

City of Holland Employee Policy Manual

This Manual and its Updates are Effective September 2025

Revisions 09/22/2025



Acknowledgement of Employee Policy Manual

I hereby acknowledge receipt of this Employee Policy Manual, which is available in electronic format on the City of Holland website. I also acknowledge that I understand it is my responsibility to read the Manual and familiarize myself with the policies contained therein. I agree to comply with all the policies and procedures applicable to my position, including updates or electronically published changes to the policies and procedures contained in the Manual. Questions about the Manual may be directed to my Department Head, the City Administrator, or Mayor as appropriate.

I further understand that the City of Holland Employee Policy Manual is not an employment contract. The City of Holland retains the right to change this Manual, and to modify or cancel any of its employee benefits when the need for change is recognized. I understand that my employment is At-Will and may be terminated by either myself or the City at any time, with or without cause, and with or without notice.

I further understand that as a City of Holland employee, I have a personal responsibility to provide quality service to the public, to achieve the highest degree of safety possible for my fellow workers, to make suggestions continually for improvements, and to display a spirit of teamwork and cooperation.

Employee Printed Name

Employee Signature

Date

City Residents elect the City Council, which includes a Mayor and Council Members.

The City Council appoints or oversees a City Administrator (or equivalent top administrator).

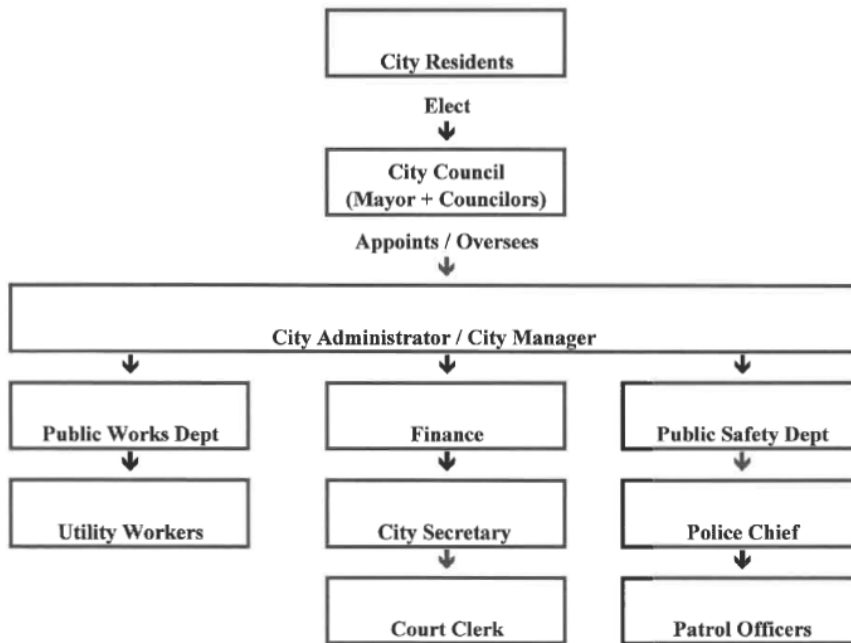
The City Administrator manages all departments in the city, such as:

Public Works (streets, waste, water)

Finance (budget, taxes)

Public Safety (police, fire, EMS)

Each department has employees like engineers, officers, technicians, and administrative staff.



June 2025

AUTHORITY AND APPLICABILITY

THESE RULES SHALL APPLY TO ALL CITY EMPLOYEES, EXCEPT AS SPECIFIED HEREIN, OR WHERE INCONSISTENT WITH CITY ORDINANCE, CITY CHARTER, AND STATE, OR FEDERAL LAWS. THE CITY ADMINISTRATOR SHALL BE RESPONSIBLE

FOR THE APPLICATION OF THESE RULES AND SHALL CONSTITUTE THE FINAL ADMINISTRATIVE AUTHORITY IN THEIR INTERPRETATION AND ENFORCEMENT.

AMENDMENTS TO PERSONNEL POLICIES AND PROCEDURES

THE CITY OF HOLLAND PERSONNEL POLICIES AND PROCEDURES MAY BE AMENDED BY THE CITY ADMINISTRATOR FROM TIME TO TIME FOLLOWING ANY UPDATES TO LABOR AND STATE LAWS. SUCH AMENDMENTS WILL BE INCORPORATED INTO THIS EMPLOYEE POLICY MANUAL AND PUBLISHED ELECTRONICALLY ON THE CITY'S WEBSITE AND WILL BE ACCESSIBLE TO ALL CITY STAFF. IT IS THE DUTY OF EACH EMPLOYEE TO READ AND BECOME FAMILIAR WITH THESE RULES. IF ACCESS TO A COMPUTER IS NEEDED, IT IS THE EMPLOYEE'S RESPONSIBILITY TO SPEAK TO THEIR SUPERVISOR, DEPARTMENT HEAD, DEPARTMENT DIRECTOR, IT OR CITY ADMINISTRATOR FOR ACCESS TO A COMPUTER IN ORDER TO REVIEW THESE POLICIES AND PROCEDURES IF ONE HAS NOT BEEN ASSIGNED TO THEM FOR WORK PURPOSES. ALL DIRECTORS AND SUPERVISORS SHALL NOTIFY CITY ADMINISTRATOR IF AN EMPLOYEE SEEKS ASSISTANCE OR DISCLOSES THAT HE/SHE SPEAKS/ READS ENGLISH AS A SECONDARY LANGUAGE AND MAY REQUIRE TRANSLATION OF ALL OR PORTIONS OF THIS POLICY MANUAL. ALL BUDGETARY AND WAGE-RELATED POLICY CHANGES SHALL BE APPROVED BY CITY COUNCIL.

PERSONNEL RECORDS

THE CITY ADMINISTRATOR OFFICE SHALL MAINTAIN AN COPY OF THE PERSONAL WORK HISTORY RECORDS OF EACH EMPLOYEE. RECORDS SHALL BE MAINTAINED ON INACTIVE EMPLOYEES IN ACCORDANCE WITH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION RETENTION SCHEDULE FOR RECORDS. AN EMPLOYEE'S RECORDS ARE AVAILABLE FOR INSPECTION IN THE CITY ADMINISTRATOR OFFICE BY THE EMPLOYEE, INDIVIDUALS AUTHORIZED BY THE EMPLOYEE, HIS/HER IMMEDIATE SUPERVISOR, AND THE DIRECTOR/DEPARTMENT HEAD OR DESIGNEE. IN RESPONSE TO REQUESTS BY AGENCIES OR INDIVIDUALS OUTSIDE THE CITY GOVERNMENT, THE CITY ADMINISTRATOR OFFICE WILL RELEASE ONLY PUBLIC RECORDS SUCH AS EMPLOYMENT HISTORY INFORMATION, THAT WHICH IS REQUIRED BY LAW TO BE RELEASED, OR WHICH, IF RELEASED WILL NOT VIOLATE THE EMPLOYEE'S RIGHT TO PRIVACY, IN ACCORDANCE WITH THE TEXAS PUBLIC INFORMATION ACT.

ONLY THE CITY ADMINISTRATOR / MAYOR IS AUTHORIZED TO DISCUSS AN EMPLOYEE'S MEDICAL CONDITION(S) OR TEST RESULTS FROM ANY LAB THAT IS WORK RELATED. FAILURE TO COMPLY WITH THIS SECTION MAY LEAD TO EMPLOYEE DISCIPLINE INCLUDING TERMINATION.

DEFINITIONS:

ANNIVERSARY DATE: THE DATE RECOGNIZED AS BEING A FULL YEAR, OR MULTIPLE YEARS, FROM THE DATE OF INITIAL EMPLOYMENT OR REHIRE. **ANNIVERSARY DATE AS IT RELATES TO FULL-TIME EMPLOYEES:** LONGEVITY PAY SHALL BEGIN ONE FULL YEAR FROM THE DATE THE EMPLOYEE BECAME A FULL-TIME EMPLOYEE.

DEPARTMENT HEAD: A PERSON RESPONSIBLE FOR THE ADMINISTRATION OF ONE DEPARTMENT. AT TIMES IT MAY BE USED INTERCHANGEABLY WITH THE DIRECTOR.

DIRECTOR: A PERSON APPOINTED BY AND DIRECTLY RESPONSIBLE TO THE CITY ADMINISTRATOR FOR OVERALL MANAGEMENT OF ONE OR MORE DEPARTMENTS, A DIRECTOR MAY ALSO BE CALLED A DIRECTOR/DEPARTMENT HEAD AND THE TWO AT TIMES MAY BE USED INTERCHANGEABLY.

NEPOTISM: IS THE SHOWING OF FAVORITISM TOWARD A RELATIVE BY BLOOD OR MARRIAGE

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CHAPTER 1 GENERAL PROVISIONS

Introduction

- a) The purpose of the City's Employee Policy Manual is to provide a consistent guide to personnel actions involving City employees', it is not intended to create contractual rights regarding employment, termination, or other personnel actions. It is not intended to give specific guidelines for every conceivable personnel action, but rather to be a guide for resolving personnel matters. This manual references policies and forms which can be found in the city's shared drive. This document is sufficiently broad to provide the latitude of discretion which may be needed in individual circumstances. However, this degree of discretion shall not be permitted to violate the Policy's intent. This Policy should be referred to regularly when making decisions affecting City personnel. It will help to ensure that decisions are fair, consistent, and in accordance with the desires of City management. These policies may also apply to volunteers of the City.
- b) Personnel Policies are developed by the City Administrator. The general content of these policies includes information regarding equal employment opportunity, a work environment that is free of discrimination, bullying, retaliation, harassment including sexual harassment, a code of conduct, emergency conditions, personnel files, and departmental policies and procedures.

Management Authority

- a) The City may modify, revoke, suspend, interpret, terminate, or change any or all its policies and procedures in whole or in part, at any time. Policy administration rests with City management and City management reserves sole authority to administer City operations.
- b) This policy manual supersedes all previous personnel policy manuals or handbooks approved or utilized by the City of Holland and becomes effective September 2025.
- c) The City Administrator is delegated the responsibility for administering, interpreting, and maintaining personnel policies. Directors/Department Heads are responsible for enforcing these policies and for cooperating with City Administrator and his/her designee(s) on all matters pertinent to their organizational units. Directors/Department Heads are responsible for assisting the employee or volunteer in accessing a copy of the city policies. All employees have a responsibility and role in the implementation of these policies and procedures.
- d) These personnel policies shall apply to all City employees, including full-time employees, part-time employees, temporary/seasonal employees, and volunteers, except where these policies may conflict with federal, State, or local legislation. Enforcement of these policies is handled in the manner prescribed by the individual policies and if not stated then by City Administrator.
- e) These policies relate only to matters of personnel management and do not include any departmental procedures, standard practices, standing orders, or other technical matters. Supplemental rules for all City departments may be developed within the respective departments so long as these departmental policies do not conflict with City personnel policies and procedures.

At-Will Employment

- a) Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be At-Will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Policy does not constitute a contract of employment. Nothing in this policy is intended to alter the continuing At- Will status of employment with the City.

Equal Opportunity Employer (EEO)

The City of Holland is an Equal Opportunity Employer (EEO). The City does not discriminate against qualified applicants or its employees in its employment policies, practices, and access to its services. Title VII of the Civil Rights Act of 1964, as amended, and other federal civil rights laws, prohibits discrimination against or preference for any person in recruitment, hiring, discharge, pay, fringe benefits, membership, training, examination, appointment, promotion, retention, discipline, or any other aspect of employment because of race, color, sex, age, religion, national origin, veteran status, marital status, disability, or on the basis of genetic information, and all other categories protected by law. The City will not allow illegal discrimination in the workplace, and conduct found to violate the City's policies relating to discrimination and harassment may lead to discipline up to and including termination.

Americans with Disabilities Act Amendment Act (ADAAA) Accommodation Policy

- a) The City is committed to complying with all applicable provisions of the ADAAA. It is the City's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such an individual's disability or perceived disability so long as the employee can perform the essential functions of the job with or without reasonable accommodations. Consistent with its policy on nondiscrimination, the City will provide reasonable accommodation determined through an interactive process, to a qualified individual with a disability as defined by the ADAAA, who has made the City aware of his or her disability and needs an accommodation, provided that such accommodation does not place an undue hardship upon the City.
- b) An employee with a disability who believes that he or she needs reasonable accommodation to perform the essential functions of his or her job should submit a request in writing to the City Administrator. The City encourages individuals with disabilities to make the City aware of any disability and to request reasonable accommodation.

Procedure for Requesting Accommodation

- a) Accommodation requests will be evaluated on a case-by-case basis through an interactive process. In response to an accommodation request, the City Administrator and the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to enable the employee to perform the essential functions of his or her job. If the employee seeks but it is unable to suggest appropriate accommodation, the

City may consult with outside agencies and organizations to identify reasonable accommodation options for the specific situation.

- b) The City Administrator and the employee's supervisor will determine the feasibility of the requested accommodation. Various factors will be considered, including but not limited to, the nature and cost of the accommodation, the City's overall financial resources, the accommodation's impact on the operations of the City and the individual department or division, including its impact on the ability of other employees to perform their duties, and on the City's ability to conduct business.
- c) The City Administrator will inform the employee of the decision on the specific accommodation request, any alternative accommodation proposed, or how to implement the approved accommodation. If the accommodation request is denied, the employee will be advised of the right to appeal the decision to the City Administrator by submitting a written statement explaining the reasons for reconsideration of the request within five (5) business days. If the request on appeal is denied that decision is final. If an employee's circumstances or needs change, he or she may restart the interactive process and request reasonable accommodation, even if an earlier request has been denied.
- d) The City does not need to provide accommodation if doing so would cause an undue hardship, meaning the accommodation is unduly costly, extensive, substantial, or disruptive or would fundamentally alter the nature or operation of City business.
- e) The ADA does not generally require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items at the City's cost (i.e., eyeglasses, hearing aids, wheelchairs, etc.).
- f) Employees who fail to return to work after the conclusion of an approved leave, including any extensions of leave granted as reasonable accommodation, shall be regarded as having voluntarily resigned their position.

