policy preference):

1. Equal amount of time off within the same work week; ~~or~~
2. ~~Compensatory time off within the next thirty (30) days at one and one-half (1½) times the number of hours worked, up to the maximum number of hours which may be accrued, provided that the supervisor and employee have agreed in advance of the overtime being worked that compensatory time off is acceptable to both in lieu of overtime pay; or~~
3. If specifically authorized by the department head after consultation with the City Administrator or, if unavailable, the Mayor, payment at the rate of one and one-half (1½) times the employee's regular hourly rate.

The city discourages time and one-half payment for overtime, which may be authorized by the City Administrator or, if not available, the Mayor, only if adequate funds are available in the department's budget and the City Council has granted authority to pay overtime. In addition, the city discourages the accumulation of compensatory time off for non-exempt employees at one and one-half (1½) times the number of hours worked because of the contingent liability this creates for the City.



**The preferable method for overtime compensation is to schedule equal time off for the affected employee during the same work period in which the overtime was worked.**

➤ **Compensatory Time**

In order to use compensatory time in lieu of overtime pay, there must be an explicit agreement between the appropriate department head or supervisor and the employee prior to the time the overtime is worked. This agreement must be confirmed in writing and placed in the employee's personnel file. In lieu of this arrangement, the City must have the agreement of all city employees regarding an overall compensatory leave policy. Any compensatory time earned must be used or paid within the fiscal year in which the overtime was worked. As a general rule, no more than forty (40) hours of compensatory time should be allowed to accumulate.

If not used during that time period, the compensatory time (which was entered and carried on the employee's records at one and one-half (1½) times the number of hours worked) will be paid at the employee's regular, straight-time rate of pay for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half (1½) time the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for hours actually worked).

➤ **Exemptions from FLSA (Overtime Compensation)**

Department heads, and other executive, administrative, and profession employees are exempt from the overtime provisions of the FLSA and are expected to render necessary and reasonable overtime service with no additional compensation. The salaries of these positions are established with this assumption in mind. Extra hours worked by executive, administrative and professional employees may be used as a factor in granting or denying paid leave other than vacation or sick leave. Subject to City Council Approval. Employees engaged in seasonal activities (such as recreational activities which do not operate for more than seven (7) month in any calendar year) are exempted from the minimum wage and overtime provisions of the FLSA as recreational, seasonal employees.

➤ **Holidays Worked**

The City's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular employee is required to work on a scheduled holiday, he or she will be given an alternate day off, preferably within the same workweek or work period. (See "Working During Holidays" section for a more detailed discussion of this policy.) An employee subject to the overtime provisions of FLSA who is required to work a full forty (40) hour week during a week in which he or she also takes a paid holiday will receive extra time and one-half pay or, if mutually agreeable, will earn time and one-half compensatory leave for the extra hours worked. Holiday time is not considered as time worked for the purposes of determining when an employee has reached his or her maximum allowable hours without being subject to overtime pay.

➤ **Leave Taken and Overtime**

If a full-time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a work week in which he or she has used sick leave, vacation leave, compensation time, holiday leave or any other type of released time, the employee will be given either hour-for-hour time off or pay for the extra hours at the employee's regular straight-time rate of pay for up to forty (40) hours of work

## **Leave Taken and Overtime (cont'd)**

during that work week. For hours actually worked in excess of forty (40) per week, the employee will be compensated (with compensatory time off, if mutually agreed upon in advance, or through pay) at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken.

### **➤ Emergency Duty**

All City employees are subject to callback for emergency duty. The Mayor or Mayor/City Council shall order emergency duty. Employees called back for emergency duty shall be compensated for actual time worked. Overtime pay will be authorized in excess of forty (40) hours.

### **➤ "On Call" or "Standby" Time**

The utility (water or wastewater) department requires that some employees be available in an "on call" or "standby" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. Employees who are on-call are required to respond immediately when notified to report to work. Response time should not exceed forty-five (45) minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the forty-five (45) minute response time. When utility (water or wastewater) department employees are assigned to be "on call" or "standby" status, the person(s) designated as "on call" or "standby" status for evenings, weekends and holidays will be paid \$100/week. The employee "on call" or "standby" status will be allowed to take a city vehicle home for the weekend only. No mileage will be paid if personal vehicle is used. Employee in salary-exempt status are not eligible for "on call" or "standby" status pay. (Updated 12-14-09)

### **➤ Vacation**

All permanent employees are entitled to vacation leave. Regular full-time employees earn vacation leave at a rate of ten (10) days or eighty (80) hours per year. After five years of consecutive employment, regular full-time employees earn fifteen (15) vacation days or one-hundred twenty (120) hours per year. Employees on probation will accrue vacation leave but are not eligible to take vacation leave until completion of the probation period, which is ninety (90) days.