Discrimination and Retaliation-Free Work Environment Policy

- a) All City employees are entitled to a work environment free from discrimination and retaliation. Discriminatory treatment occurs when an individual uses a protected class (those groups protected from employment discrimination by law) as a basis for an adverse employment action or decision. This policy covers allegations of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information discrimination in, transfer, compensation, termination, and conditions, or privileges of employment.
- b) The City considers discrimination and retaliation to be grave acts of misconduct and may subject the perpetrator to disciplinary action up to and including termination. Supervisors are accountable and have an obligation to pursue a discrimination and retaliation-free workplace environment.
- c) The City will investigate every report of an alleged incident committed in the workplace and will take appropriate action. The result of that action may range from informal counseling to disciplinary action, up to and including termination the first time such behavior occurs. Every City employee shall support and enforce this policy.

Harassment-Free Work Environment Policy

- a) It is the right of all employees to perform their jobs in an environment free from all forms of harassment, including innuendo, physical contact, verbal suggestiveness, or derogatory ethnic/racial/sexual remarks. While supervisors are responsible for creating and maintaining an atmosphere free of harassment,

employees are responsible for respecting the rights of co-workers. The City will not tolerate conduct or material that is offensive to a reasonable person, or retaliation for invoking the Americans with Disabilities Act, or conduct or material that is offensive to any individual with a known disability.

- b) Title VII of the Civil Rights Act of 1964, as amended prohibits discrimination on the basis of sex. Additionally, the Equal Pay Act of 1963 prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment; recognizing that not all employees perform at the same level, employee salaries may be different based on factors other than sex, including individual performance evaluations.
- c) The Equal Employment Opportunity Commission (EEOC) defines unlawful Sexual Harassment as unwelcome, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, including hiring, promotion, pay, fringe benefits, job training, classification, referral, and other aspects of employment, or submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- d) It is the City's policy to prohibit sexual harassment and discrimination in the workplace. This policy covers vendors, customers, volunteers, and others who enter our workplace as well as all employees.

Harassment and Anti-Violence Workplace

The City prohibits and will not tolerate employee conduct that is harassing, intimidating, bullying, threatening or violent, including, but not limited to: inappropriate or harassing comments, jokes, references, or mannerisms; threats of violence; physical challenges to fight; stalking; inappropriate or harassing physical conduct; attempted assault or assaulting of fellow employee(s), vendors, customers, or any others who enter our workplace. Employees should make any complaint that they may have under this policy by completing the City of Holland Harassment Complaint Form HR-06 and filing the form with the City Administrator. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination. Directors, department heads and supervisors are required to immediately take action, report, and notify City Administrator of any conduct that is harassing, intimidating, bullying, threatening, or violent.

Online & Electronic Harassment

Consistent with the spirit and intent of the Sexual Harassment and Discrimination Policy and the Harassment and Anti-Violence Workplace Policy mentioned above, the City will not tolerate harassing, intimidating, bullying, threatening or violent employee or volunteer conduct or behavior that creates intimidating, hostile or offensive environments online or through electronic means. The City prohibits such conduct whether it occurs at work or outside of work via any social media, including but not limited to chats, tweets, message boards, blogs, social networking sites such as Facebook, LinkedIn, Twitter, instant messaging, avatars, spam, redirected or automatic linking, popups, or other Internet sources or through electronic means such as text messages, email messages, voicemail messages, or images relayed on cell phones, computers, or tablets when they are directed toward or concern a City employee, a City representative or when they create a harassing, bullying, or intimidating environment at work. These forms of harassment commonly referred to as online harassment, cyberstalking,

cyberbullying, or textual harassment are prohibited to the same extent that the similar in-person conduct, or comments are prohibited as described in the Sexual Harassment and Discrimination Policy. The transmission of offensive messages, humiliating comments, threats, or pornographic or lewd images or recordings by City employees to or about any other employee or representative, whether on City-provided equipment or otherwise, constitutes a violation of this policy. An employee who suspects he or she has been subjected to online harassment should save a copy of the harassing material and forward the material together with his/ her completed Harassment Complaint Form HR-06 to the City Administrator or the City Administrator. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

Online Impersonation

- a) Employees should be aware that Section 33.07 of the Texas Penal Code criminalizes social media masquerades. This is also known as “catfishing” which means attempting to pretend to be someone you are not online and includes creating a fake profile on a social networking site, to enable online communications or to open social media accounts with a different identity. This type of online impersonation includes posting or messaging the name, address, phone number or other identifying information about a person without their consent and with the intent to cause the recipient of the communications to believe the person transmitting is authorized to do so, and has the intent to harm or defraud, intimidate, or threaten.
- b) Any employee found in violation of this policy will be considered to have violated the City’s policy concerning online harassment and will be subject to disciplinary action, up to and including termination. The only exception to this policy involves undercover police operations at the direction of the Chief of Police or designee.

Complaint & Grievance Procedures

The City is committed to a workplace free of discrimination and harassment. Any employee that is subject to, is a witness to, or becomes aware of any conduct that might be considered discrimination, harassment, bullying, intimidation, threatening or violence of any employee must immediately report the incident to their immediate supervisor, the City Administrator (Ref Section 7.03). If a supervisor is notified of a complaint, he or she should immediately notify the City Administrator. If the supervisor is the person engaging in the alleged conduct that is the subject of the complaint, the employee should report the conduct to any other supervisor, the City Administrator. The City Administrator shall be notified of any complaint made against the Chief of Police, at which time the City Administrator shall determine the appropriate investigating party, which may include hiring an independent third- party solely for the purpose of investigation. If a complaint is against the City Administrator, the employee should report the complaint to the City Administrator who will forward the matter to the Mayor and City Attorney. A complaint against the City Administrator may be investigated by an independent third party if approved by the council.

- a) The following steps should be taken to file a complaint.
- b) If a person is filing a complaint or grievance as a result of a known disability, the person should follow the ADA Grievance Procedures.
- c) The City Administrator will investigate. When appropriate, law enforcement officials will be involved to ensure the safety of employees.

- d) If it is determined that discrimination or harassment did occur, the City will take immediate corrective action to end the harassment or discrimination, return any lost benefits or opportunities to the employee, restore a proper workplace environment, and discipline the harasser in compliance with Texas Labor Code Sec. 21.142 Unlawful Employment Practice. The disciplinary or corrective action taken may include discipline up to and including termination.
- e) Complaints made in good faith will in no way be held against any employee. However, the misuse of the complaint process may result in appropriate disciplinary action up to and including termination.
- f) The City will not tolerate retaliation of any kind and in any manner. This protection extends not only to individuals who complain about unlawful harassment or activities, but also to those who serve as witnesses or participate in investigations under this policy.
- g) Confidentiality will be maintained as much as possible regarding complaints of unlawful harassment. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only to those who need information to investigate or take corrective action, or as dictated by Texas or Federal law.

Fraud Policy

- a) The purpose of this policy is to establish a fraud policy to convey, both internally and externally, the intent and conviction that all City business is conveyed with integrity using the highest ethical standards possible. To accomplish this purpose, this policy seeks to establish rules that clearly define acceptable behavior, prevent fraud, and outline the appropriate response to allegations of fraud in connection with City programs, functions, or activities. This policy applies to all City employees. Fraudulent activity is prohibited. All allegations of fraudulent activity will be investigated.
- b) If it is determined that any employee has engaged in fraudulent activity, the employee will be subject to discipline, up to and including termination of employment, and referral may be made to an appropriate law enforcement authority. Retaliation against any employee for reporting what is believed to be fraudulent activity or for participating in or cooperating in an investigation or an allegation of fraud, is prohibited.
- c) The City is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, vendors, volunteers, or its own employees, to gain by fraud or deceit, financial or other benefits. It is everyone's responsibility to report any possible fraudulent activity or irregularity. The City will make every reasonable effort to identify and promptly investigate all instances of known or alleged instances of fraudulent activities or other fiscal irregularities.
- d) When suspected fraudulent incidents or practices are observed by or made known to an employee, the employee shall report the incident or practice(s) to their supervisor. If it is inappropriate to report the incident to the supervisor or if an employee is uncomfortable reporting the incident or practice(s) to the supervisor, the employee may report it to their Director/Department Head, and the City Administrator.
- e) Unless there is a conflict of interest, the respective Director/Department Head has the primary responsibility for the investigation of all suspected fraudulent acts in their department as defined in the policy. The Director/Department Head shall provide the findings of the investigation including the determination if fraudulent activities have occurred, by issuing a report to the City Administrator and City Administrator. If, during an administrative investigation of an employee, information is found or developed indicating the employee may have committed a criminal offense, the information will immediately be referred to the appropriate law enforcement agency for investigation.

- f) The City will take appropriate disciplinary and legal action against employees or others found to have violated this policy, including possible termination of employment, restitution, and disclosure of available information to the appropriate authorities for criminal prosecution. Fraud will not be tolerated and will be appropriately dealt with regardless of the individual's past performance, position held, length of service, or relation to the City.

Employee Privacy

- a) The City has a policy of respecting the dignity and worth of each individual employee while expecting that each employee shall offer his/her loyalty, respect, and best efforts in return. However, as public sector employees supported by public funds, employees should not expect privacy in their work, workstations, or any City owned property including vehicles or anything that belongs to the City used to produce that work.
- b) The City shall demonstrate its concern for individual dignity by minimizing its intrusion into the employee's off-the-job conduct except where it impacts the public's safety or brings disrepute to the City. However, the City shall retain its duties and privileges as an employer consistent with good business practices. This includes collection, retention, use, disclosure, and confidentiality of employee information. The City shall comply with all requirements of federal and State law regarding confidentiality of medical information. The City shall comply with the Health Insurance Portability Accountability Act (HIPAA).
- c) During the course of employment, employees/volunteers may have access to Confidential Information. Any Confidential Information, whether oral, written, or electronic, must be maintained in a manner that ensures its confidentiality. The release of such Confidential Information negatively impacts the City of Holland.
- d) Confidential information must be treated with respect and care by all employees/ volunteers who are authorized to have access to this information. Employees/Volunteers who are authorized to use or disclose confidential information also have the responsibility to safeguard access to such information. Employees/Volunteers who are authorized by the City of Holland to access confidential information have a responsibility to limit access to those that are not allowed by permission and by law. The access must be appropriate to the employee's job responsibility, and on a need-to-know basis only. A breach is a violation of this policy or state or federal law, or both. No employee other than the city Administrator may contact a medical provider or facility or drug testing facility directly regarding the condition or test results, of an employee or any other medical basis as permitted by this policy and law.
- e) City employees shall comply with the terms of the City of Holland Confidentiality Policy HR-
- f) Employees who breach confidentiality will face disciplinary action up to and including termination.
- g) Volunteers who share confidential information will be removed as volunteers and prohibited from volunteering for the City in the future.
- h) All personnel files are subject to release as allowed by the Texas Public Information Act (Chapter 552 of the Local Government Code).
- i) All employees shall fulfill their responsibilities under Texas Public Information Act
- j) All employees are responsible for a level of confidentiality that will preserve an environment that supports sincerity, honesty, and ethical behavior.
- k) As official government records, most types of communication, unless they fit an exception to disclosure, may be made available to the public upon written requests in accordance with the Texas Public Information Act.
- l) Every employee is responsible for designating, in writing, whether any information about their home address, telephone number, or emergency contact information may be released under the Texas Public Information

Act. A Public Access Option Form HR-15 shall be in the employee's personnel file which states that this information is not to be released, otherwise it is subject to release under this Act.

Employee Access to Personnel Records and Management Files

Employees have the right to review information in their Personnel File. Any employee who requests to view their personnel file shall do so in City Offices with City Administrator personnel present. The City Administrator shall limit the availability of personal information to those authorized officials with a clear need to know.

Current Address and Information

Each employee is responsible for promptly notifying the City Administrator of changes in address, telephone number, marital status, and dependents. This responsibility includes employees on any type of leave of absence. The City Administrator will utilize the employee's legal name as displayed on the employee's Social Security card.

Confidentiality of Medical Information

- a) Federal law requires the City to maintain all employee medical information in a separate, confidential file. Therefore, in addition to a personnel file, the City maintains a separate medical file for each employee.
- b) Information that may be provided to the City by an employee's health care provider, and maintained in the confidential medical file, includes but is not limited to:
 - c) A note to justify absence.
 - d) A note to request a leave. A note to verify the employee's ability to return to work.
 - e) Medical records to support a claim for disability benefits, sick leave bank hours, FMLA or PTO related to a medical condition.

Workers' Compensation Records

- a) It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to his/her supervisor or City Administrator. When an employee provides information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis to other members of management.
- b) In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their co-worker's medical information. Employees are expected to use discretion and judgment when dealing with such information, and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a co-worker's privacy or breach of confidence.
- c) All employees are entitled to have personal and medical information kept private. Under no circumstances shall a City employee disclose Protected Health Information (PHI) regarding another City employee.
- d) Unauthorized disclosure of PHI may constitute a crime and shall subject an employee to immediate disciplinary action up to and including termination. Any employee who believes that the City is not complying with requirements of medical record privacy may submit a written complaint to the City Administrator. The

complaint must contain a description of the complaint and an explanation of the circumstances surrounding the complaint.

- e) Complaints may also be filed with the Secretary of the U.S. Department of Health and Human Services. No retribution or negative action shall be taken or tolerated because an employee files a complaint with the City Administrator or the Department of Health and Human Services.

Emergency Conditions Personnel Policy

- a) The citizens of Holland depend on City employees before, during and after an emergency or disaster to provide quality customer service while maintaining and restoring essential public services for health, safety, and quality of life for our community. City employees demonstrate pride and commitment to quality customer service by ensuring a continuation of public services during the essential periods of every emergency or disaster. All employees are required to adhere to the City of Holland Emergency Operations Plan which details the scope, responsibilities, and implementation of the policy. This rule also sets out responsibilities of City employees before, during, and after disasters to ensure that City employees function as a team in preparing the City's vital assets, maintaining essential City services and in restoring City services.
- b) All staff shall be assigned to a Response Tier. Employees shall be notified of their assigned Response Tier at the time the City has been made aware of a potential emergency event unless otherwise directed by the City Administrator or the employee has an approved waiver. The Emergency Response Tiers are as follows:

- Tier I

Tier I personnel are those who are on the Incident Command. This includes those designated by the Incident Commander-City Administrator as follows:

Incident Commander

Public Information Officer

Safety Officer

Liaison Officer

Emergency Administrator

Depending on the incident, this list may include the Operations Section Chief, Finance Section Chief, Logistics Section Chief, and Planning Section Chief.

- Tier II

Tier II personnel during an emergency event will be notified by their Director/Department Head if their need is anticipated based on the type of emergency event. This group may include personnel who are assigned mitigation tasks pre-event, and who may be designated to ride out an event at the City in order to be available to act immediately, particularly at the start of the recovery phase.

- Tier III

Tier III personnel may include the City Secretary and City Administrator who may be asked to leave the emergency event area/ City in order to respond from afar. This may include working from a hotel or other City.

- Tier IV

This Tier includes all other City staff not assigned to another Phase listed above.

- c) These personnel shall return to the City post event, and as soon as directed but after the City has been made secure and safe for return and the restart of operations.
- d) Each June 1, employees may apply for an Emergency Response Waiver on the prescribed form requesting exemption from responding to an emergency event. The waiver must be supported by documentation and approved by the Department Director/ Head. An approved Waiver is valid from July 1 through June 30 of the following year.

Departmental Policies and Procedures

Individual departments may develop supplemental personnel and administrative policies and procedures consistent with this Manual. Prior to implementation, all departmental policies will be reviewed by the Department Director to ensure consistency with existing policies and administrative rules. City Administrator will partner with Directors/Department Heads to develop policies that align business needs with applicable standards, city ordinances and city policies.

Computer Use

Internet access is provided by the City for use in attaining departmental objectives and goals. Use of the Internet to perform a job or enhance job effectiveness is permitted. Users are required to delete personal or non-business-related e-mail on City computers. Users should not have an expectation of privacy on a City provided network including internet access or e-mail.

Acceptable Use

- a) Permissible use of the System is to carry forward City business. Use is encouraged when it results in the most efficient and effective means of communication. It is the responsibility of the employee to use the System, including internet and e-mail, to assist in carrying out the business purposes of the City. This includes, but is not limited to:
 - b) Perform job functions.
 - c) Communicate information in a timely manner.
 - d) Coordinate meetings of individuals, locations, and City resources.
 - e) Communicate with departments throughout the City; and
 - f) Communicate with outside organizations as required performing an employee's job functions.

Unacceptable Use

- a) Unless the use is related to the employee's job duties or authorized by a supervisor, employees may not use the System for any of the following purposes:

- b) Disable, remove, bypass, or uninstall any standard workstation, laptop, or mobile device host management controls (i.e., Anti-Virus software, Mobile agents).
- c) Attempt to bypass permissions and access assigned to the employee.
- d) Share passwords or transmit outside of the City of Holland networks any usernames, passwords, certificates, or other credential information utilized to access the City of Holland's networks.
- e) Under no circumstances is an employee of the City of Holland authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing City of Holland-owned resources.
- f) Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam) or creating or forwarding chain letters.
- g) The use of City email in an inappropriate manner.
- h) Sending, forwarding, creating, downloading, viewing, storing, or copying e-mails or information that violates any City policy, especially that of a racial or sexual nature, or that contains other derogatory content that violates any City policy. Employees who receive inappropriate e-mails with content not within the City's policies from any City employee must immediately report the matter to their supervisor or the City Administrator.
- i) Follow unknown email links and attachments. Treat them as suspicious unless the employee is expecting to receive them. Report any suspicious emails to the Information.

Technology (IT) Department.

- a) Surfing internet websites that are offensive, sexually explicit, and abusive, threatening, or using e-mail inappropriate for the workplace, or in an inappropriate manner.
- b) Spending excessive amounts of time on personal e-mail, surfing the internet, or participating in chat rooms. Excessive use is defined as any use that could generate additional expenses to the City, or decrease customer service internally or externally, or otherwise lower the productivity of employees.
- c) Intentionally and maliciously misrepresenting the originator of any type of electronic information.
- d) Installing copies of any software onto City of Holland computers or copying software from the City's computer to install on any other computer.

Ownership

All electronic information on the System remains the property of the City, and employees should have no expectations of the right to privacy in the use of the System even if for permitted personal use. Employees must recognize that it is within the capabilities of the System to recover previously deleted elements at any time, and those recovered elements remain the property of the City.

Monitoring

The City reserves the right, with or without notice, at any time, for any reason, to monitor the use of the System and to access information sent, received, or stored.

Public Disclosure

Any information on the System is presumed to be subject to disclosure, upon request, as public information. Therefore, employees should use discretion in making use of the System to discuss sensitive matters or matters in litigation.

Passwords

- a) Passwords are an important aspect of computer security. Employees must take every precaution to protect their passwords, and at no time should any password be shared. A poorly chosen password may result in the compromise of the City's network.
- b) If an account or password is suspected to have been compromised or shared, a mandatory password reset is required immediately. Report any suspected compromise to the Information Technology (IT) department and change all passwords.

Use of City Credit Cards

- a) The City of Holland does possess and will utilize credit cards when making City purchases, emergency purchases, and for use during City sponsored travel, or other special purposes. The City of Holland's Administrator is designated to be responsible for the City of Holland credit card issuance, accounting, monitoring, retrieval, and for general oversight of compliance with the credit card use policy. City credit cards may be used only by those authorized and only for the purchase of goods or services for the official business of the City of Holland. All authorized users of City credit cards shall submit documentation detailing the goods or services purchased, the cost of the goods or services, the date of the purchase, and the official business for which it was purchased. The authorized user will turn in the credit card with all the documentation outlined above.
- b) An authorized employee, who is issued a credit card, is responsible for its protection and custody, and shall immediately notify the bank card issuer and the City Administrator if the credit card is lost or stolen. The City Administrator will follow established Accounts Payable internal control procedures for approval, documentation, and payment of credit card charges.
- c) If a City credit or purchasing card is used to make a purchase and the employee does not have a receipt to support the purchase, the employee must reimburse the City for the cost of the unsupported purchase.
- d) Unauthorized use of a City credit card shall result in disciplinary measures to the fullest extent of the law and may include termination.

Use of City Property

- a) City facilities, equipment, supplies and other City resources are made available to help employees perform their job duties and not for their personal use. The City, however, recognizes that under certain circumstances the employee's occasional brief use of City telephones, computers, facsimile, e-mail, copiers, Internet, and similar resources for personal use may be necessary or beneficial to the City. The City may establish separate procedures governing the use of specific equipment. An employee that violates this policy with excessive use of City equipment for personal use shall be subject to disciplinary action up to and including termination.
- b) An employee who causes or permits loss or damage to city property or city issued equipment to occur through a negligent act or through omission, or otherwise misuses or abuses city property may be held responsible and subject to the cost of repairing or replacing any city supplies, materials, equipment or other damaged property."

Use of City Vehicles

- a) City Vehicle- any vehicle that is owned or leased by the City.
- b) Unless authorized by specific, written authorization employees who operate a city vehicle shall not use such vehicle for any purpose not related to city business. Vehicle operators must have a valid Texas Operator's License for the like and kind vehicle being operated and must observe traffic laws at all times. All City employees must always be secured by safety belts while the vehicle or equipment is being operated. Employees in a safety sensitive position or position that have essential functions to operate a city vehicle or equipment must provide consent to the City to perform a record check as outlined in Chapter 730 of the Texas Transportation Code.
- c) There shall be no tobacco products, smokeless cigarettes, or vaping items used inside any City vehicle nor while operating any machinery or equipment. While in a city vehicle it is prohibited to purchase alcohol or alcoholic beverages, to transport alcohol or drug paraphernalia; an exception to this policy is a police officer in the course and scope of his duties as outlined in the Holland Police Department Policy.
- d) Employees who operate City vehicles may not carry passengers who are not employees of the City at anytime and may only carry such passengers as required for the performance of the City business, or when other civic and social activities are in the best interest of the City as determined by the City Administrator.
- e) Employees who are assigned to be on-call may be allowed to take a vehicle home for the duration of their assigned on-call shift. Police Officers who reside no more than 25 miles from the City limits of Holland may take home a vehicle with the permission of the Chief of Police. All other employees must receive written permission from the City Administrator to take a city owned or leased vehicle home. Any employee taking a vehicle home is expected to appropriately take care of the vehicle by ensuring it is kept clean and in working order.
- f) Employees who operate a City vehicle, leased, or owned, or who operate their personal vehicle while on City business are responsible for any and all traffic and parking citations received while operating the vehicle, and must comply with Texas financial responsibility laws regarding insurance. If any employee operating his/her own vehicle on City business is involved in a motor vehicle accident, the employee must report the accident immediately to their supervisor or department head, and City Administrator within 24 hours. A claim must first be filed with the employee's personal insurance.

CHAPTER 2. RECRUITMENT AND EMPLOYMENT

Vacancies

Departments shall notify City Administrator when a vacancy occurs so that the City can attract and recruit staff that reflect the diversity of the community, works well within our organization, and promotes and supports the City's Core Values.

City Administrator shall post notice of a position vacancy along with the requirements needed to perform the job. The intent of the job posting process is to enable all candidates to apply for those vacancies for which they feel they are qualified. City Administrator in collaboration with the director/department head may elect to post a position internally before posting to the general public.

The Director of City Administrator in conjunction with the Director/Department Head may waive the posting requirement in special situations, for example, a temporary employee who is trained and working at a job for an extended period.

Applications

City Administrator shall post job vacancies on the City's website. Vacancies will be accessible to the public through the City's webpage under Human Resources unless a decision has been made to post internally first as outlined in 2.01. Applicants must complete an official City job application; resumes will not be accepted in lieu of a completed application. Internal job applicants must complete the City of Holland Job Application. All applications, internal and external, must be submitted through City Administrator to be considered for the posted position. Incomplete applications will not be considered.

Evaluation and Selection of Applicants

To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful. The City may check the employment references of all applicants, conduct drug and alcohol screenings (for safety-sensitive positions), a physical, and background investigations including but not limited to fingerprinting, a criminal history background check, a motor vehicle records investigation, and a credit check.

The City Administrator may reject any application that indicates on its face, that the applicant does not possess the minimum qualifications required for the position for the following reasons:

He or she is not able to perform the essential functions of the position to which he or she seeks appointment, with or without the necessary accommodations.

He or she engages in the illegal use or excessive use of drugs or intoxicants, has tampered with, or refused to submit to a preemployment drug or alcohol test.

He or she has been found guilty of a felony or a crime involving moral turpitude.

He or she has been dismissed from a previous employment for disciplinary reasons, with or without reasonable cause.

He or she has been dismissed previously from the City's service.

He or she has intentionally made false statements in his or her application.

City Administrator, in accordance with the city's established compensation plan, shall establish the wage offered to all candidates based on the candidate's direct experience of the job posted.

All offers of employment shall be completed and sent to the candidate by City Administrator.

Criminal History

Conditional offers of employment and continued employment are contingent upon receipt and review of an applicant's or employee's criminal history record. An applicant may be disqualified, or an employee may be transferred or terminated if it is found that the applicant or employee has a criminal history record that is inappropriate for the position.

Employees must immediately report to their Director/Department Head any arrest, charge, or indictment, whether related to on-duty or off-duty events. The Director/Department Head will in turn, immediately notify the City Administrator regarding all related incidents.

During the pendency of any charges, a determination by the City Administrator will be made in consult with the City Attorney to determine whether the employee will remain in their current position, be transferred, demoted, or given time off of work in a paid or unpaid status or be terminated. An employee who fails to timely report the event under this section may be disciplined up to and including termination. The burden of providing proof to change a determination under this policy is placed on the employee.

Certified Law Enforcement Officers

Background Investigation. All applicants shall be subject to a rigid background investigation pursuant to the standards of the Texas Commission on Law Enforcement (T.C.O.L.E.).

Testing. All qualified police applicants shall be tested to determine their basic qualifications for the job, including a readiness physical test. Said test shall be prepared by or under the direction of the Chief of Police.

City Council. All applicants who successfully comply with the background investigation and testing shall be interviewed and screened by a review board. The review board shall consist of at least three (3) but not more than five (5) people, appointed by the Chief of Police.

After interviewing and screening, the City Council may recommend up to three (3) applicants to the Chief of Police, ranking the applicants in order based upon qualifications, test score and interview. The Chief of Police may hire any individual who passes the background investigation, physical readiness test, drug and alcohol test, and review board, regardless of rank in score that may result from a group of applicants.