The following guideline apply to vacation leave:

- Vacation leave shall accrue from the date of employment, but cannot be used until the successful completion of the ninety (90) day probational period. Vacation leave cannot be taken in advance of it being earned.
- Employees are encouraged to use their accrued vacation leave. The employees are required to take their annual accrued vacation within one (1) year from their anniversary NO employee may carry over vacation leave into the next anniversary year unless approved by the city council. ~~An employee shall be paid for accumulated vacation leave.~~
- Vacation must be scheduled in advance on a one for one basis. For example, if an employee wishes to take a week off, they must notify the Mayor a minimum of one month in advance. Two days, two weeks in advance, etc...

## **Vacation (cont'd)**

- No more than two City employees (not in the same department) shall be allowed to take vacation leave simultaneously. This will be handled on a first come basis by the City Administrator or, if not available, the Mayor. All vacation requests should be approved by the City Administrator or, if not available, the Mayor. All vacation scheduling will be at the discretion of the City Administrator or, if not available, the Mayor based on the best interest of City operations.
- Vacation leave cannot be advanced to employees without the City Administrator or, if not available, the Mayor.
- When a regularly scheduled city Holiday occurs during a period of vacation leave, the vacation leave will not be charged for that day.
- An employee can accumulate vacation leave equal to the amount of one (1) years' vacation total in addition to the current years leave. Any additional vacation hours will be lost and not paid.
  - \* Example: Under 5 Years of employment:  
Year one (1) current eighty (80) hours – No leave taken carried over  
Year two (2) accumulated eighty (80) hours = one-hundred-sixty (160) hours  
Must use eighty (80) leave hours to be able to carry over eighty (80) into year three (3)
  - \* Example: Over 5 Years of employment:  
Year one (1) current one-hundred-twenty (120) hours – No leave taken carried over  
Year two (2) accumulated one-hundred-twenty (120) hours = two-hundred-forty (240) hours  
Must use one-hundred-twenty (120) leave hours to be able to carry over one-hundred-twenty (120) into year three (3)
- Vacation leave that has been accumulated will be paid upon separation of employment (if probationary period has been completed and approved by the Council).

## **➤ Holidays**

The City of Holland provides eleven (11) regular holidays each year to all regular full-time employees. The regular holidays are:

**New Year's Day  
Presidents' Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve  
Christmas Day**

- Holidays which fall on a Saturday will be observed on the proceeding Friday. Those which fall on a Sunday will be observed on the following Monday.
- Employees in positions ordinarily providing services on weekends and holidays will be given another day off in lieu of being off on a City designated holiday.

- Permanent part-time employees who would have normally worked on a day of the week observed as a holiday shall be entitled to holiday pay for the number of hours they would have normally worked.

### ➤ **Sick Leave**

During absence from work caused by personal illness or accident, an eligible employee's wage or salary will be continued for the amount of time accrued in their sick leave account.

Regular full-time employees accrue sick leave at a rate of one regular workday for each month employed. Permanent part-time employees who work at least twenty (20) hours per week accrue sick leave at a rate of one-half regular workday per month.

### **Sick Leave (cont'd)**

- Sick leave shall accrue from the date of employment, but cannot be used until the successful completion of the ninety (90) day probationary period. Sick leave cannot be taken in advance of it being earned.
- An employee that begins service before the 16<sup>th</sup> or leaves after the 15<sup>th</sup> of any month shall earn a day sick leave credit for that month.
- Sick leave can be used in increments of three hours. Official holidays and regular days off shall not count against sick leave.
- To receive paid sick leave, an employee shall communicate with the Mayor, or in their absence, the City Administrator at the normal start time or no more than 30 minutes after the start time for the workday.
- Sick leave abuse will not be tolerated. The Mayor or City Administrator, at their discretion, may require satisfactory proof of illness or injury and may disallow any sick leave in the absence of a physician's statement. Employees who knowingly misuse or habitually abuse sick leave will be subject to termination.
- Sick leave may be accumulated up to 1,000 hours or 125 days.
- An employee terminating from City service shall not be allowed the use of sick leave in the last two weeks of employment.
- Sick leave has been accumulated will not be paid upon separation of employment.