Citizenship. All candidates for employment as a uniformed peace officer must comply with the citizenship requirements of the Texas Commission on Law Enforcement (TCOLE).

Age Requirements

Age limits are indicated in some job descriptions for various positions upon the basis of bona fide occupational qualifications or statutory requirements. Where no age requirements are specified, the following shall apply:

no person under the age of 18 years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned or leased by the City or in positions of a hazardous nature.

no person under the age of sixteen shall be employed unless a special program is approved by the City Administrator or City Council such as summer camps.

Within statutory limits and restrictions, minors (age 16 or 17) may only be considered for employment in positions of non-hazardous nature. Occupations declared to be hazardous to persons between 16 and 18 years of age by the Department of Labor include: motor vehicle driver and outside helper on a motor vehicle, operating power-driven machines, operating elevators and power-driven hoisting equipment, operating chain saws, circular saws and guillotine shears, excavation, and roofing related activities.

New Employee Processing and Orientation

The hiring Director/Department Head, Administrator, and City Administrator staff will partner to ensure a successful orientation for all new employees. This will include successful completion of all required paperwork before beginning work for the City. The department will be tasked with ensuring new hires or newly promoted employees are properly trained in the safe use and operation of tools and equipment and provide necessary Personal Protective Equipment (PPE).

Medical Examinations

Employees may be required to submit to a fitness for duty medical examination in accordance with federal and state laws.

Disqualification

- An employment applicant may be disqualified from consideration if he/she:
- does not meet the qualifications necessary for the duties of the position.
- Cannot perform the Essential Functions of the job with or without accommodation.
- has made a false statement of material fact on the application form or supplements.
- has committed or attempted to commit a fraudulent act at any stage of the selection process.
- is not legally permitted to work in the United States.
- does not successfully complete all pre-employment procedures which may include, but are not limited to:
 - Background investigation
 - Physical, and drug and alcohol screen
 - Driving record check

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

Introductory Period

Every person initially hired for or promoted to a position in the City shall be required to successfully complete an Introductory Period of ninety days(90). Completion of the Introductory Period does not change the employment-at-will relationship, and either party may terminate the employment relationship at any time, with or without notice, and with or without cause.

Performance will be evaluated throughout the Introductory Period, and when applicable, progressive discipline, as outlined in this manual shall be used. Only those employees who meet acceptable standards during their Introductory Period shall be retained. The direct supervisor will provide feedback to the employee during this Period as consistent with the City's performance management practices (see Chapter 4 of this Employee Policy Manual.). The Introductory Period may be extended for an additional sixty Days (2) months, if the employee is not fully meeting the acceptable standards at the end of the ninety-day (90) period, the Introductory Period may not be extended beyond the additional sixty days(2) months. The City Council may provide guidance regarding the decision to extend the Introductory Period.

An employee is considered to have failed in the Introductory Period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof does not meet minimum

job performance standards and expectations for the position. Failure of the Introductory Period may occur at any time within the Period and shall not be considered part of the disciplinary process.

An employee who fails the Introductory Period may be separated from City service and will not be paid their accrued PTO. A newly promoted employee who fails the Introductory Period may be returned to his/her former position if available and approved by the Director/Department Head and may be eligible for consideration for later advancement. Director/Department Head shall ensure thorough documentation of all cases of failure during the Introductory Period.

An employee failing the Introductory Period shall have no right of appeal except on the grounds of discrimination prohibited by law, in which case the employee may appeal in writing to the City Council.

Promotions/Transfers

It is the policy of the City to allow the transfer of employees between positions and departments to be promoted from within, where possible, when filling vacant or newly created positions. Employees that meet the following criteria are eligible to apply for another open position within the City:

- are satisfactorily performing their duties.
- no documented verbal reprimands within the previous ninety (90) days.
- no written reprimands within the past six (6) months; and
- no documented final written reprimands, suspensions, or disciplinary demotions within the last twelve (12) months.

Employees interested in available opportunities for promotion or transfer should review job postings available on the City internet website or at City Hall.

A letter of interest and an updated resume should be turned in to City Administrator along with a completed Job Application Form prior to any posted closing date for openings.

This policy statement does not in any manner, guarantee an employee a promotion or create a contract of employment (expressed or implied).

All Police Department promotions/transfers shall comply with the established Police Department Directives/ policy.

Notice to Department. If selected for transfer or promotion, the employee must give at least two (2) weeks' notice to the employee's current department, unless waived by the employee's director/department head.

The time requirement may be waived by the City Administrator upon recommendation by the Director/Department Head or City Administrator if a promotion or transfer would be in the overall best interest of the City.

All promotions and related salary increase shall be coordinated with the City Administrator and shall comply with the city's adopted classification and compensation program. Departments involved in the transfer or promotion shall mutually agree on a date of the action. The maximum amount of time for action should be two (2) weeks unless extenuating circumstances exist; it will be a management decision in coordination with the City Administrator.

All promoted employees must successfully complete a ninety-day (90) Introductory Period. If either the supervisor or the employee is dissatisfied in any way during the Introductory Period, the employee may request a return-transfer to the former position. The transfer may be approved by the Director/ Department Head or the City Administrator only if

the position has not been filled. If the employee's former position is no longer vacant, the employee may be separated from employment with the City.

Transfers

A transfer is defined conceptually as the assignment of an employee from one position to another position of the same or similar grade or salary range. Transfers may be made administratively or in conjunction with an announced selection process. An interdepartmental transfer may occur at any time for administrative convenience or upon request of the employee as approved by the Director/ Department Head and City Administrator, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated.

Departments involved in the transfer or promotion shall mutually agree on a date of the action. The maximum amount of time should be two (2) weeks unless extenuating circumstances exist and at that time, it will be a management decision in coordination with City Administrator.

Re-Employment

To be considered for re-employment, a former employee must have demonstrated acceptable performance in their prior service with the City and must meet the minimum qualifications for the position for which they are applying. The employee must remain mentally and physically qualified to perform the essential functions of the job and may be required to pass a physical examination and a drug and alcohol screen(Depending on the position). Individuals who were terminated from the City, who resigned without giving two weeks' notice, or who failed to work their final two weeks, who resigned not in good standing or in lieu of discharge, who resigned pending the outcome of an investigation in which they were the subject of or party to, or who are not otherwise recommended for rehire, are generally not eligible for rehire. These individuals may only be considered for employment with the City of Holland after discussion and agreement between the Director/Department Head, City Administrator.

Rehired employees are subject to the conditions of employment and benefits of a newly hired employee including the Introductory Period if separation has been longer than 30 days.

Nepotism

Nepotism - is the practice of showing unfair favoritism toward a relative.

The employment of relatives can cause various problems including but not limited to charges of favoritism, conflicts of interest, family discord and scheduling conflicts that may work to the disadvantage of both the City of Holland and its employees. In keeping with the City of Holland City Charter no city officer or employee shall violate any applicable nepotism law of the State of Texas as it now reads or may read in the future.

The practice of nepotism in both personnel matters and the awarding of contracts are prohibited. Every employee must make full disclosure of any situation that involves or may involve a conflict between the employee and the interests of the City. Every employee always has an obligation to promote the best interests of the City.

It is the general policy of the City that relatives within the second degree shall not be employed in the same department or organizational unit. Any exceptions shall be approved in advance by the City Council. If an exception is made and it is later determined the nepotism has cause for concern or conflict, the employee hired last shall be separated from employment by the City Administrator.

Prohibited degrees of relationship are defined in the following chart:

CONSANGUINITY (BLOOD) KINSHIP CHART

FIRST DEGREE

SECOND DEGREE

THIRD DEGREE

| | | | |
|----------|----------|---------------|---------------------|
| EMPLOYEE | Father | Brother | Aunt |
| | Mother | Sister | Uncle |
| | Son | Grandfather | Nephew |
| | Daughter | Grandmother | Niece |
| | | Granddaughter | Great Grandfather |
| | | Grandson | Great Grandmother |
| | | | Great Granddaughter |
| | | | Great Grandson |

(The spouses of the above persons are also included in the prohibited degree of relationship.)

AFFINITY (MARRIAGE) KINSHIP CHART

| FIRST DEGREE | SECOND DEGREE |
|--------------|-------------------|
| Spouse | Brother |
| Mother | Sister |
| Father | Grandfather |
| Son | Grandmother |
| Daughter | Granddaughter/son |

Non-Fraternization

Supervisors are prohibited from dating or have any involvement of a romantic nature with subordinates.

Residence

There shall be no absolute residence requirement for City employment. Employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges to be able to respond within 30 minutes to their place of work.

Political Candidacy by City Employees

The following shall apply when City employees seek elected office.

A City employee who intends to run for a political office within the City of Holland shall file the designated City Employee Intent form with the City Administrator before announcing and applying for candidacy. This form may be found in the Office of the City Secretary.

A City Employee seeking election to the City of Holland City Council must voluntarily resign their employment with the City of Holland upon becoming a candidate for public office.

A City Employee may seek election to or be a candidate for a political office, if such office does not pose a conflict of interest related to his/her job duties, authority, work hours, or other related aspects of employment. If elected or appointed to political office (such as city council for another city, county commissioner, school boards, etc.), and such office is clearly inconsistent, incompatible or in conflict with his/ her duties as a City employee, the employee shall terminate City employment prior to assuming the elected or appointed office.

The City Administrator will determine if a potential conflict exists based on the candidate and this policy.

CHAPTER 3. COMPENSATION AND WORK HOURS

Salary Policy

The City maintains a classification and compensation system. Positions are placed in a pay group in the pay schedule based upon the required knowledge, skills, abilities, education, training, and experience required for the position, and upon the relative influences of the local labor market conditions as they affect the position. The City strives to ensure positions with similar levels of responsibility and work value are allocated similar classification levels.

Categories & Classification

Job Classification and Compensation or Pay-Range Schedule.

The City groups all jobs into a job classification and compensation or pay-range schedule according to job duties, responsibilities, knowledge, education, training, skills, and abilities.

For each job classification, there is a job title, job description, and compensation pay range, a description of the essential functions of the job, the minimum qualifications required to perform the job, and the pay range for the job.

The job descriptions are intended to be descriptive and explanatory only, and do not necessarily include all the duties performed by an employee.

Maintenance of the Job Classification and Compensation or Pay Range Schedule. The City Administrator shall be responsible for the maintenance of the Job Classification and Compensation or Pay-Range Schedule Plan and shall recommend to the City Council the assignment of each job position to its appropriate compensation pay range and the designation of each job position as exempt or non-exempt in accordance with law.

Job Classification and Compensation or Pay-Range Schedule Adoption and Amendments. The City Council shall adopt and amend the Job Classification and Compensation or Pay-Range Schedule. The City Administrator shall implement the Council adopted Job Classification and Compensation or Pay-Range Schedule.

The City offers full-time, part-time, and temporary/seasonal employment opportunities to meet the City's staffing requirements. The City may also use temporary employment agencies, volunteers, and community service workers to provide flexible responses to changing workload requirements.

Full-time – an employee in a budgeted position with an officially scheduled work week of at least 40 hours. Employees in these positions are eligible for City benefits subject to the terms, conditions and waiting periods of each program such as vacation, sick leave, paid holidays, health insurance, life insurance, retirement, workers' compensation, etc.

Permanent Part-time – an employee budgeted to work no more than twenty-nine work hours per week for at least 40 weeks per year. This employee is not benefit eligible but may be eligible for

TMRS. This employee is eligible for paid holidays after 1 year of service in the amount equal to the average daily hours worked in the previous 12 months.

Part-time - an employee who shall not exceed nineteen work hours per week/999 hours per year. This employee is not eligible for benefits or TMRS.

Temporary/Seasonal – an employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of limited duration (less than 1,000 hours annually). Temporary/seasonal employees may be either full-time or part-time. Intern positions are included in this category. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and Seasonal employees are not eligible for benefits except those which are legally mandated, such as workers' compensation.

Benefits include medical, dental, vision and life insurance and any other ancillary product offered including participation in the city's elective deferred compensation plans.

In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt in accordance with federal regulations for overtime and minimum wage requirements through the Fair Labor Standards Act (FLSA).

Exempt – an employee in a position paid on a salary basis regardless of the number of hours worked in a pay period and exempt from the provisions of the FLSA's minimum wage and overtime regulations. Exempt employees are not legally entitled to overtime compensation for work performed beyond 40 hours in a workweek except as provided for under Emergency Events Policy EM-01.

Non-exempt – an employee who is not classified as “exempt” and is paid on an hourly basis for the number of hours worked in the work week. Employees in these positions are subject to the provisions of the FLSA's minimum wage and overtime regulations.

Record Keeping

Department Directors will have full responsibility for reporting all hours worked for department employees which shall be maintained in the electronic attendance/ payroll system.

Pay Upon Separation

All employees who have successfully completed the Introductory Period and who leave the service of the City for any reason shall receive all pay which is legally due. Any indebtedness to the City which the employee may have incurred shall be deducted from the final paycheck.

All employees who resign shall give at least two (2) weeks written notice before the effective date of resignation in order to leave in good standing. Employees who are terminated or who do not provide two weeks' advanced written notice may not be paid out their accrued Vacation.

If it is in the best interest of the City, the Director/Department Head in conjunction with the City Administrator, may waive the final two (2) weeks of employment. If the City waives the final two (2)

weeks of work, the employee may be compensated for the two (2) weeks and be paid out their accrued Vacation.

An employee should not plan to use accrued leave during their final two (2) weeks' notice period. If the employee needs to use one (1) day of Sick Leave or Vacation to attend a medical visit, a doctor's notice must be provided. If the employee does not work their final two weeks, and has no supporting medical documentation, the employee may risk losing payment of accrued Vacation. Exceptions may be made for extenuating medical circumstances.

Work Week & Attendance

The City of Holland's work week begins at 12:00AM on Thursday and ends the following Wednesday at 11:59 PM. City Offices are open to the public for the transaction of business from 8 a.m. to 5:00 p.m., Monday through Friday. The Police Department shall be open to the public continuously. Police Officers are scheduled to work eighty (80) hours in a two-week pay period. All other regular, full-time employees are scheduled to work forty (40) hours per week but may be required to work additional hours. Directors/ Department Heads and City Administrator shall determine the time at which employees begin and end their work shifts.

Employees shall be at their designated workspace at the start of their assigned shift and place of work in accordance with City and departmental policies and regulations. Hourly employees must clock in at the start of the day and clock out at the end of the day as well as clocking in and out for lunch. No employee shall clock-in and leave to conduct personal business, doing so will constitute a theft of time and will be grounds for disciplinary action up to and including termination.

Department Directors shall establish work schedules and maintain daily employee attendance records. Supervisors will exercise the primary management-level responsibility to oversee employee attendance. Excessive absences, excessive tardiness, failure to report to work without reporting the reason to the immediate supervisor, failure to follow the procedures for requesting or using leave are undesirable performance factors and will be managed by supervisors who may use the disciplinary process up to and including termination if necessary.

Failure to report to work without notice for three consecutive business days will constitute an abandonment of the job and will result in termination for No-Call-No-Show. If the first no-call, no-show is a Friday and the second no-call, no-show is on Monday of the following week, this shall constitute abandonment of job and will result in termination.

Overtime

The City has the right to require that overtime hours be compensated in the form of pay or Compensatory Time, as determined appropriate by the Director/Department Head. All overtime to be worked must be approved in writing, and in advance by the Department Director or his/her designee

Overtime shall be defined as: NON- EXEMPT

Police Officers and Public Safety Communications Officers – all hours worked in excess of eighty - four (84) during a two-week pay period.

All other employees-all hours worked in excess of forty (40) during one (1) work week.

Minimum overtime amounts shall be as follows: NON- EXEMPT

Additional time worked at the beginning or end of the regular shift shall be limited to the actual time worked.

NON- EXEMPT Police Officers called to work while off duty and out of uniform shall be awarded a minimum of two (2) hours if they are required to appear in uniform (see Police policy.)

All other employees called to work after finishing a regular shift shall be awarded a minimum of one (1) hour.

On-Call Time : Public Works

This policy applies to all non-exempt employees.

All full-time employees who are waiting to be engaged (on call) and are subsequently called into service, shall be paid from the moment they are on-site or clock in, until the job is complete with the exception of employees of the Police Department.

Employees who have called off work for the day or who have a scheduled Vacation on the day they are scheduled to be “on-call” shall be removed from “on-call” and shall not earn any “on-call” stipend and shall not be called into work; the supervisor shall make arrangements to assign the “on-call” status to another employee.

Incentive Pay

Incentive pay includes certification pay, license pay, degree pay and other such related pay. The City may arrange for such stipends as the budget allows, and payment of such shall be determined each fiscal year by City Council. Incentive pay is not guaranteed from year to year. Incentive pay is not included in an employee’s base wage but shall be included as earned income for tax, garnishment, employee benefit, and TMRS purposes. A list of those professional certifications or designations eligible for pay shall be approved by the City Administrator.

Breaks

Director/Department Heads and Supervisors shall implement work schedules, including work hours and lunch schedules, to meet the general requirements of their departments. Rest breaks of 15 minutes or less are not required by law, but if offered, must be counted as time worked

Retirement

Effective on the date of employment, employee participation in the Texas Municipal Retirement System (TMRS) is mandatory if the employee’s position normally requires them to work at least 1,000 hours per year. Employees contribute six (6%) percent of their gross compensation, and the City matches the employees’ contributions at a 2 to 1 ratio. The provisions of the retirement program are covered in the TMRS Handbook available by visiting <https://www.tmrs.org>.

Permanent part-time employees will participate in the City's Retirement Plan when scheduled to work 1,000 hours or more per year as a regular course of business.

The City provides a five (5) year vesting, which means an employee who completes five (5) years of service to the City and then separates from employment with the City (without withdrawing his/her deposits) becomes entitled to service retirement at age 60. An employee can retire at any age after twenty (20) years of credited service.

Social Security and Medicare

The City participates in the Federal Social Security (FICA) and Medicare system which provides benefits in the event of retirement or disability.

Unemployment Insurance

All employees of the City are covered under the Texas Unemployment Compensation Insurance Program. The premium for this insurance is paid for by the City.

Bi-Weekly Payroll

The City of Holland operates on a bi-weekly payroll system and pay stubs are issued twenty-six times a calendar year.

Direct Deposit and Check Stubs

Direct deposit offers a cost-effective way of ensuring that all employees are paid in a timely manner. Therefore, all employees are requested to have direct deposit for their pay. A paper copy of the employee's paycheck stub will be provided to them.

The City will deposit funds into the financial institution where the employee is the owner of the account. Employees are responsible for notifying City Administrator of current banking information.

Errors In Pay

It is the employee's responsibility to notify the payroll if the employee detects errors in a paycheck. This includes over and underpayments, errors in deductions, and other information that would cause a discrepancy in the net or gross income of the employee. If an error occurs which results in an overpayment to an employee, the employee will be required to reimburse the overpayment to the City within a reasonable time. If the error occurs on the employee's final paycheck, corrections must be made in cash or cashier's check. If the error results in underpayment, the employee shall be made whole on their next payroll or as soon as possible, or no later than the next regularly scheduled pay period.

Holidays

If payday falls on a holiday, pay stubs will be issued on the preceding workday.

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 the "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] eave for the extra hours worked. Holiday time is not considered as time worked for the purpose of determining when an employee has reached his or her maximum allowable hours without being subject to overtime pay.

Assignment of Wages/Garnishments

The City shall not recognize any assignment of wages not required by law. Payroll deductions are allowable only when available to all City employees and approved by the City Administrator unless mandated by law.

The City is not required to take action in the event of any garnishment, attachment, or judgment against an employee's earnings, except the collection of overdue federal income taxes or court-ordered child support.

Emergency-Inclement Weather Compensation

The City of Holland makes every effort to maintain its normal schedule of operations, unless directed otherwise, to deliver City services during all scheduled and published hours. Employees, unless otherwise ordered, are expected to report to work regardless of weather conditions or other emergency situations.

Regardless of weather or other conditions, the City never closes. Because of the essential and direct impact on public safety and health, essential City services must continue regardless of the weather, man-made or technological emergencies or disasters. Emergency Essential Personnel are required to report to work as scheduled or as needed, regardless of official delayed opening, early closing, or closure of City facilities. This section outlines how compensation will be handled under emergency-inclement weather conditions.

In the event of a Federally declared emergency, the City Administrator, at his/her discretion, may determine the appropriate compensation, if any, for exempt employees. The City's Emergency Management Plan, the Office of Emergency Management, the Holland Police Department Directives, and City Administrator should be consulted when determining compensation. (Rev. 4/2025)

CHAPTER 4. EMPLOYEE DEVELOPMENT

Performance Management

The City of Holland's Performance Management Program is a management tool providing supervisors and Administrators with objective, job specific appraisal instruments to be applied using standardized procedures. Important administrative uses of the Performance Management Program in the City include identifying employee training needs, guiding administrative decisions regarding promotions, re-assignments, disciplinary actions, and terminations.

The employee performance management process is intended to accomplish the following objectives:

- enhance individual employee performance and ensure effective City operations.
- promote and support performance and behavior which is aligned with the City's values-based culture.
- document both formal and informal performance discussions held with employees throughout their tenure.
- identify and enhance employee strengths and develop action plans to address areas of improvement.
- link employment decisions with employee performance when applicable.

An employee's failure to meet job requirements or failure to satisfactorily perform job duties may result in a Performance Improvement Plan (PIP) or disciplinary action, up to and including termination.

Performance Evaluation Review

All employees during their Introductory Period shall receive their first performance review within ninety (90) days of employment. Thereafter, employee job performance shall be reviewed at least annually in order to evaluate job performance and facilitate communication between employees and supervisors. Employee performance reviews shall be in writing. Each supervisor will be required to complete a performance review at intervals determined by the City Administrator for each employee with a copy provided to the City Administrator. The Mayor and/or City Council will conduct a performance evaluation on The Police Chief, Utility Director and City Administrator.

If an employee is absent during the year for an extended period of time, the review may be delayed until sufficient time has passed in which to evaluate the employee's performance.

Training

The City will provide appropriate training for City employees subject to available funding. All job specific training must be aligned with City-Wide training, strategic goals, or certification requirements.

City Administrator will sponsor citywide training for areas of development deemed necessary for all or a large portion of City employees. Each Department may establish training for their specific needs.

Employees and supervisors have a shared responsibility in the creation and implementation of an employee development plan.

Individual Employee Responsibility - Each employee is accountable for her/his job performance. Employees should request training from their supervisor in the areas that need improvement. At a minimum, employees should be able to perform their essential job duties and consistently exhibit behavior which is aligned with the City's values.

Immediate Supervisor Responsibility- The immediate supervisor is responsible for the overall development of his/her employees. Supervisors shall identify areas for development and ensure training opportunities. Supervisors should ensure their employees are well trained to perform their job duties and deliver exceptional service delivery and customer service.

Travel and Training Time

The determination of whether time spent traveling or in training (classes, seminars, workshops, etc.) is compensable, will be based on applicable standards such as the FLSA. Generally, any training time that is required by the City will be considered work time. Daily commuting time to and from the employee's normal work location is not considered work time.

Authorization

Directors/Department Heads are responsible for authorizing out-of-town travel and training, considering both budget availability and department staffing needs. The City will pay for allowable business travel expenses (refer to Vehicle Allowance Policy FI-04) when reasonable, necessary, and directly related to conducting business for the City of Holland. Expenses incurred for City travel that are not in compliance with the policies outlined below will not be paid or reimbursed. City related travel shall be reimbursed at the Texas Comptroller's Travel Reimbursement Rates for the year in which the travel occurred.

The following types of expenses are considered reasonable and necessary to business travel expenses.

- Transportation (City or personal vehicle, airfare, parking)
- Lodging (if outside of 65 miles one way)
- Registration fees for conferences, training, and tuition
- Meals

Other incidental business expenses (copies, fax, internet service) The following will NOT be paid or reimbursed.

- Alcoholic beverages
- Theft, loss, or damage to personal property
- Airline or another trip insurance
- Personal entertainment
- Personal care services
- Fines for parking or traffic violations

Lodging

The City will pay lodging costs at the Texas State Comptroller's room rate. When attending a training or conference, an employee may elect to stay at the conference hotel at the lowest available room rate. Lodging costs will be paid, or reimbursed, on an actual cost basis. An original detailed hotel receipt, showing the single room rate plus taxes, must be submitted with the request for payment.

Registration

Fees charged for registration to attend City business-related conferences are allowable expenses. A copy of the conference flyer, brochure, or registration packet must be provided as documentation for payment or reimbursement. The document must show the dates of the conference, summary agenda, and location.

Meals

Meal expenses, while on travel status, will be reimbursed on an actual cost basis.

Actual Cost. The cost of meals should be appropriate to the time and place of the meal. If the event you are attending offers meals, the employee will not be reimbursed if the employee chooses not to participate in those meals and chooses to eat elsewhere. Reasonable gratuities for service (i.e., 15% of meal cost) are considered part of the acceptable meal costs. Requests for reimbursement should be made within 15 days of return from travel. All claims for reimbursement will be accompanied by a vendor's original detailed receipt. All receipts must show the date, description of purchase, vendor identification, and the amount paid. Meals shall be reimbursed at Texas Comptroller's Travel Reimbursement Rates for the year in which the travel occurred, and the location in which the meals were obtained. A reimbursement will be adjusted down for partial days of travel.

Claims and Documentation

Employees will complete and certify the designated City travel expense form within fifteen (15) business days of return from travel. The following is a list of required documentation supporting travel expenses:

Copy of conference or training registration showing dates and cost.

Conference, training, or meeting agenda to document business purpose.

Travel Itinerary as appropriate.

original itemized receipts for meals

Personal Expenses

The City will not pay for personal travel expenses that may be incurred during business travel. When personal travel is scheduled in connection with a business trip, the City pays only those expenses directly related to official City business. Any expenses related to personal travel must be clearly distinguishable and paid directly by the employee.

CHAPTER 5. EMPLOYEE BENEFITS

Employee Health and Welfare

The City provides a variety of benefits, services, and programs for employees. Some programs are provided according to law; others are provided at the option of the City. Eligibility for these programs may depend upon the type of position occupied.

The City Administrator is responsible for administering the programs contained in this section. The City Administrator is responsible for presenting health and welfare programs to City Council for consideration during the annual budget process.

City employees should become thoroughly familiar with all aspects of their benefits. The City Administrator is responsible for informing new employees of available benefits and may provide information to employees in various plan description booklets.

Employees may elect to cover their legally married spouse, registered domestic partner and his/her children, natural born children, stepchildren, adopted children or children for whom you have legal custody.

Holidays

Full-time City employees are eligible for paid holidays during the fiscal year as approved by the Council. Permanent Part Time employees are eligible for paid holidays after ninety days(90) of service to the City at a rate equal to the average number of hours worked per day.

An employee who is terminated for gross misconduct (e.g., positive drugs, theft, destruction of City property, job abandonment etc.) shall be ineligible for payment of accumulated holiday leave. The City of Holland follows Bell County Holidays.