## ***Leave Policies***

### **➤ Work Related Injury or Illness**

Each employee is required to report an injury or illness to the City Administrator or, if unavailable, the Mayor as soon as possible. This should occur no later than the end of the same working day. If necessary, the employee may be referred to the proper medical facility. In emergency situations, immediate medical attention should be sought.

Employees are required to provide a physician's statement prior to returning to work if the injury or illness was:

- Job related – was job-related and medical treatment from the physician was received; or
- Not job related – the injury or illness was NOT job related; the employee was absent all or part of three or more consecutive workdays; or
- Leave of Absence – the employee is returning to work from a medical or disability leave of absence; or
- Restricted duties – the employee's job duties are restricted by a physician.

### **➤ Military Leave**

Employees who are members of reserve component with the U.S. Armed Forces or National Guard are entitled to military leave with pay not to exceed fifteen (15) working days per calendar year unless approved by the Mayor. Employees who are inducted, enlisted, or called to active duty beyond fifteen (15) days may be granted military leave without pay. The employee must forward requests for extended military leave and copies of orders to the City Administrator.

Employees returning to City employment following active military duty are entitled to return to their former jobs or a comparable position if they have received an honorable discharge, and are physically and mentally fit to perform essential job functions, and they submit a re-employment request within ninety (90) days.

### **➤ Jury Leave**

Employees called to jury duty will receive their regular pay during the time they serve if they are serving on a regularly scheduled workday. Employees must immediately notify the City Administrator upon receiving a summons for jury duty. As soon as the jury duty has ended, the employee must return to work with a note from the court clerk. (Turn in Jury Pay from the Court)

### **➤ Emergency Leave**

All permanent full-time employees may be granted emergency leave with pay for a period not to exceed three (3) workdays in case of death in their immediate family. Immediate family, for this purpose, shall be defined as husband, wife, child, mother, father, mother-in-law, father-in-law, brother or sister.

➤ **Authorized Leave Without Pay**

In circumstances not falling within other provisions of these rules, the Mayor may authorize an employee to take leave without pay under mutually agreeable terms. The Mayor may revoke authorization at any time. In most cases, leave without pay shall not be authorized for periods greater than thirty (30) days. Employee benefits will remain in effect during periods of authorized leave without pay.

➤ **Absence Without Leave**

An employee who fails to report for work or remain at work as scheduled without proper notification or authorization shall be considered absent without leave. The employee will not be paid for the time involved, and will be subject to disciplinary action up to and including termination. Absence without leave constitutes abandonment of duties, which may result in termination. Any employee absent without leave for more than three (3) workdays is considered resigned and will not receive pay for any accumulated benefits.

## ***Discipline, Termination and Grievance***

### **➤ Discipline**

The City of Holland will discipline employees when employees fail to meet employment standards. The purpose is to prevent further violations of established procedures and to reaffirm the employment expectations of the City to the employee. The City's use of discipline does not alter the employment-at-will relationship.

The Council may take disciplinary action against an employee. The employee may be disciplined if City personnel having responsibility for an employee's area of work deems disciplinary action appropriate. Nothing in this manual shall be considered to create a property right in employment. **No employee shall have a contractual right in continued employment except by specific written contract.** Grounds for disciplinary action shall include but not be limited to the following:

- Illegal, unethical, abusive or unsafe acts, including theft of services
- Violation of rules, regulations, policies or procedures
- Insubordination
- Inefficiency, incompetence or neglect of duties
- Failure to report injuries
- Tardiness or unauthorized absence from duty
- General conduct unbecoming a City employee
- Falsification of official documents or records
- Use or being under the influence of drugs or alcohol not prescribed by a physician while on duty
- Damaging City equipment, tools, machines, property and failure to report such cases.
- Carelessness, recklessness, horseplay and wasting City resources
- Immoral conduct or indecency
- Abuse of any City benefit such as illness, injury, disability or other benefits
- Unauthorized or improper use of official authority
- Falsification or alteration of any time cards, vacation or sick hours or other personnel records

### **➤ Types of Disciplinary Action**

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, reduction in pay, demotion, and termination. Any of the foregoing types may be invoked for a particular violation, dependent upon the circumstances. Informal disciplinary action may also be taken. In any case, all disciplinary action shall be documented in the employee's personnel file.