Birthday Leave is available to any full-time employee who has worked one (1) year or more for the City. Beginning January 1st birthday leave will be added each year to the employee's work anniversary month and must be used within 1 month of the award date or the leave will be forfeited. Also, the Birthday Pay is not calculated as time worked. Birthday leave may not roll over and is not paid out upon separation from employment.

An employee who is on Leave Without Pay will not be paid for the holiday

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 guidelines 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.

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 Administrator a minimum of one month in advance. Two days, two weeks in advance, etc...

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 Department Head and turned into the City Administrator. All vacation scheduling will be at the discretion of the Department head or 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

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 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 16th or leaves after the 15th of any month shall earn a day sick leave credit for that month.

Sick leave can be used in increments of four hours. Official holidays and regular days off shall not count against sick leave.

To receive paid sick leave, an employee shall communicate with the City Administrator, or in their absence, the Mayor 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 for up to 1,000 hours or 125 days.

An employee terminating from the City service shall not be allowed the use of sick leave in the last two weeks of employment.

Sick leave has been accumulated and will not be paid upon separation of employment.

Training and Development

The City will grant an employee leave with pay when the employee is away from their job site but is performing a function related to his/her job such as attending a professional conference, convention or training activity, legislative proceedings, or other purposes in the interest of the City. All training must be preapproved by the supervisor/ director.

Jury Duty

A full-time employee called for jury service shall be granted special absence with pay during such service; any fee paid by the courts to the employee shall be paid to the City. A copy of the jury summons will be submitted to his/her supervisor and City Administrator who will place the notice in the personnel file.

An employee excused or released from jury duty service during working hours shall report to his/her workstation unless otherwise instructed by their supervisor. A note provided by the court showing the time of jury dismissal will be presented to the supervisor and City Administrator to support the time spent at jury duty.

Witness Duty

An employee will be excused with pay to fulfill his/her civic duty to testify as a witness in a judicial proceeding where the employee has no personal benefit, when he/she is served with a subpoena. The employee should notify their supervisor as soon as they are served and provide a copy of the subpoena to their supervisor.

Bereavement Leave

An employee may be excused with pay in order to attend a funeral for a member of his/her family. Supervisors may require proof of funeral attendance and relationships to the deceased. Department Heads, after ascertaining the exact circumstances, may grant a full-time employee up to three (3) working days or twenty-four (24) hours of paid emergency leave for the death of an immediate family member. Immediate family members consist of a legal spouse, child/stepchild, parent/stepparent, father or mother in-law, sibling, stepsibling, brother or sister in-law, biological grandparent, grandchild/step grandchild. One 1 day of leave shall be granted for the loss of the biological grandparent of the legal spouse of an employee.

Leave time for out-of-state relatives shall be at the discretion of the Department Head or City Administrator.

If multiple deaths occur simultaneously within the family, a special exception to the allowance of three (3) days may be approved by the City Administrator.

Emergency Situations

During emergencies, a full-time or permanent part-time (non-seasonal) employee who is ordered not to report to work, to leave work early or who cannot report for work because of inclement weather or disaster may be granted administrative absence with pay by the City Administrator.

Religious Accommodation

The City of Holland respects the religious beliefs and practices of all employees and will make, on request, accommodation for such observances when reasonable accommodation is available, that does not create an undue hardship on the City's business.

Requesting Religious Accommodation

An employee whose religious beliefs or practices conflict with his or her job, work schedule, or with the City's policy or practice on dress and appearance, or with other aspects of employment, and who seeks religious accommodation must submit a written request for the accommodation to his or her immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

Providing Religious Accommodation

The immediate supervisor shall meet with the Director/Department Head and City Administrator to evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available that is reasonable and that would not create an undue hardship on the City's operations. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code that does not affect safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor may confer with his or her City Administrator.

The supervisor and employee will meet to discuss the request and decision on accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he or she may appeal to the City Administrator following the City's general grievance policy and procedure.

Workers' Compensation Leave

An employee injured or exposed in the line of duty may receive workers' compensation under the terms and conditions prescribed in the applicable programs and as required by law. The State of Texas Workers' Compensation laws provide that an employee who suffers a disability that results in lost duty days due to an injury/exposure while in the course of their employment may be entitled to "Income Benefits".

Disability occurs when the work-related injury or illness causes an employee to lose the ability to earn their pre-injury wage. Disability refers to an employee's inability because of a compensable injury to obtain or retain employment at wages equivalent to the pre-injury wage, not to a physical handicap.

These income benefits are normally calculated at a rate of at least 70% of the employee's weekly income prior to the injury. The worker must be disabled by the injury for more than seven (7) days to be eligible for income benefits. The employee becomes eligible for and begins accruing income benefits on the eighth day of disability. Any payments made in error to the employee will be required to be repaid to the City.

An employee who sustains an injury or illness in the performance of their duties will fully and promptly report, however minor, to his/her supervisor as soon as possible, but no later than the next business day. Employees who suffer work-related injuries or illnesses that require medical attention may be subject to alcohol and controlled substance testing. The City Administrator Department will coordinate with the employee's physician to determine whether the injury would allow an employee to perform modified work or other duties.

Employees who are on leave will update their supervisor and City Administrator at regular intervals of the employee's status. Failure to maintain contact will be viewed as an unwillingness to cooperate and addressed through disciplinary action.

Religious Observance

With the approval of the employee's supervisor, employees desiring to observe religious holidays not coinciding with official City holidays may be given time off to observe the religious holiday of their choice. The employees have the option to use their PTO or be placed on Leave Without Pay to observe the religious holiday of their choice.

Tardiness

Non-exempt employees may be docked for time not worked. Disciplinary action up to and including termination may result from excessive tardiness in addition to being docked for time not worked.

Return to Work

With the exception of military leave, if an employee fails to return to work at the time specified in the application for unpaid leave or the return-to-work order by a treating physician under workers' compensation, and does not provide a reasonable excuse, supporting documentation, and notice to City Administrator, that employee shall be considered to have resigned effective the date of return specified in the original application. Members of the armed forces shall comply with USERRA rules on returning to work.

Revocation of Leave of Absence

Upon evidence that the cause for the leave of absence has been misrepresented or has ceased to exist, the Director/Department Head may revoke any previously authorized and approved leave of absence.

Unauthorized Absence

An unauthorized absence or failure to return at the expiration of a leave of absence shall be considered an automatic resignation. The department head may rescind such resignation if the employee shows satisfactory reason for his absence within three (3) days of the date the resignation becomes effective.

CHAPTER 6. CONDUCT & WORKPLACE RULES

Ethical Code of Conduct

Purpose

City employees have the responsibility to conduct themselves in accordance with the highest standards and to embrace the principles of honesty, accountability, respect, and trust. City employees must ensure that their integrity is of the highest caliber and their conduct is indisputable and beyond reproach.

The City's code of ethical conduct has three (3) purposes:

- Encourage high ethical conduct on the part of City employees.
- establish standards for ethical conduct for City employees by defining and prohibiting conduct that is incompatible with the interest of the City; and
- require disclosure by City employees of their personal financial interests that may conflict with the interests of the City.

Definitions

BUSINESS-RELATED ENTERTAINMENT - Entertainment or any activity generally considered to provide amusement or recreation (including meals) that takes place in a clear business setting or for which the main purpose was the active conduct of business - meaning the business benefit was clearly identified prior to the event and business was engaged in throughout the duration, also requiring the employee and the person providing the benefit to be in close proximity to each other and have easy direct access to each other.

EMPLOYEE - a person employed and paid a wage by the City, including those individuals paid on a part-time basis.

ETHICS - Relates to moral action, conduct, motive, or character; conforming to professional standards of conduct; the discipline dealing with what is good and bad and with moral duty and obligation; a set of moral principles or values.

FAMILY MEMBER – As defined within Section 2.12 Nepotism of this Manual.

GIFT - An economic gain or economic advantage to an employee or to a family member of an employee. Anything of value given by a donor for which equal or greater consideration is not returned by or expected from the recipient.

Standards of Conduct

Employees shall not:

Contract with the City on any type of personal business.

Tamper with City or official documents.

Accept or solicit for personal financial gain, any benefit that might reasonably tend to influence them to act improperly in the discharge of official duties.

Accept individual gifts of cash, check, or gift cards.

Accept any gift of value (reasonably exceeding \$50 in value), without approval by a supervisor in writing (documenting adherence to the requirements in Chapter 36 of the Texas Penal Code).

Endorse or recommend any one specific vendor or product to our residents and customers in exchange for any personal benefit or gain.

Accept the following specific items from customers, suppliers, or person(s) with a financial interest in City contracts: money, property, vacation, service, or non- business-related entertainment.

Work directly with contractors to obtain employment or request employment with any contractor.

Use their official positions improperly to secure privileges or exemptions for themselves, their family members, or others. This includes suggesting or otherwise influencing the City to transact business with any entity of which they or their family members are officers, agents, or members or in which they or their family members have a financial interest.

Lie to their supervisor or provide deceitful information.

Use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reasons of their positions.

Accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities within the City, or which might impair their independent judgment in the performance of their public duty.

Receive any fee or compensation for their services as employees of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit their performing the same or other services for a public or private organization that they perform for the City if there is no conflict with their City duties and responsibilities.

Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules or regulations or the achievement of official City programs.

Personally represent or appear on behalf of the private interest of another before the City Council or any City board or department; or if the represented person's interest is averse to that of the City, represent any person:

- in any quasi-judicial proceeding involving the City; or
- in any judicial proceeding to which the City is a party.

Other Ethical Obligations

Employees must also comply with all ethical obligations which they are required to abide by as members of professional organizations or in connection with a professional license.

Confidentiality

During the course of employment, employees/volunteers may have access to Confidential Information. Any Confidential Information, whether oral, written, or electronic, should be maintained in a manner that ensures its confidentiality. The release of any such Confidential Information may legally impact the City of Holland.

Confidential Information must be treated with respect and care by any employee/ volunteer who is authorized to have access to this information. Employees/Volunteers who are authorized to use or disclose Confidential Information also have the responsibility to safeguard access to such information. Employees/Volunteers who are authorized by the City of Holland to access Confidential Information have a responsibility to limit access to those that are allowed by permission and by law. The access must be appropriate to the employee's job responsibility, and on a need-to-know basis only. A breach is a violation of this policy or state or federal law, or both.

All City Employees will comply with the terms of the City of Holland Confidentiality Agreement. Employees who breach confidentiality will face disciplinary action up to and including termination.

Volunteers who share confidential information will be removed as volunteers and prohibited from volunteering for the City in the future.

Disclosure of Information

- Disclosing information that could adversely affect any City property, business dealing, or any affair of the City, or using information gained while working in the City for the benefit of himself/herself or others at harm to the City, is prohibited. Disclosing information gained through employment for gossip is prohibited. Such prohibited disclosure of information will result in disciplinary action up to and including termination.

Conflict of Interest

No employee of the City shall 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 under the following conditions:

- when done on behalf of the City as an employee.
- when it involves an eminent domain action.
- when involving contracts, transactions, or other matters which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons or property similarly situated.

Acceptance of Gifts

City employees may accept gifts in compliance with Federal and State laws and this policy. The purpose of laws and policies governing gifts to public employees is to regulate attempts to influence the employees to use their authority or discretion to the advantage of the person making the gift.

It is a crime for a public employee to agree to make a decision in return for a payment or receipt of some other benefit. Employees may not accept gifts, favors, services, or promises of future employment that could relate to, or influence the performance of the employee's official duties. Employees may not use their position to gain special privileges or benefits and are to avoid participating financially in any business enterprise, which might influence their official decision and judgment. Employees may not hold any position with any business enterprise or governmental unit, which would conflict with the proper performance of the employee's duties or responsibilities.

Benefit means any economic gain or economic advantage to an officer or employee or to a relative of an officer or employee, but does not include:

- Political contributions made and reported in accordance with law.
- Awards are publicly presented in recognition of public service.

- Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities.
- Commercially reasonable loans made in the ordinary course of the lender's business.
- Complimentary copies of trade publications.
- Reasonable hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity.
- Any economic gain or economic advantage conferred by any one person or organization if the economic value totals less than \$50.00 per calendar year.

The City Administrator may accept gifts to the City, on behalf of the City, for general employee consumption, or donate the gifts to appropriate organizations, and issue acknowledgements on behalf of the City.

Substantial Interest in Business Entity

A member of the City's governing body or another City officer, whether elected, appointed, paid or unpaid, shall disclose their interest in a business entity as required and described as "substantial interest" in Chapter 171 of the Local Government Code.

A person has a substantial interest in a business entity if:

- the person owns 10 percent or more of the voting stock or shares of the business entity, or owns either 10 percent or more, or \$15,000 or more of the fair market value of the business entity.
- Funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.
- A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

A local public official is considered to have a substantial interest if a person related to the official in the first degree of consanguinity or affinity, as determined under Chapter 573 of the Government Code, has a substantial interest.

Solicitation

Solicitation is defined as any act or attempt to advertise, market, take orders, and offer to sell any product or service, or seek contributions for organizations, campaigns, or charitable purposes. Solicitations, including personal e-mail addresses, are not permitted by employees for personal profit during working time or at any time in working areas. An employee may not engage in solicitation of other employees while they are on duty. Solicitation shall not be permitted of or by City employees during work or business hours, other than for the following exceptions:

Solicitation of funds shall be permitted for local, not-for-profit youth-sponsored events (i.e., school, band boosters, scouting). Solicitation of funds for these purposes shall be limited to

placing order forms or products for employees to view at their leisure or posted to a break room bulletin board.

For these types of solicitations use of City email or equipment to send mass or unsolicited communications, use of city equipment such as copiers and printers or use of city supplies regarding these activities is prohibited.

No employee is required to make any contribution, nor will an employee be penalized in any way in connection with his/her employment according to his/her response to a solicitation of funds for City sponsored functions or events.

Salespersons and vendors attempting to conduct unsolicited business with employees should make an appointment with the City Administrator Department. City Administrator may provide for the distribution of discount flyers or handouts for all employees

Political Activity

It is the policy of the City to encourage its employees to fully exercise their constitutional rights as citizens vote and participate in political activities. Although the City encourages active participation in electoral activities, employees should be aware of certain provisions which apply to them. Except as may be otherwise provided by law or contract, the following restrictions on political activity shall apply to City employees:

City employees shall not use their positions for or against any candidate for public office in any jurisdiction.

City employees shall not use working hours or City property to solicit or attain any subscription, contribution, or political service, or to circulate any petition or campaign literature on behalf of any candidate for public office.

City employees shall not engage in any political activity, with or without remuneration, which would constitute a conflict of interest with their City employment.

All employees will refrain, while in uniform or on duty, from using their influence publicly and directly in any way for, or against, any candidate for elective office.

No employee of the City will be required to participate in any City election on behalf of any candidate for City office, nor shall any City equipment be used by or on behalf of any political candidate.

Whistleblower Act

The City's policy is to comply with the Texas Whistleblower Act, and accordingly the City prohibits suspending, terminating, or taking other adverse personnel action against a City employee because he or she has in good faith, reported a violation of the law by the City or one or more of its employees to an appropriate law enforcement authority. Employees are required to promptly report any violation of this policy to the City Administrator.

Social Media

All official use by the City of social media sites or services is considered an extension of the City's information and communications networks. All City use of social media must be approved by the City Administrator or his designee and be in compliance with all applicable policies and procedures. The City Administrator or the official designated spokesperson may have responsibility over various aspects of the City's official web, or related City web pages and social media outlets.

Use of social media must comply with applicable federal and state law, City ordinances, regulations, and policies, as well as proper business etiquette. This includes adherence to established laws and policies regarding copyright, records retention, and release of public information, the First Amendment, privacy laws and information security policies established by the City. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents, or online services necessary to conduct business with the City.

In accordance with Texas Government Code Chapter 620 (S.B. 1893) the City prohibits the installation or use of TikTok or any successor application or any other social media application specified by the Texas Department of Information Resources and Department of Public Safety on any city owned or leased electronic device. This policy is subject to certain exceptions for the Holland Police Department or for information security purposes.

Employees using social media for City business purposes or in representing the City via the City's social media outlets must always conduct themselves as representatives of the City of Holland and in accordance with the City's values. The City reserves the right to remove any messages or postings for any reason, including those that are disrespectful, distasteful, obscene, or in violation of copyright, trademark right, or other intellectual property right of any third party.

For the purpose of this policy, social media consists of various online technology tools that enable people to communicate via the Internet to share information and resources including text, audio, video, images, podcasts, and other multimedia communications and may include but is not limited to: event posting, texting, photo-sharing, wall postings, video sharing, blogging, Facebook, Tik Tok, microblogging, Twitter, LinkedIn, YouTube, Instagram, Snapchat, and similar platforms.

In online social networks, the lines between public and private, and personal and professional may be blurred. When a City employee self-identifies as a City employee, he/she is creating a perception about the City. For this reason, content posted online relating to City business, in representing the City or in which the City is identified, must be consistent with the City's values and professional standards and not contain discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct. Further, employees may not use social media at any time to divulge confidential or private information learned through working at the City whether such information concerns other employees, citizens, City officials, or City business. Violations of this policy may lead to disciplinary action up to and including termination.

Employee Social Media Sites and Social Networking

All City employees may have personal social networking and social media sites as well as access to the World Wide Web. These sites should remain personal in nature and be used to share

personal opinions or non-work-related information. Following this principle helps ensure a distinction between sharing personal and City views. City employees must never use their City e-mail account or password in conjunction with personal social networking or social media site. The following guidance is for City employees who decide to have a personal social media or social networking site or who decide to comment on posts about official City business:

State your name and, if relevant, role, when discussing City business.

Use a disclaimer such as: “The postings on this site are my own and don’t reflect or represent the opinions of the City for which I work.”

The City understands that social media, the World Wide Web, and social networking sites can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world; however, the use of these sites also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social networking, the World Wide Web, and social media, we have established these guidelines for appropriate use.

Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own, or someone else’s, weblog or blog, journal or diary, personal website, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

The principles and guidelines found in this policy apply to your activities online. The City respects your First Amendment rights; ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards involved. Keep in mind that any conduct adversely affecting your job performance, the performance of fellow employees or that otherwise adversely affects members of the public, customers, suppliers, people who work on behalf of the City may result in disciplinary action up to and including termination.

Know and follow the rules. Carefully read these guidelines, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful. Always be fair and courteous to fellow employees. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, which disparage members of the public, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment based on race, sex, disability, religion, or any other status protected by law or company policy.

Be honest and accurate. Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors you know to be false about the City.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City, fellow employees, residents, contractors, or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the City.”

Personal or business venture social media account names shall not be tied to the City. For example, City of Holland Fireman would not be an appropriate personal account name.

Using Social Media at Work

Refrain from using social media while on work time or on equipment provided by the City unless it is work-related as authorized by your supervisor/ director or consistent with the City's Equipment Policy. Do not use your City email addresses to register on social networks, blogs, or other online tools utilized for personal use.

An employee who uses any form of social media or the internet to post the city's confidential information or to post unfavorable comments about city officials, supervisors or co-workers when those comments constitute a form of discrimination or harassment or result in disruption of city business or harm to the city's reputation will be disciplined up to and including termination of employment. Such conduct is prohibited whether or not the posting is made by use of city equipment and whether or not the posting is made during work hours. This prohibition is not intended to prevent an employee from discussing the wages, hours, and working conditions of employment with co-workers.

Retaliation is Prohibited

The City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media Contacts

The City Administrator is designated as Public Information Officer and is authorized to serve as liaison to media representatives. A Communications Team may be created and authorized to disseminate information as directed by the City Administrator. Members of the City police department may communicate with the media in the event of disaster, threats to public safety, or other circumstances requiring immediate and specific communications to protect citizens. Other employees are not authorized to make statements on behalf of the City, unless directed to do so by the City Administrator, or the responsible department Administrator in response to specific

inquiries, and if so authorized, such responses should provide only routine factual information relating to the employee's duties. Even under a supervisor's direction, no employee, unless he or she is an authorized liaison, should address the media on behalf of the City concerning litigation, legal opinions, or City personnel matters. If an employee receives a media inquiry, the employee should respond that he or she must relay the request to a supervisor and that he or she does not have the authority to respond on behalf of the City to that type of inquiry. An employee must report any media inquiry received and a response provided to the City Administrator.

Cell Phone Use

The City recognizes that many employees have cell phones, also known as wireless communication devices, that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones at work, including those with a camera, must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a coworker's ability to do their jobs. Employees who use cell phones to violate City policy, including all the City's anti-harassment and discrimination policies, will be subject to disciplinary action, up to and including termination. An employee who has been provided with a cell phone by the City must surrender the assigned cell phone upon separation of employment from the City or upon request by the employee's supervisor or department director.

Employees who use their personal cell phone for city related business may be required to surrender their cell phone as a result of a Public Information Request under subpoena. In addition, both personal cell phones and city issued cell phones are subject to the Texas Government Code, Public Information Act, as amended. The Public Information Act can also apply to information on a privately owned device of a current or former governmental body employee or official. The City secretary may seek to obtain public information from a temporary custodian. The Government Code defines "temporary custodian" as a current or former governmental employee or official who maintains public information that has not been provided to a governmental body's officer for public information or the officer's agent.

Use of cell phones or wireless communication devices while operating motor vehicles or equipment is prohibited as outlined by the Texas Transportation Code and City ordinance as amended.

Sexual Harassment-Free Work Environment Policy

The City of Holland prohibits sexual harassment of its employees by management, supervisors, co-workers, elected officials, volunteers, citizens, and other third parties. Sexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, illegal, and will not be tolerated.

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

- submission to such conduct is either expressed or implied as a term or condition of an individual's employment.

- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Prohibited conduct includes but is not limited to unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex; unwanted physical behavior such as pats, squeezes; visual harassment such as posting of sexually suggestive or derogatory pictures, cartoons, drawings or electronic messages, even at one's work station; unwanted sexual advances, pressure for sexual favors or basing employment decisions (such as an employee's performance evaluations, work assignments, or advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

Supervisors are accountable and have an obligation to ensure that their employees are afforded the opportunity to work in an environment that is free from sexually discriminatory insults, ridicule, intimidation, or other types of harassment.

The condoning of a hostile workplace by a supervisor is not conducive to the spirit and intent of the City's commitment to ensuring fair and equal treatment of employees.

Any employee who is aware of any instances of sexual harassment shall report the alleged act immediately. If the employee is uncomfortable in discussing the matter with the supervisor or if the supervisor is not available, the employee shall report the alleged act immediately to the City Administrator.

The City does not tolerate sexual harassment, nor does it tolerate reprisals against an employee who makes a sexual harassment complaint. All complaints will be investigated promptly, impartially, and discreetly and, upon completion of the investigation, the appropriate parties will be notified immediately of the findings. Any supervisor, Administrator, director, or other employee who violates this policy is subject to disciplinary action, up to and including termination.

Appropriate action will be taken with outside parties who are in violation of this policy. Any supervisor who receives a complaint of sexual harassment and fails to report or take corrective action pursuant to this policy is also subject to disciplinary action. All employees are responsible for reporting incidences of sexual harassment. Any employee who refuses to cooperate in the investigation, or who files a complaint of sexual harassment in bad faith, will be subject to disciplinary action up to and including termination.

Retaliation, in any form, against an employee for reporting a complaint in good faith under this policy, or for assisting in the investigation of such a complaint, is prohibited.

We trust that the employees will act responsibly to maintain a pleasant working environment, free of discrimination, allowing each employee to perform to his/her maximum potential. The City encourages any employee to bring questions he/she may have regarding discrimination of this type to the City Administrator Director for guidance and clarification.

Smoke-Free Workplace

The use of all tobacco products is always prohibited on all City property, including city recreational facilities unless used in designated areas, and at least fifteen feet from a door or other individuals, and only during regularly scheduled breaks and lunch. All tobacco waste will be properly disposed of by the employee and no waste will be disposed of on the ground. Use of tobacco products is prohibited at all other times during the workday, and all city owned or leased vehicles, or while operating city equipment. Tobacco products include but are not limited to any products or preparation containing tobacco, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, smokeless tobacco, and vaping of any kind.

Dress Code and Personal Appearance

Employees must dress appropriately and professionally and present a clean and neat appearance while at work, and while representing the City or conducting City business. Dress in a manner that creates public confidence in the competence of the City and its employees and (ii) is appropriate for the type of services being provided by the employee, consistent with the expectation of customers served, and in keeping with professional practices.

Directors/Department Heads may implement supplemental dress code requirements for their department(s) based on operational needs or regulatory requirements. Supplemental dress codes that do not include uniforms must be approved by the City Administrator. Professional business attire or a uniform may be required for meetings or special events. Uniforms will be provided to employees depending upon their department assignment.

The Police and Fire Departments may be covered under departmental policies regarding appropriate dress and appearance.

The following are inappropriate for work attire:

- provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics, tank tops, beach style flip flops, clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind, wrinkled, ripped, and tattered clothing, visible tattoos which could be deemed offensive, nose piercings or rings, eyebrow piercings or similar type facial jewelry except for a recognized religion.

Employees will not wear clothing with the City's insignia to purchase or consume alcohol or gamble.

Employees should direct questions about appropriate appearance or dress to their Supervisor, Director/Department Head, or City Administrator. Director/Department Heads and supervisors are responsible for enforcing this rule in their respective departments in order to maintain acceptable dress and appearance. Employees in violation of this rule may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this rule may be disciplined, up to and including termination of employment.

Secondary or Outside Employment

Employees of the Police Department shall refer to Police Internal Policies regarding outside employment.

City employees shall understand that their position with the City is their primary occupation, and it shall always take precedence over all secondary jobs. City employees may engage in secondary employment provided they receive prior written approval on the City of Holland Outside Employment Request form from their Director/Department Head. An employee who is working another job at the time of hire, and who intends to continue the other employment, must so advise the appropriate Director/Department Head, and receive written approval to continue the secondary employment. Approval must be placed in the employee's personnel file in City Administrator.

When engaged in secondary employment, the employee must notify the Director/Department Head in writing on the City of Holland Outside Employment Request form of the place and type of employment or business, and the hours of work. Secondary employment shall not be permitted if it will bring the City into disrepute, reflect discredit upon the employee as an employee of the City, or interfere/conflict with the performance of the employee's City duties. Secondary employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If secondary employment causes or contributes to job-related problems, it must be discontinued, and if necessary, disciplinary procedures will be followed to address the specific problems.

An employee whose position requires him to occupy an "on-call" status shall recognize such status as an obligation to the City and shall fulfill that obligation if called to work for the City during these hours even while working at a secondary job.

An employee shall not perform any secondary employment at any time when the employee is on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence, on restricted or light duty, or on probation. Any violation of this provision may result in discipline.

The employee will not utilize any city supplies, vehicles, computers, phones, or property for secondary employment. Law enforcement personnel may receive some exception to this rule with approval from the Chief of Police or City Administrator.