### **➤ Appeals of Disciplinary Action**

Appeal of any formal disciplinary action may be made in writing to the City Council within fifteen (15) calendar days following actual action or notice thereof. Upon receipt of the written intent to appeal a disciplinary action, the Mayor shall place the appeal on the agenda of the next regular city council meeting.

### ➤ **Separation from Employment**

Prior to a separating employee receiving their final check, all City issued items including keys, uniforms, equipment, credit card, etc. must be returned to the City Administrator.

The following guidelines will be followed for final pay:

- An employee who terminates employment with the City and has completed and been approved for full-time employment, after the ninety (90) day probationary period, will be paid for any accrued vacation.
- An employee who terminates and has completed and been approved for full-time employment, after the ninety (90) day probationary period, will be paid for any accrued holidays.
- An employee who terminates and has completed and been approved for full-time employment, after the ninety (90) day probationary period, will be paid for any accrued compensatory time up to forty (40) hours.

An employee may leave City service in good standing by submitting their resignation and giving two (2) weeks' notice. The Mayor or City Administrator may waive any of the notice period. An employee resigning without first giving required notice shall be ineligible for reinstatement.

### ➤ **Probationary Employees**

All new employees shall be on probation for ninety (90) days. They may be discharged or disciplined during the probationary period for any reason, including termination without right to appeal. Completion of the probationary period shall not be considered to give an employee any property interest in continued employment. It is the policy of the City not to discharge a probationary employee arbitrarily or without cause; however, this is excepted for the need of layoffs.

Probationary employees will accrue vacation leave but are not eligible to take vacation time until the completion of the ninety (90) day probation.

### ➤ **Grievance Procedures**

Employees shall be encouraged to informally take any related complaints or problems to the City Administrator. Following informal discussions, an employee remaining dissatisfied with a working condition or other employment related matters not subject to appeal of disciplinary action procedures may submit a written grievance to the Council within fifteen (15) calendar days after the date of the action creating the grievance. The Council shall respond within ten (10) work days.

If the grievance cannot be resolved by the City Administrator or Mayor, the grievance may be submitted to the City Council for resolution. It must be submitted to the City Administrator no more than thirty (30) calendar days after the date of the original action creating the grievance. The grievance will then be placed on the agenda of the next regularly scheduled city council meeting.



## ***Computer and Internet Usage Policy***

***(Added to Policies 9/15/2008)***

### ➤ **Definitions**

The following definitions shall apply to this policy:

***City Computers*** shall include, but is not limited to computers, information systems, databases, telephone lines, modems, and all technological devices owned by the City or belonging to the City whether in part or whole which stores electronic information, accesses electronic data, or otherwise is utilized for electronic communication including all URL addresses accessed thereon.

***Objectionable/Improper Material*** shall include, but not be limited to; pictures, cartoons, drawings, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic. No employee shall bring into the work environment or possess any such material to read, display, or view at work.

***Spamming*** shall mean the sending of unwanted advertising by electronic means to any person or organization but does not include typical advertising found on Internet Websites.

### ➤ **General Guidelines**

This policy applies to e-mail or internet usage on City Computers, and does not supersede any state or federal laws, or any other City policies regarding confidentiality, information dissemination, or standards of conduct. Employees need to keep in mind that all e-mail and URL addresses are recorded and stored along with the source and destination.

This policy is intended to prevent the misuse of City Computers, specifically as it pertains to the following unacceptable practices:

- Improperly downloading files that contain viruses which may contaminate City information systems, computers or databases
- Accessing objectionable or improper material
- Use of work access non-work-related information or to “surf” the internet for non-business related reasons
- Objectionable language is strictly prohibited, including but not limited to, racist, sexist threatening, or similar language
- No employee is authorized to set up an e-mail account or name other than that which the City has authorized for them to utilize on the City’s Computer
- E-mail shall not be used for any personal monetary interests or gain
- City Computers shall not be used to advocate for or against any political issue or candidate
- Employees shall not use City Computers or internet accounts to subscribe to mailing lists or mail services strictly for personal use and shall not participate in electronic discussion groups (i.e. list server, my space, news group, chat rooms, etc.) for personal purposes.
- No employee shall read, alter, or delete any other person’s e-mail without that person’s consent unless proper authorization has been obtained. This applies regardless of whether or not the computer’s operating system permits these acts.

## Guidelines (cont'd)

- No advertising or unauthorized links may be used on the City's website
- City Computers and access to the internet there from must not be used for illegal, improper, or illicit purposes.

**Employees have no right to privacy with regard to use of City Computers.** Members of the Governing Body and Department heads have the ability and right to view employees e-mail, URL addresses, and other data stored within the City Computers, whether automatically or manually stored. Employees should be aware that when using the City Computer, the data is the property of the City and therefore the taxpayers of the City. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to State records retention. Employees should be aware that when using the City Computer for personal use, there is always the potential for the employees' actions or activity may be interpreted as official City policy or opinion; therefore, when an employee sending a personal e-mail message, the employee must use the following disclaimer at the end of the message: "This e-mail contains the thoughts and opinions of (employee name) and does not represent official city policy."

### ➤ Usage

This policy applies to any and all forms of use of the Internet, and does not supersede or limit any state or federal laws, not any other City policies regarding confidentiality, information dissemination, or standards of conduct.

Generally, City Computers should be used only for legitimate City business. However, brief and occasional computer use for personal nature may be sent and received if the following conditions are met:

- Personal use of the City Computer is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may also result in appropriate disciplinary action.
- Personal e-mail should not impede the conduct of City business; only incidental amounts of employee time (such as the times comparable to reasonable coffee breaks during the day) should be used to attend to personal matters.
- Personal use should not cause the City to incur a direct cost in addition to the general overhead for operation of the computer system.

Employee internet access must be authorized by the Department Head and this policy. A condition of authorization is that all Internet users must read and sign a copy of this policy. Department heads should work with employees to determine the appropriateness of using the Internet for professional activities and career development. Use of the City Computers by any City employees must be consistent with the policies of the City regarding employee conduct and work conditions. The City Computers must be treated as a formal communications tool like telephone, radio, and video communications. Therefore, each individual user is responsible for complying with this and all other relevant policies when using the City's Computers or resources for accessing the Internet or e-mails.

All use of the City Computers must be in compliance with all applicable laws and policies of the federal, state and the City. Use of these same resources in violation of this policy is grounds for disciplinary action up to and including termination.

## **Usage (cont'd)**

A wide variety of information is available on the internet and some individuals may find information on the internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over, and cannot be responsible for the content of information available on the internet. Employees need to keep in mind that all internet usage may be recorded and stored along with the source and destination. The governing body and department heads have the ability and the right to view employees' usage patterns and take action to assure that City Computer resources are devoted to maintaining the highest levels of productivity. The internet path record is the property of the City and therefore the taxpayers of the City. Such information is subject to the Texas Public Information Act and the laws applicable to state records retention. Each employee using the City Computers shall identify him/herself honestly, accurately, and completely when providing such information.

Employees shall report all computer virus outbreaks or instances of "spamming" to the supervisor, Mayor and IT contractor. A log of all such outbreaks or spamming and the eradication method used shall be provided to the City Council at the next available meeting and all departments shall be notified in the event of a virus outbreak. The Mayor, IT contractor and Department Heads may take whatever action is necessary to prevent the spread of a computer virus to other computers to eliminate spamming.

### **➤ Safety and Security**

The safety and security of the City Computer systems and resources must be considered at all times when using the internet. Employees shall not share a password for any City Computer or with any unauthorized person nor obtain any other user password by any unauthorized means. Intentionally or consistently posting or sharing any racist, sexist, threatening, obscene or otherwise objectionable material is strictly prohibited and subjects the employee to disciplinary action.

Employees must not intentionally use the City Computer systems to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user. Employees shall not intentionally create, install, or knowingly distribute a computer virus of any kind on any City Computer, regardless of whether any demonstrable harm results. Resources of any kind for which there is a fee must not be accessed or downloaded without prior approval of the Mayor. Downloading or accessing resources for purposes other than City business is strictly prohibited. Employees shall not copy, install, or use any software or data files in violation of applicable copyrights or license agreements.