Alcohol and Drug-Free Workplace

All employees of the City have a right to work in a drug and alcohol-free work environment. All drug and alcohol use on city property is prohibited. All drug and alcohol use during hours of employment is prohibited. In order to protect the safety of all employees and act in the best interest of the City, the Director of City Administrator shall outline specific policies and procedures to accomplish this purpose. The City will not tolerate employees at work while under the influence of alcohol or illegal drugs or prescription medications taken outside the prescribed order of the physician. Employees shall report to their Director/Department Head and/or HR when they are using prescription medication that may cause drowsiness, sleepiness or other safety related precautions as notated on the prescription information.

Rules and regulations regarding screening and testing are set forth in the Appendix A in this manual, and in addition to Appendix A, any updated City of Holland Alcohol and Controlled Substance Use and Texting Policy are available for review in the office of the City Administrator Director. This policy, and all Appendixes incorporate the requirements and procedures set forth by federal regulations 49 CFR part 40, 655, and the “Drug Free Workplace Act”, as amended

CHAPTER 7. DISCIPLINE AND APPEALS

Grounds for Disciplinary Action

All City employees are public servants and shall always conduct themselves professionally and courteously both during work hours and while wearing any article of clothing or accessory that identifies them with the City, or while attending any City function or City sponsored function.

The grounds for disciplinary action are generally set out in Chapter 6 of this manual, and in addition as follows.

Any conduct of an employee, whether or not that individual is on duty, which has the impact or potential impact of any of the following, may result in discipline up to and including termination of employment:

- Creating conflict or discord in the workplace.
- Workplace bullying
- Interfere with the individual’s own work or that of another employee.
- Creating a harassing, demeaning, or hostile work environment at the City.
- Violation of
- Harming the goodwill or reputation of the City with its citizens or with the community at large.
- disclose confidential information of the City or of another when the information was obtained by virtue of employment with the City.

Employee “conduct” includes verbal communications, internet, or electronic communication of any kind, and physical behavior.

A Department Head may take disciplinary action against non-department head employees within the supervision for just cause. Disciplinary actions against Department Heads must be effectuated with the approval of or by the Mayor. The City Administrator or designee shall administer the day-to-day duties of non-final employment actions regarding department heads.

Just cause shall be related to the job involved and shall include but not be limited to illegal, unethical, abusive, or unsafe acts; violation of City rules, regulations, policies, or procedures; insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; abuse of sick leave, injury leave, disability leave, or other benefits; tardiness or absence without leave; falsification of official documents or records; using or a presence in the system of illegal drugs or under the influence of intoxicating beverages while on

duty; waste, damage, or unauthorized use of city property or supplies; unauthorized use or disclosure of official information; unauthorized or improper use of official authority; failure to respond to or cooperate with a city investigation; unauthorized use of city credit cards.

It is recognized that it may occasionally be necessary to terminate an employee without progressing through lesser disciplinary levels due to the severity of the circumstances.

Due to the severe nature of events that can occur in the workplace, the supervisor, Administrator, or director may have a need to immediately clear the worksite. He/She may send an employee home effective immediately on a suspension with pay if doing so would be in the best interest of employee safety or in order to restore a professional work environment. Management should tell the employee what time to report back to work for further discussion of the incident and secure a phone number where he/she can be reached before sending him/her home.

Progressive Types of Discipline

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy while working for the City. Directors/Department Heads shall organize and direct the work of their departments to achieve these objectives.

If the work habits, production, or personal conduct of an employee fall below appropriate standards, supervisors should address the deficiencies at the time they are observed. Counseling and warning the employee, if there is sufficient time for improvement, should ordinarily precede formal disciplinary action. Where appropriate, the City maintains a practice of progressive discipline.

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, demotion with reduction in pay, and termination. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally warned at any time that he/she may be terminated or otherwise disciplined for further unsatisfactory performance or conduct.

Nothing herein shall prohibit the administration of informal disciplinary action, such as oral reprimands, for just cause. Supervisors should meet privately with employees to discuss performance or behavioral problems when they first arise.

City Administrator must be advised of and consulted prior to suspension or termination of an employee.

The steps are outlined but not limited to the following and documented on the City of Holland Employee Discipline Form.

Verbal Warning/Counseling. (This should be documented by the supervisor, director, or department-head after the verbal warning with a copy sent to City Administrator to be placed in the employee's personnel file.) Best suited to the first occurrence of a minor rule infraction, incident of substandard performance, or after continued issues of a minor infraction following a reprimand.

Written Reprimand. All written reprimands shall be documented on the designated City form and may include additional pages, as necessary. The employee shall review the written reprimand and shall be requested to sign the document. If the employee refuses to sign the document, the supervisor, director, or department-head shall notate the reprimand as such and send a final copy to City Administrator where the copy shall be placed in the employee's personnel file. The employee must be provided with a copy of the written reprimand. A written reprimand is used as a formal warning of suspension or dismissal should the violation recur. An explanation of the incident, details, expectations, and consequences for future problems should be included. The written reprimand shall describe the deficiency or infraction involved, reference the policy violated where applicable, and may state the likely consequences of further unsatisfactory performance or conduct.

Suspension. Days off without pay can be made by the supervisor after approval by the Director/Department Head and the Director of City Administrator. Used to bring about a change in behavior, and length of time for the suspension is determined by the Director/Department Head and City Administrator and should reflect the seriousness of the circumstances.

Administrative leave may be with or without pay during an investigation, hearing, or trial of the employee in any civil matter, on any criminal charge, or for any City policy violation when it is in the best interest of the City.

Termination. . The termination of the employment of non-department head employees requires the recommendation of the designated Department Head/ Director, and approval by the City Administrator, in accordance with these policies. The termination of the employment of a Department Head requires the recommendation of the Mayor and approval by the City Council,

Nothing herein shall prevent immediate formal action up to and including termination, as provided elsewhere in the Personnel Policies, whenever the interest of the City requires.

All written notices of disciplinary action should be signed by the Director/Department Head, supervisor (including Mayor for Department Heads) and the employee. The notice should include a description of the employee's conduct to include the applicable policy, action taken in response and, except in cases of dismissal, and the likely consequences of further unsatisfactory conduct. All original written notices and documentation of disciplinary actions are to be forwarded to the City Administrator or the Mayor for inclusion in the employee's personnel file.

The Mayor shall have the authority as chief administrative and executive officer of the City to hire an impartial third-party investigator for the purpose of investigating complaints, criminal behavior, citizen complaints, or violation of City policies and procedures involving the Chief of Police or a Director/Department Head.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases or other beneficial personnel action. The employee shall have the opportunity to appeal only those disciplinary actions that result in suspension, involuntary termination or other loss of employment status, benefits, or compensation.

All employees can appeal against terminations to the City Council. Employees have thirty (30) days to appeal. In response to a timely, written appeal submitted to the City Secretary, the City Council will make a final decision regarding the termination of an employee.

Termination. Employees who are not Department Heads may appeal a final disciplinary action, including termination, to the City Administrator by submitting written notice of appeal with their argument against the disciplinary action to the City Administrator no later than five (5) business days after the date of the final disciplinary action. The City Administrator will have ten (10) business days to respond to the appeal. If the City Administrator issued the disciplinary action, the non-Department Head will appeal directly to the Mayor.

If not satisfied with the City Administrator's decision, the non-Department Head may appeal the City Administrator's decision to the Mayor by submitting written notice of appeal with their argument against the disciplinary action to the Mayor no later than five (5) business days after the date of the City Administrator's decision. The Mayor will have ten (10) business days to respond to the appeal. The Mayor's decision is final.

Department Heads may appeal a final disciplinary action to the City Council by submitting written notice of appeal with their argument against the disciplinary action to the City Administrator no later than five (5) business days after the final disciplinary action. If the disciplinary action is against the City Administrator, the City Administrator will submit their appeal to the Mayor. The Mayor or City Administrator will place the appeal on the agenda for the next regular Council meeting that allows for proper notice under the Texas Open Meetings Act. The decision of the Council is final.

CHAPTER 8. SEPARATION FROM EMPLOYMENT

Separation Processing

All employees who separate from the City will be required to return records, property and other instruments belonging to the City before the last day of employment in addition to completing any required separation paperwork.

City Administrator may extend an invitation to each separating employee for an exit interview. If accepted, an appropriate interview schedule will be established. The exit interview is used to determine and document the reasons employees leave the City and to solicit constructive feedback to improve effectiveness and efficiency of City operations.

Only employees who separate in good standing as set out in this manual are eligible to have their Vacation paid out. All Vacation due under this policy shall be included in the employee's final pay unless documented otherwise through a contract or severance agreement.

Resignation

An employee who resigns with at least two weeks' advance written notice, and who works the last two weeks of their employment will receive the balance of any unpaid PTO remaining at the time of the work separation up to the employee's annual accrual entitlement. Any exception to this policy will require approval by the City Administrator. Paid or unpaid leave time may not be counted toward such a notice period.

The separating employee may not utilize Vacation during the final two weeks of employment unless the employee has medical documentation to substantiate the need to be off work.

Resignations not in good standing shall preclude the employee from being paid their accrued Vacation.

Job Abandonment

An employee who is unable to report to work at the designated time is required to notify his or her supervisor. Employees who fail to report to work without notifying their supervisor of an absence, and without just cause as determined by the City Administrator, will be considered absent without leave, and are subject to disciplinary action up to and including termination. An employee absent from work without notice for three (3) consecutive workdays is considered to have abandoned their job; employees absent from work without notice on a Friday and the following Monday are considered to have abandoned their job. If a Notice of Termination cannot be provided in-person to the employee, the Notice shall be sent via certified mail to the employee's last known home address in these circumstances.

Retirement

The City of Holland participates in the Texas Municipal Retirement System (TMRS). Upon hire, all full-time employees become a member of TMRS. The vesting period is five (5) years.

Six percent (6%) of an employee's gross salary is automatically deducted from the paycheck and credited by TMRS to their individual TMRS account. The City matches employee contributions 2:1.

If at separation, an employee is not vested in TMRS, the employee may either choose to:
Leave the money in the retirement system for up to five years, or
Withdraw the employee's contributions plus interest in a lump sum, less appropriate taxes, or
Roll the employee's contributions plus interest into a qualified retirement plan.

If at separation, an employee is vested in TMRS, the employee may either choose to:

Leave the employee's contributions plus interest in TMRS and receive a pension when qualified,
Withdraw the employee's contributions plus interest in a lump sum, less appropriate taxes, or
Roll the employee's contributions plus interest into a qualified retirement plan. Retirement Options
An employee is eligible for retirement from TMRS if one of the following qualifications is met:

Five (5) years of service and at least 60 years old; or Twenty (20) years of service, as defined by TMRS.

Termination

The City may terminate an employee as a result of unsatisfactory performance or conduct, violation of City policy, or for any reason and at any time, with or without notice.

An employee who is terminated will not be paid out their accrued PTO.

Death

If an employee dies while employed with the City, the beneficiary or estate will be paid all appropriate earned pay and payable benefits. This process will be coordinated by the City Administrator with assistance from the City Attorney as deemed necessary.

Chapter 9. SAFETY

Safety Standards

All employees of the City are required to comply with safety standards and guidelines established by the City and their respective departments, and the guidelines herein.

Accidents

Any employee who has life threatening injury shall immediately call 9-1-1 for transport to the nearest medical facility.

Any employee involved in an accident during the employee's working hours which involves a City vehicle, or a personal vehicle used for City business, or City equipment, facilities, or property, shall immediately report it from the scene of the accident, if feasible to their immediate supervisor (within 24-hours) who will report to Mayor and City Administrator.

When a motor vehicle is involved, the City of Holland Police Department or the law enforcement department in the jurisdiction where the accident occurred shall be called to complete an official police report. The supervisor or the employee involved shall obtain the police report number before leaving the scene. If safe to do so, photos of all involved vehicles should be taken regardless of the severity of damage.

After the scene has been cleared by police, the supervisor shall take the employee to the City designated medical facility for a required drug and alcohol testing. Drug and alcohol testing will be required in the following instances:

The operator is a CDL holder regardless of the level of damage or fault.

The operator or a third party was injured.

Damage to City property is more than \$1,000, except for a CDL holder.

The operator appears under the influence.

The scene resulted in a fatality.

A citation was issued to the City employee.

The supervisor and involved employee will provide a completed City of Holland Report of Damage or Loss form to their Department Director within 24 hours. The Director/Department Head will then immediately notify City Administrator.

Any employee who refuses screening for the presence of drugs or alcohol will be subject to immediate termination.

An employee who fails to report an accident will be disciplined up to an including termination.

Employees who have more than one motor vehicle accident while operating a City vehicle in a 12-month window may be required to complete a driver safety course at their own expense before being allowed to operate a motor vehicle or motor driven equipment.

Injuries and illnesses on the job

Any employee who has life threatening injury shall immediately call 9-1-1 for transport to the nearest medical facility.

An employee who has been injured on-the-job and does not have life threatening injury shall immediately notify their supervisor. The supervisor shall report to the accident/incident scene if possible and transport the employee for non-emergency medical treatment or post-accident/incident testing.

The supervisor shall ensure the First Report of Injury is completed with all details of the incident, including names and contact information of witnesses, and send the completed form within 24 hours to City Administrator for handling.

Failure to immediately report an injury may be the cause for loss of medical or income benefits.

Citizens injured on city property or those wishing to make claims against the city must complete the Citizen Claim Form and return the complete form to the City Administrator; staff shall notify City Administrator of such an incident along with a statement of events if known.

Confidentiality

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

City Property

For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

Documentation - When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the City Administrator Department or the Police Department.

Policy Violations - Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution