

# City of Alvin, Texas

Paul Horn, Mayor

Adam Arendell, Mayor Pro-tem, District B  
Brad Richards, At Large Position 1  
Terry Droege, At Large Position 2  
Scott Reed, District A



Keith Thompson, District C  
Roger E. Stuksa, District D  
Gabe Adame, District E

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## ALVIN CITY COUNCIL AGENDA

**THURSDAY, MAY 19, 2016**

**7:00 P.M.**

(Council Chambers)

**Alvin City Hall, 216 West Sealy, Alvin, Texas 77511**

*Persons with disabilities who plan to attend this meeting that will require special services please contact the City Clerk's Office at 281-388-4255 or [droberts@cityofalvin.com](mailto:droberts@cityofalvin.com) 48 hours prior to the meeting time. City Hall is wheel chair accessible and a sloped curb entry is available at the east and west entrances to City Hall.*

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NOTICE is hereby given of a Regular Meeting and Executive Session of the City Council of the City of Alvin, Texas, to be held on **Thursday, May 19, 2016** at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

### REGULAR MEETING AGENDA

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE**
- 3. PUBLIC COMMENT**
- 4. CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:** An item(s) may be removed from the Consent Agenda for full discussion by the request of a member of Council. Item(s) removed will automatically become the first item up for discussion under Other Business.
  - A. Approve minutes of the May 5, 2016 City Council meeting.
  - B. Acknowledge resignation of Chris Sanger from the Parks and Recreation Board.
- 5. OTHER BUSINESS:**

Council may approve, discuss, refer, or postpone items under Other Business.

  - A. Consider Ordinance 16-H; repealing Ordinance No. 07-CCC, whereby the City Council adopted the City of Alvin Personnel Policy; and repealing Ordinance Nos. 08-II, 09-R, 10-O, 11-V, 11-SS, 12-B, 12-E, 12-F, 12-G, 12-II, 13-K, 13-W, 13-KK; whereby the City Council amended the Personnel Policy.
  - B. Consider Resolution 16-R-10; adopting the City of Alvin Personnel Policy Manual.
  - C. Administer Oath of Office to: City Council member District A, Scott Reed; City Council member District D, Glenn Starkey; and Council member At Large Position 2, Chris Sanger.
  - D. Consider mayor's appointment of mayor pro-tem.
  - E. Consider Resolution 16-R-11; honoring Roger Stuksa for years of service to the community as a member of the Alvin City Council District D, from May 2008 – May 2016.

- F. Consider Resolution 16-R-12; honoring Terry Droege for years of service to the community as a member of the Alvin City Council At Large Position 2, from May 2010 – May 2016.
- G. Consider variance request from Everest Design Group to the façade requirement of Chapter 35, Section 35-19(a)(4) of the Code of Ordinances, for a restaurant to be located on Reserve F of the Heritage South Development (Highway 6 across from Joe’s BBQ).
- H. Consider second variance request for the property owners at 404 Lulac Street to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances.
- I. Consider Consulting Services Agreement with RPS Klotz Associates in an amount not to exceed \$100,000 for engineering design services relating to the second phase of the City’s Thoroughfare Plan Update; and authorize the City Manager to sign.
- J. Consider Engineering Services Agreement with Dannenbaum Engineering Corporation in an amount not to exceed \$97,810 for engineering design services to update the 2011 M-1 Ditch Watershed Study, including a drainage analysis for the Durant Road detention pond; also including the design of the proposed dry detention pond at the northwest corner of South Street and Durant Road; and authorize the City Manager to sign.
- K. Consider Resolution 16-R-15; authorizing the Alvin Museum Society to utilize and occupy the old Post Office building located at 302 Sealy Street.
- L. Consider request from the Alvin Historical Society for the authorization to install a LED scrolling sign on city property located in front of the Alvin Historical Museum (302 West Sealy).
- M. Consider purchase of eleven (11) replacement console radio through the Houston Galveston Area Council (HGAC) for Emergency Service Departments in an amount not to exceed \$132,986.22.
- N. Consider bid award for Uniform Services to Unifirst for two (2) years with an option to continue for an additional two (2) years at the same price and conditions.
- O. Consider Resolution 16-R-13; adopting a Hiring Incentive Program for the City of Alvin Police Department.
- P. Consider appointment to the Parks and Recreation Board to fill the unexpired term of Chris Sanger.

## **6. PRESENTATIONS**

- A. Police/Humane Departmental Update

## **7. REPORTS FROM CITY MANAGER**

- A. Review preliminary list of items for next Council meeting.
- B. Items of Community Interest.

## **8. REPORTS FROM COUNCIL MEMBERS**

Pursuant to S.B. No. 1182, City Council Members may make a report or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

- A. Announcements and requests from Council members.

**9. EXECUTIVE SESSION**

- A. City Council will meet in Executive Session pursuant to Texas Government Code Section 551.071(2) Attorney consultation to receive attorney advice and counsel in connection with the city’s legal rights, duties, privileges, and obligations related to the notice of intent to bargain submitted the Alvin Police Officers Association to the City for a new bargaining cycle.

**10. RECONVENE TO OPEN SESSION**

- A. Consider action, if any, on item discussed in Executive Session.

**11. ADJOURNMENT**

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website: [www.alvin-tx.gov](http://www.alvin-tx.gov), in compliance with Chapter 551, Texas Government Code on MONDAY, MAY 16, 2016 at 4:00 P.M.



\_\_\_\_\_  
Dixie Roberts, City Clerk

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

**\*\* All meetings of the City Council are open to the public, except when there is a necessity to meet in Executive Session (closed to the public) under the provisions of Chapter 551, Texas Government Code. The Council reserves the right to convene into executive session on any of the above posted agenda items that qualify for an executive session by publicly announcing the applicable section of the Open Meetings Act, including but not limited to sections 551.071 (litigation and certain consultation with the attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations), or 551.087 (qualifying economic development negotiations).**

**ALVIN SR. BOARD MEETING  
MARCH 14, 2016**

- **CALL TO ORDER:** Barbara Biggers called the meeting to order at 9:08 A.M. Board members present were Brenda Maust, Betty Hodges, Beverly Kimbrough, Nell Shimek, Barbara Biggers, and Wanda Garrett. Others present were Dan Kelinske, Director Parks and Recreation, Marla Grigsby Alvin Senior Center Manager. Our visitor was Terry Droege, Alvin City Council, Position Two. Also visiting and commenting on several items was Marsha Shaner, Senior attendee and Actions attendee. Minutes were read and approved as printed.
- **REPORTS:** Dan Kelinske said that the A/C was rechecked and approved. He announced the Alvin City Clean Up, drop point at ACC and National Oak Park. From 8 A.M. to 1 P.M. it is for Alvin residents only. Beverly Kimbrough said decorating dates are April 4, 2016 at 9 A.M.
- **UNFINISHED BUSINESS:** Marla Grigsby talked about the Volunteer Luncheon, said invitations are ready. The photo group withdrew their proposal to take and print our pictures for the Sr. Board member pictures. Dan will be checking on photography options for us to get our pictures taken. Barbara Biggers said that the dance turnout was low attendance with only 28 tickets sold.  
Marla Grigsby encouraged us to vote for the Volunteer of Year. Marla Grigsby ordered balloons for the Volunteer Luncheon. Marla will send us emails to keep us informed. Beverly Kimbrough to order flowers for the luncheon. Brenda Maust made a motion for us to have a 20<sup>th</sup> year Anniversary celebration. Wanda Garrett seconded that motion, the motion passed.
- **NEW BUSINESS:** The Senior Center Building needs maintenance, floors are a problem, and furniture is needed. Brenda Maust will check into the Alvin paper giving us more publicity possibly with a column published every couple of weeks. It could be titled Fun For 50+
  
- **ANNOUNCEMENTS:** Next meeting will be April 11, 2016
  
- **ADJOURNED:** 10:32 A.M.
  
- Respectfully submitted,

Nell Shimek, Alvin Senior Board Secretary

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
REGULAR CITY COUNCIL MEETING  
THURSDAY MAY 5, 2016  
7:00 P.M.**

**CALL TO ORDER**

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in Regular Session at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-tem Adam Arendell; Councilmembers: Gabe Adame, Terry Droege, Roger Stuksa, and Keith Thompson, Scott Reed and Brad Richards.

**Staff members present:** Sereniah Breland, City Manager; Junru Roland, Assistant City Manager/CFO; Bobbi Kacz, City Attorney; Dixie Roberts, City Clerk; Robert E. Lee, Chief of Police, Michelle Segovia, City Engineer, Dan Kelinske, Director of Parks and Recreation, and Brian Smith, Public Works Director.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Horn gave the invocation.

Council member Adame led the Pledge of Allegiance to the American Flag.

Council member Reed led the Pledge to the Texas Flag.

**PUBLIC COMMENT**

There were no public comments.

**PRESENTATIONS**

Proclamation – Police Week; May 15-21, 2016.

Mayor Horn proclaimed May 10-16, 2015 as Police Week.

Proclamation – Motorcycle Safety Awareness Month; May 2016.

Mayor Horn proclaimed the month of May as Motorcycle Safety Awareness.

Presentation of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the City's 2015-16 annual budget document.

Mayor Horn presented the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the City's 2015-16 annual budget document to Junru Roland, Assistant City Manager/CFO and Finance Staff.

Quiet Zone Presentation.

Sereniah Breland, City Manager gave a brief update on quiet zones. She reviewed Council approved scope for this project: Tovrea Road (at-grade crossing with curb), North Gordon Street (SH 35; Wayside Horn), Avenue E ½ (crossing to be closed), N. Second Street (at-grade crossing with curb), CR 149 (at-grade crossing with curb (outside city limits). Provide engineered drawings and specifications for construction related to the quiet zone improvements, pre-diagnostic review with BNSF, diagnostic review and notice of intent, bidding, construction administration and notice of establishment. Quiet zones are permitted by the Federal Railroad Administration (FRA) if they meet standard requirements. Project History Pre-diagnostic meeting: plans created and submitted to BNSF's Engineer, determined that the crossings are not equipped with Constant Warning

Circuitry as required by FRA, Gordon Street (estimated completion Fall 2016) TxDOT funding constant warning improvements. Project History Constant Warning Circuitry: Negotiated 20% match funding with BNSF. BNSF agreed to allow the City to construct another at-grade crossing for the closing of E ½ as a swap OR payment to City (amount to be determined during negotiations).

Engineering Opinion of probable cost:

	Tovrea	N. Gordon	Ave E ½	N. 2 <sup>nd</sup> St.	CR 149	Total
Proposed Quiet Zone Improvements	\$9,630	\$182,990	\$15,000	\$10,900	\$9,720	\$228,240
Constant Warning Circuitry Improvements	\$392	\$504,498	0	\$556,359	\$224,749	\$1,1285,998
Total Project Cost	\$10,022	\$687,488	\$15,000	\$567,259	\$234,469	\$1,514,238
TxDOT Funded	0	(\$504,498)	0	0	0	(\$504,498)
BNSF 20% Match	(\$78)	0	0	(\$111,272)	(\$44,950)	(\$156,300)
Total Cost to City	\$9,944	\$182,990	\$15,000	\$455,987	\$189,519	\$853,440
		\$207,934				*\$70,285 Engineering Fees

### **CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION**

Approve minutes of the April 21, 2016 City Council regular meeting.

Consider bid award for the 2016 Concrete Pavement and Drainage Project to AGR Construction, LLC in an amount not to exceed \$192,461.50; and authorize the City Manager to sign the contract subject to legal review.

Consider request by the Brazoria County Tax Assessor-Collector to waive and refund \$2,365.28 of penalty and interest assessed on the 2015 ad valorem taxes associated with accounts 0491-0008-000; 0491-0017-000; 0491-0024-120; 0491-0036-000; 0491-0017-003; and 9103-0173-010.

Consider Resolution 16-R-09; acknowledging and supporting the extension date of December 31, 2016 for the completion of the park project in the Interlocal Cooperation Agreement with Brazoria County, Texas.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Droege; motion to approve carried on a vote of 7 Ayes.

### **OTHER BUSINESS:**

Consider a final plat of Ramirez Subdivision, being a subdivision of 4.162 acres (along County Road 179 south of Rowan Burton Road) being a part of lots 12 and 13 of the Samuel Bard Subdivision of the Hooper and Wade Survey Section 20, abstract number 487, Brazoria County, Texas.

*On March 31, 2016 the Engineering Department received the final plat of Ramirez Subdivision for review. The property is located on the east side of County Road 179, south of the Rowan Burton Road intersection in the City of Alvin Extraterritorial Jurisdiction (ETJ) and is being platted for conveyance. The City Planning Commission unanimously approved the plat at their meeting on April 19, 2016.*

Council member Thompson moved to approve a final plat of Ramirez Subdivision, being a subdivision of 4.162 acres (along County Road 179 south of Rowan Burton Road) being a part of lots 12 and 13 of the Samuel Bard Subdivision of the Hooper and Wade Survey Section 20, abstract

number 487, Brazoria County, Texas. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider bid award for the replacement of five (5) Police vehicles including all equipment and graphics to Silsbee Ford in an amount not to exceed \$219,432.

*On April 19, 2016 bids were opened and Silsbee Ford was the lowest bidder. Buy Board quotes were also received prior to bidding from Silsbee Ford, a Buy Board company, for price comparison. A cost savings of \$1,276.75 was achieved through bidding vs. Buy Board Quotes. Silsbee Ford provides Police vehicles and up fitting through EVS a Buy Board company delivering a road ready vehicle ready for service. The services provided for these five vehicles will include all prisoner cages, window guards, lights, sirens, graphics, organizers, computer mounts, console, camera and radar mounting, gun locks and global positioning systems. All lighting equipment is provided a five-year warranty with mobile warranty service, reducing down time for warranty work. Through the in-house lease program all five vehicles have met their useful life and were budgeted in FY16 for replacement using the vehicle replacement fund.*

Council member Adame asked that staff look into the cost associated with using the vehicles that are to be replaced as take home vehicles for police officers in an effort to increase police presence within the community.

Council member Stuksa asked if leasing the vehicles was an option. Mr. Smith stated that emergency service vehicles can't be leased.

The price of the bid lowered

Council member Stuksa moved to award a bid for the replacement of five (5) Police vehicles including all equipment and graphics to Silsbee Ford in an amount not to exceed \$219,432. Seconded by Council member Droege; motion carried on a vote of 7 Ayes.

Receive and acknowledge receipt of the Financial and Quarterly Investment reports for March 2016.

*The City Charter requires the Chief Financial Officer to report on the financial condition of the City. In addition, the City's investment policy requires the Chief Financial Officer to submit an investment report to the City Manager, the Mayor, and City Council each quarter.*

Council member Droege moved to acknowledge receipt of the Financial and Quarterly Investment reports for March 2016. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

**REPORTS FROM CITY MANAGER**

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the May 19, 2016 City Council meeting

Items of Community Interest.

Mrs. Roberts reviewed items of community interest.

**REPORTS FROM COUNCIL MEMBERS**

Pursuant to S.B. No. 1182, City Council Members may make a report or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

Announcements and requests from Council members.

Council member Thompson thanked all of the city departments and congratulated Mr. Roland and the Finance Department in receiving the GFOA Distinguished Budget Award. He also encouraged everyone to vote on Saturday.

Council member Reed thanked Chief Lee and the Police Department for the job they do in keeping the community safe. He also thanked Mr. Roland and the Finance Department for a job well done.

Council member Arendell thanked staff for the Quiet Zone update and the Capital Improvement Project update. He thanked Chief Lee and the Police Department for their service and congratulated Mr. Roland and the Finance Department for all of efforts.

Council member Richards thanked all city employees for their service. He also encouraged everyone to vote on Saturday.

Council member Droege congratulated Mr. Roland and the Finance Department and thanked all of the city employees for a job well done. He encouraged everyone to vote on Saturday.

Council member Adame thanked the Finance Department and recognized Mr. Roland for the leadership he provides in protecting the city’s tax dollars appropriately. He also thanked Chief Lee and the Police Department for their service to the community and thanked Mr. Smith for his efforts in saving the city money, referencing the police department vehicle bid. Council member Adame asked staff to look into the placement of speed bumps by the Little League Fields on College Drive in an effort to slow down speeding vehicles in the area.

Council member Stuksa stated that the City of Alvin is fortunate to have the staff currently in place representing the city. He thanked Chief Lee, Mr. Roland and Ms. Breland for their leadership.

Mayor Horn asked that City Council receive the Personnel Policy in plenty of advance notice before the next meeting so that members have to review the changes made.

**ADJOURNMENT**

Council member Adame moved to adjourn the meeting at 7:54 p.m. Seconded by Council member Droege; motion to adjourn carried on a vote of 7 Ayes.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Paul A. Horn, Mayor

ATTEST: \_\_\_\_\_  
Dixie Roberts, City Clerk



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** City Clerk

**Contact:** Dixie Roberts, City Clerk

**Agenda Item:** Acknowledge resignation of Chris Sanger from the Parks and Recreation Board.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** Acknowledge resignation from Council member elect Chris Sanger from the Parks and Recreation Board.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A  Required \_\_\_ **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Applicant Information

**Recommendation:** Move to accept the resignation of Chris Sanger from the Parks and Recreation Board.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**From:** chris@chrissanger.com [mailto:chris@chrissanger.com]  
**Sent:** Thursday, May 12, 2016 4:43 PM  
**To:** Dixie Roberts <droboterts@cityhall.cityofalvin.com>; Sereniah Breland <sbreland@cityhall.cityofalvin.com>  
**Subject:** Resignation - Alvin Parks & Recreation Board

Please accept my formal resignation from the Alvin Parks & Recreation Board due to my election to Alvin City Council. I have enjoyed my short time with the Parks Board and believe it has been beneficial to the City.

Thank you,

Chris Sanger, Sales Director & REALTOR®  
CENTURY® 21 PARAMOUNT  
**Top Producing Agent at Century 21 Paramount**  
**Offices in Alvin, League City, Pearland, & Clear Lake**



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Legal

**Contact:** Bobbi Kacz, City Attorney

**Agenda Item:** Consider Ordinance 16-H; repealing Ordinance No. 07-CCC, whereby the City Council adopted the City of Alvin Personnel Policy; and repealing Ordinance Nos. 08-II, 09-R, 10-O, 11-V, 11-SS, 11-WW, 12-B, 12-E, 12-F, 12-G, 12-II, 13-K, 13-W, 13-KK; whereby the City Council amended the Personnel Policy.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** This ordinance repeals the existing personnel policy and subsequent amendments to it since its adoption in 2007. Resolution 16-R-10 provides the newly updated personnel policy manual.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A \_\_\_ **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A X

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No X

**Legal Review Required:** N/A \_\_\_ Required X **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Ord. 16-H

**Recommendation:** Move to approve Ordinance 16-H; repealing Ordinance No. 07-CCC, whereby the City Council adopted the City of Alvin Personnel Policy; and repealing Ordinance Nos. 08-II, 09-R, 10-O, 11-V, 11-SS, 11-WW, 12-B, 12-E, 12-F, 12-G, 12-II, 13-K, 13-W, 13-KK; whereby the City Council amended the Personnel Policy.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

**ORDINANCE NO. 16-H**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS REPEALING ORDINANCE NO. 07-CCC, WHEREBY THE CITY COUNCIL ADOPTED THE CITY OF ALVIN PERSONNEL POLICY; AND REPEALING ORDINANCE NOS. 08-LL, 09-R, 10-O, 11-V, 11-SS, 11-WW, 12-B, 12-E, 12-F, 12-G, 12-II, 13-K, 13-W, 13-KK;, WHEREBY THE CITY COUNCIL AMENDED THE PERSONNEL POLICY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

WHEREAS, the City of Alvin adopted a Personnel Policy Ordinance No. 07-CCC on December 6, 2007, and was amended by Ordinance No. 08-LL on November 20, 2008; Ordinance 09-R on July 23, 2009, Ordinance 10-O on August 19, 2010, Ordinance 11-V on May 5, 2011, Ordinance 11-SS on September 5, 2011, Ordinance 11-WW on September 27, 2011, Ordinance 12-B on January 19, 2012, Ordinance 12-E on March 15, 2012, Ordinance 12-F on March 15, 2012, Ordinance G on March 15, 2012, Ordinance 12-II on August 16, 2012, Ordinance 13-K on April 18, 2013, Ordinance 13-W on August 1, 2013, and 13-KKK on August 15, 2013 and; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** That the City Council of the City of Alvin, Texas hereby repeals Ordinance No's. 07-CCC, 08-LL, 09-R, 10-O, 11-V, 11-SS, 11-WW, 12-B, 12-E, 12-F, 12-G, 12-II, 13-K, 13-W and 13-KK and all other prior ordinances compiling the City's personnel policy.

**Section 2. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal or invalid or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 3. Effective Date.** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code*, and the *City of Alvin Charter*.

**Section 4. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

By: \_\_\_\_\_  
Paul A. Horn, Mayor



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Legal

**Contact:** Bobbi Kacz, City Attorney

**Agenda Item:** Consider Resolution 16-R-10; adopting the City of Alvin Personnel Policy Manual.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** This resolution adopts a new comprehensive Personnel Policy Manual. The new Manual updates the existing personnel policies to bring the City into compliance with current federal and state laws and City practices. Several Department Directors along with the Human Resource Manager provided input regarding various provisions and the applications to their respective departments. This Manual is the result of the cumulative suggested changes and combines multiple policies that were previously 'stand-alone' city policies.

Ordinance 16-H repealed the prior Personnel Policy in its entirety.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No

**Legal Review Required:** N/A \_\_\_ Required  **Date Completed:** April 28, 2016

**Supporting documents attached:**

- Res. 16-R-10
- Personnel Policy Manual – redline
- Personnel Policy Manual (final)

**Recommendation:** Move to approve Resolution 16-R-10; adopting the City of Alvin Personnel Policy Manual.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**RESOLUTION NO. 16-R-10**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, ADOPTING THE CITY'S PERSONNEL POLICY MANUAL; ESTABLISHING AN EFFECTIVE DATE; AND SETTING FORTH OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City of Alvin's Personnel Policy Manual is formulated to protect the interest of the City of Alvin and ensure consistent treatment for all employees and City Council; and

**WHEREAS**, Ord. 16-H repealed the prior ordinance that adopted the prior Personnel Policy and the ordinances that amended the prior Personnel Policy; and

**WHEREAS**, the City of Alvin's Personnel Policy Manual, attached hereto as Exhibit "A" (and incorporated herein by reference), upon review and consideration by the City Council approves and authorizes the adoption of the Personnel Policy Manual; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Proceedings.** That the City of Alvin Personnel Policy Manual attached hereto as Exhibit "A" is hereby adopted.

**Section 3. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code*.

**Section 4. Effective Date.** The Personnel Policy Manual shall take effect upon the passage of this resolution.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

By: \_\_\_\_\_  
Paul A. Horn, Mayor



**PERSONNEL POLICY MANUAL**

For The

**CITY OF ALVIN, TEXAS**

Adopted by the City Council

On the

\_\_\_\_\_ Day of May, 2016

Style Definition: PPM 3: Expanded by 0.2 pt

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**SECTION I.  
PREAMBLE & PURPOSE**

**RULE 1. APPLICATION OF POLICIES**

- A. The Personnel Policy Manual policies shall apply consistently and uniformly to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council.
- B. All employees must become familiar with and abide by these policies.
- C. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Personnel Policy Manual.
- D. In addition, for those employees covered under a labor agreement, the specific terms and conditions, if any, contained in any such agreement shall be applied first. The terms and conditions contained in this Manual shall otherwise control all personnel actions in the absence of a specific provision contained in an applicable labor agreement.

**RULE 2. AMENDMENT OF POLICIES**

- A. Amendments to the Personnel Policy Manual may be implemented at any time provided that any modifications are approved by resolution of the City Council.
- B. The City Manager is responsible for the appropriate interpretation and implementation of the policies contained in this Manual.

**RULE 3. AT-WILL EMPLOYMENT**

- A. Employment with the City of Alvin 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.
- B. This Personnel Policy Manual does not constitute a contract of employment. Nothing in this Manual is intended to alter the continuing at-will status of employment with the City. Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment.
- C. Employees remain free to resign their employment at any time for any or no reason, without notice, and likewise, the City retains the authority to terminate any employee at any time, for any or no reason, in accordance with state or federal law.

**SECTION II.  
EMPLOYEE CIVIL RIGHTS PROTECTIONS**

**RULE 4. GENERAL STATEMENT**

- A. Although it is not possible to list all laws that bear on the public sector employer – employee relationship, the City of Alvin is committed to compliance with all applicable laws, whether state or federal, that govern the employment relationship between the City and its employees, and this Personnel Policy Manual is intended to implement and maintain compliance with all applicable laws.

**RULE 5. EQUAL EMPLOYMENT OPPORTUNITY**

- A. The City is an equal opportunity employer under both state and federal law. Illegal discrimination against any person in the recruitment, selection, testing, appointment, pay and benefits, working conditions, disciplinary measures or any other aspect of employment or personnel management because of age, race, religion, sex, gender, color, national origin, citizenship, disability, veteran’s status or other unlawful basis, is prohibited to the fullest extent established by law.
- B. In addition, the City abides by any and all provisions of state and federal law that prohibit retaliation as a component of the enforcement of state and federal law.

**RULE 6. AMERICANS WITH DISABILITIES ACT**

- A. To ensure compliance with the Americans with Disabilities Act, the City offers equal employment opportunity to qualified individuals and prohibits illegal discrimination against qualified individuals to the fullest extent provided by law.
- B. The City is committed to full and complete compliance with state and federal laws that address any covered disability status in response to appropriate requests or circumstances calling for reasonable accommodation, as such obligations are established by applicable law and procedure.

**RULE 7. TEXAS MOTHER FRIENDLY WORKPLACE ACT**

- A. The City supports the practice of expressing breastmilk of lactating mothers, and provides work schedule flexibility to accommodate reasonable break times for an employee to express breastmilk for her nursing child or to breastfeed each time such employee has the need to express the milk or breastfeed, for up to one year after the child’s birth.
- B. Lactating mothers may use time during the standard workday for milk expression. This may include various combinations of standard paid break periods, lunch periods and other time as necessary. Scheduling will be arranged on a case-by-case basis and be based on the specific needs of the employee.
- C. Supervisors and managers are responsible for ensuring that the duties of the lactating employee are covered during her expression breaks.

- D. City support includes providing an onsite location for the lactating mother to express breastmilk for her nursing child or to breastfeed her child.

**SECTION III.  
QUALIFICATION AND ELIGIBILITY FOR HIRE**

**RULE 8. RECRUITMENT AND SELECTION**

- A. The City hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.
- B. Recruitment Requirements. The recruitment process is initiated by a Department Director submitting a request of staffing to the Human Resources Manager. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.
- C. After making a decision to hire, the hiring department must submit the appropriate paperwork to the Human Resources Manager, along with the applicable Status Change form. Offers for City employment will be communicated by the appropriate Department Director/Supervisor or Human Resources Manager upon receipt of the hiring recommendation and all related paperwork.
- D. The recruitment method for vacant director level positions may be determined by the City Manager on a case by case basis.
- E. Applications. Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the Department.
- F. Hiring Process. Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to a pre-employment investigation.
- G. Disqualification. Applicants will be disqualified from consideration for one or more of the following:
  - 1. Failure to meet the minimum qualifications necessary for performance of the duties for the position;

2. If they previously worked for the City and were terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure;
3. If their employment will result in a violation of the City's Nepotism Policy;
4. Failure to meet minimum age requirement of seventeen (17) for all city departments, except as part time/seasonal employment for the Parks and Recreation Department. The minimum age for part time/seasonal employment for the Parks and Recreation Department shall be fifteen (15) and shall comply with all rules adopted by the Texas Workforce Commission and the Fair Labor Standards Act (FLSA);
5. False statements or material omissions on the application form or during the application process;
6. Failing any of the City's background and employment requirements including, but not limited to, drug testing;
7. The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
8. The applicant is not legally permitted to work in the United States;
9. The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
10. Any other reason deemed to be in the best interests of the City.

**RULE 9. NEPOTISM RESTRICTIONS**

**A.** In order to prevent conflicts of interest and to avoid perceptions of biased conduct or favoritism, it is the policy of the City that:

1. An applicant related to the City Manager by blood within the third degree or marriage within the second degree according to common law shall not be employed by the City.
2. An applicant related to any member of the City Council by blood within the third degree or marriage within the second degree according to common law shall not be employed by the City.
3. This prohibition does not apply to applicants for the position of Municipal Court Judge.

**B.** Degrees are defined as follows:

<u>Employee or Officer</u>	
<u>Consanguinity</u> <u>(Includes individuals related by blood to the Employee or Officer)</u>	<u>Affinity</u> <u>(Includes the Employee's or Officer's Spouse and individuals related to the Spouse)</u>

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<u>First Degree</u>	<u>2<sup>nd</sup> Degree</u>	<u>3<sup>rd</sup> Degree</u>	<u>First Degree</u>	<u>2<sup>nd</sup> Degree</u>
<u>Child or Parent</u>	<u>Grandparents</u>	<u>Aunt</u>	<u>Spouse</u>	<u>Brother-in-Law</u>
	<u>Grandchildren</u>	<u>Uncle</u>	<u>Mother-in-Law</u>	<u>Sister-in-Law</u>
	<u>Brother or Sister</u>	<u>Niece</u>	<u>Father-in-Law</u>	<u>Spouse's Grandparent</u>
		<u>Nephew</u>	<u>Son-in-Law</u>	<u>Spouse's Grandchild</u>
		<u>Great Grandparents</u>	<u>Daughter-in-Law</u>	<u>Grandchild's Spouse</u>
		<u>Great Grandchildren</u>	<u>Stepson</u>	<u>Spouse of Grandparent</u>
			<u>Stepdaughter</u>	
			<u>Stepmother</u>	
			<u>Stepfather</u>	

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**B.** Degrees are defined as follows:

**First Degree:** Mother  
 Father  
 Sister  
 Brother  
 Son  
 Daughter } ~~-(or) in-law~~

**Second Degree:** Uncle  
 Aunt  
 Nephew  
 Niece  
 Grandfather  
 Grandmother  
 Granddaughter  
 Grandson  
 1<sup>st</sup> Cousin } (or) in-law

~~C. C. Restrictions. Under no circumstances will an applicant be employed in a department in which he or she may directly or indirectly supervise or be supervised by a member of his or her immediate family. Immediate family in this provision includes spouse, parents, children, brother or sister.~~

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~~Other Restrictions.~~ The following restrictions apply on the employment of any relative. Relative is defined as being within the First, Second and Third Degrees of the chart above, including those defined as family members under this policy.

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It shall be a violation of this rule for an employee to do any of the following:

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- ~~2.~~ hold a position which requires or enables the employee to directly supervise a relative; or
- ~~3.~~ No employee in the relationship will supervise, review or process the work of the relative; or
- ~~4.~~ evaluate the work performance of a relative; or
- ~~5.~~ evaluate the application for employment of a relative; or
- ~~4-6.~~ adjust an employment relations grievance or complaint of a relative.
- ~~2.~~ The employees' relationship must not create a conflict between employees/ City interests; and
- ~~7.~~ There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.
- ~~3-8.~~ "Direct supervision" includes the following tasks in addition to those listed above: Appoint, hire, promote, recommend or assign work, discharge, discipline or demote a relative. Direct supervision also includes making effective recommendations or otherwise participating in any interview, discussion or debate regarding the above listed tasks.

- D. Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee). ~~In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.~~
- E. Promotion. In the event of a proposed promotion to a position supervising any employed relative, the relative must agree to immediately tender his/her written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the relative's conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect. The relative is not prohibited from seeking a position in a different department in compliance with this rule.
- F. Marriage of Current Employees. In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this rule, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this rule.
1. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this rule, one or both of the affected employees will be required to resign from employment.

- G. Grandfather Clause. The City is aware that, as of the above revision date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be “grandfathered” under this rule, meaning they will be permitted to continue their employment with the City as long as the requirements set out in this rule are met. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this rule. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this rule.
- H. Periodic Review. Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this rule. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this rule. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment.
- I. Application of Rule. This rule applies to all full-time ~~and~~ part-time ~~and seasonal~~ employees of the City.

**RULE 10. PROBATIONARY PERIOD**

~~A. The probationary period allows supervisory staff to assess the employees' performance to assist the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. Probationary employees are subject to all City policies and procedures unless otherwise stated in this Manual. Employees who successfully complete a probationary period may utilize the grievance or complaint process outlined in this Manual.~~

~~A-B.~~ Although all city employees are at all times “at will” employees under this Manual, the city nonetheless utilizes a probationary period of at least six (6) months as a component of its initial hiring process.

~~B-C.~~ Additionally, all current employees who are transferred, promoted, or reclassified to a supervisory position, as well as former City employees who are rehired will be carried as being on a probationary period of at least four (4) months ~~to allow supervisory staff to assess the employees performance.~~

~~C. The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. Employees who successfully complete a probationary period may utilize the grievance or complaint process outlined in this manual.~~

~~An extension of ninety (90) days of orientation and/or training time may be added to the probationary period. Employees are considered~~

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~~probationary employees until they have actually performed their regular job duties for at least nine (9) months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position. The probationary period is not to exceed nine months.~~

**D.** Extensions to Probationary Period. The performance probationary period may be extended under the following circumstances:

1. At the end of the six (6) months probationary period, probation may be extended for up to an additional ninety (90) days when a probationary employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed. Such extension will be at the sole discretion of the Department Director. The probationary period is not to exceed nine (9) months.

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2. A probationary period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work.

**D-E.** Seasonal and Part-Time Employees. Seasonal and part-time employees do not serve a probationary period and have no right of appeal when terminated at any time.

**E-F.** Change In Assignment of Probationary Employee. A Department Director may request a probationary employee be reassigned, promoted, or transferred during the probationary period. If the reassignment, promotion, or transfer is approved, the employee will serve a four (4) month probationary period in the new position beginning with the date of the position change. Transferred or promoted employees serving probationary periods retain their eligibility for all types of leave established by City policy.

**F-G.** Absences During Performance Probationary Period. During the probationary period, an employee is not eligible to use ~~sick leave or~~ vacation leave for any absences. Compensatory time off, sick leave or recognized holidays during the probationary period may be used as an approved absence per established City/departmental policy or practice.

**G-H.** Probationary Evaluations. All probationary employees shall receive an Employee Appraisal midway through their probationary period identifying their overall performance. The content of this appraisal will be used to help guide the employee to a successful conclusion of their probationary period. Upon successful completion of an employee's probationary period an "Employee Probationary Period Appraisal" form will be completed with proper signatures and forwarded to the City Manager's office for approval. The appraisal form can be obtained from the Human Resources Manager.

~~H. Extensions to Probationary Period. The performance probationary period may be extended under the following circumstances:~~

~~I. 1. At the end of the six (6) months probationary period, probation may be extended for up to an additional ninety (90) days when a probationary employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed. Such extension will be at the sole discretion of the Department Director.~~

~~J. 2. A probationary period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work.~~

~~K.I. Successful Completion of Probation/"Regular" Status Granted. An employee is granted "regular" status in the new position if the employee satisfactorily completes the probationary period.~~

~~L.J. Failure of Probation.~~

- a. An employee is considered to have failed probation 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 probation may occur at any time within the probationary period.
- b. An employee who fails probation will normally be terminated from the City's employment. A probationary employee who is terminated has no right of appeal. Probationary employees are not entitled to progressive levels of discipline.
- c. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City.
- d. A transferred or promoted employee who fails probation may, at the sole discretion of the City, be reinstated to his/her former position provided there is a vacancy and if approved by the affected Department Director(s).
- e. Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training, and other efforts to help employees during their probationary period.

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~~Termination of Probationary Employment. Probationary employees are at will employees and may be terminated at any time during the probationary period, with or without notice or cause. A probationary employee who is terminated has no right of appeal. Probationary employees are not entitled to progressive levels of discipline. Probationary employees are otherwise subject to all policies and procedures of the City.~~

~~Sexual and Other Unlawful Harassment. Probationary employees are subject in all respects to the City's Sexual and Other Unlawful Harassment Policy. While probationary employees have no right of appeal, if they believe they have been subjected to unlawful harassment or discrimination, they must immediately report such conduct as set out in the City policy.~~

#### **RULE 13-RULE 11. ATTENDANCE AND WORK HOURS**

- A. Regular Work Week. Nonexempt employees of the City, normally work forty (40) hours in a seven-day workweek. Exempt employees may be required to work in excess of forty (40) hours in certain weeks. In times of disaster or emergency, working hours shall be determined by the City Manager.
- B. Adjustment to Work Hours. In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. All employees shall cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and includes that he/she will be available to do such work.
- C. Meal Periods. Full-time employees (excluding most Police Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Thirty minute lunches may be established at the discretion of the Department Head.
- D. Breaks. Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two (2) fifteen (15) minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day.
- E. Attendance Records. Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day.
- F. Attendance and Punctuality. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In

the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his/her supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to his/her supervisor the reason for the absence or tardiness and the date and time of his/her anticipated arrival. For absences of a day or more the employee must personally notify his/her supervisor on each day of his/her absence unless the supervisor expressly waives this requirement.

- G. In accordance to the policy of the department, an employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of three (3) days or more may be presumed to have voluntarily resigned his/her employment.

**RULE 14-RULE 12. DRESS AND APPEARANCE**

- A. 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. Employees may wear business casual dress, as practical for their position. Professional business attire or a ~~required~~ uniform may be required~~is to be worn when there is a need to present a more formal professional appearance~~ for meetings or special events. Uniforms will be provided to employees depending upon their department assignment.
- B. Police, Fire Department, and EMS employees may be covered under Departmental policies regarding appropriate dress and appearance.

~~Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.). Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.~~

- C. The following are inappropriate for work attire:
  1. provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics;
  2. clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
  3. wrinkled, ripped and tattered clothing;
  4. visible tattoos which could be deemed offensive;
  5. nose rings/studs, eyebrow rings/studs; or similar type facial jewelry with the exception of a recognized religion.

6. extreme hair styles and hair colors are unacceptable except for special events. ~~For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed.~~

- D. Employees should direct questions about appropriate appearance or dress to their Supervisor, Department Director, or the Human Resources Manager.
- E. Department Directors and supervisors are responsible for enforcing this rule in their respective departments in order to maintain acceptable dress and appearance.
- F. The City will make the determination as to acceptable dress, appearance and grooming.
- G. 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.

~~When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.~~

~~The Department Director, with approval of the City Manager's office, may make departmental exceptions to this rule when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.~~

**RULE 17-RULE 13. HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY**

- A. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.
- B. Serious Health Condition/Disabilities. The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.
- C. Medical Exams for Current Employees. The Human Resources Manager, or an employee's Department Director (with the prior written approval of the Human Resources Manager) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment. ~~as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act. If such action is initiated by the Human Resources Manager the Department Director will be notified.~~

- D. Time Off From Work. Time away from work under this rule will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.
- E. Return to Work. Before returning to work following a medical and/or psychological examination under this rule, the employee must coordinate his/her return through the Human Resources Manager and the Department Director.

**~~RULE 18.~~RULE 14. CONFIDENTIALITY OF MEDICAL INFORMATION**

- A. ~~Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Manager maintains these confidential medical files.~~ The City will abide by any applicable state or federal law that provides for the confidentiality of qualified health and other medical information that the City may have in its possession.
- B. ~~Examples of information that may be provided to the City by an employee’s health care provider, and maintained in the confidential medical file, include:~~
  - ~~0. a note to justify an absence;~~
  - ~~0. a note to request a leave;~~
  - ~~0. a note to verify the employee’s ability to return to work;~~
  - ~~0. medical records to support a claim for sick pay or disability benefits;~~
  - ~~0. insurance records; and~~
  - ~~0. workers’ compensation records.~~
- ~~I.1. 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 the Human Resources Manager. 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.~~
- ~~J.B. In addition to protecting their own confidential medical information,~~ Employees must also respect the privacy and confidentiality of their coworkers’ medical information. Employees are expected to use discretion and judgment when dealing with medical information that may be confidential ~~such information~~ and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker’s privacy or breach of confidence.

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**~~RULE 19.~~RULE 15. NO PRIVACY INTEREST IN WORKSITE (SEARCHES)**

- A. The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, whether secured, unsecured or secured by a lock provided by the employee.

- B. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.
- C. ~~All searches must be authorized and conducted under the direction of the Human Resources Manager.~~ Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

**SECTION IV.  
PAY AND BENEFITS**

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**RULE 20-RULE 16. TENURE BASED COMPENSATION PAY PLAN**

- A. The City operates on two different Pay Plan structures. The first is a tenure based plan that is established through the Police Department's Collective Bargaining Labor Agreement and affects only sworn police officers, except the Police Chief. ~~This plan is based on yearly step increases and has varying ceilings that are based on a person's position.~~
- B. The second plan ~~is also tenure based and~~ affects all other full-time City employees, except the City Manager and City Attorney. This plan is based on annual step increases and has a ~~ten (10) year~~ ceiling for all employees, both non-exempt and exempt. ~~The tenure based compensation schedules shall replace the current pay schedules and become effective on April 1, 2012, although no step increases shall occur prior to October 1, 2012. The tenure based compensation schedules shall be provided in the annual budget book.~~
- C. Annual step increases are subject to Council approval through the budget process and subject to fund availability. The ~~tenure based~~ compensation schedules shall be provided in the annual budget book. ~~Tenure shall be determined by "time in grade" (with no break in service) for all city employees.~~

**RULE 21-RULE 17. FLSA - OVERTIME, COMP TIME AND TIME MANAGEMENT**

- A. Overtime compensation is paid to all non-exempt employees in accordance with the minimum requirements of federal and state wage and hour requirements.
- B. Employees classified as EXEMPT under FLSA standards are not eligible to accrue compensatory time.
- C. The accrual, calculation, maintenance and utilization of overtime pay for employees covered under a collective bargaining labor agreement shall be controlled first by any applicable provision of that agreement, followed by the provisions of this Manual.
- D. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary

action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

- E. All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor.
- F. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.
- G. Generally, overtime pay for non-exempt employees is at the rate of one and one-half times (1.5x) the employee's regular hourly rate of pay for hours actually worked in excess of forty (40) in the City's workweek. An employee's regular hourly rate includes all pay incentives required by FLSA standards to be included in an overtime rate calculations. ~~such as certification pay, longevity, car allowance, equipment allowance and any shift differential pay, etc.~~
- H. ~~Paid~~ Vacation, comp time, and paid holiday leave approved training time directly related to an employee's job during an employee's regular shift are included as hours worked for purposes of determining eligibility for overtime pay. However, time off on account of sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.
- I. Compensatory Time. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation in accordance with the requirements of FLSA and the following terms and conditions:
  - 1. Public safety ~~– to be controlled by the terms of a collective bargaining labor agreement; i.e., police officers are subject to a 480 hour cap on accrual of compensatory time.~~
  - 2. All other employees are subject to a cap of ~~forty~~ 240 (40) hours.
  - 3. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. ~~Compensatory time accrues at a rate of 1½ hours for every hour of overtime worked by non-exempt employees.~~ Compensatory time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this rule.
  - 4. All compensatory time earned must be documented on the employee's time sheet.

**J.** An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department.

~~**K.** If use of requested compensatory time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or the entire employee's accrued compensatory time. The City may also require employees to take time off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.~~

~~**L.**~~ **K.** Police ~~on-call~~ contractual compensatory time. As part of the annual budget preparation process, the Chief of Police shall present to the City Manager a list of police positions that are necessary and required for "on-call" availability for the effective functionality of the Police Department. Upon Approval by the City Manager, the list will become part of the Proposed Budget. The Police Department will be responsible for budgeting the necessary funds for any net accruals created by the "on-call" contractual compensation each fiscal year.

~~**M.**~~ **L.** ~~Officers~~ Employees that receive training ~~on-call~~ compensation time shall expend these accrued hours prior to the use of FLSA compensatory time that was earned for hours worked.

~~**N.**~~ **M.** Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate per the established cap.

~~**O.**~~ **N.** Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.

~~**P.**~~ **O.** Exempt Employees. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond forty (40) hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

~~**Q.**~~ **P.** "Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Human Resources Manager.

~~**R.**~~ **Q.** Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which he or she performs no work.

~~**S.**~~ **R.** It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify the Human

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Resources Manager. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

**RULE 22. RULE 18. DISASTER OR EMERGENCY RESPONSE**

- A. This policy applies to all non-exempt and exempt employees and is intended to outline instructions for employees to follow when a state of emergency is imminent or has been declared by the Mayor or his designee, or any other authorized elected official for the jurisdiction of the City of Alvin~~the Governor or the President~~. This policy recognizes that some emergencies will provide no advanced warning.
- B. The citizens of Alvin depend on City employees before, during and after an emergency or disaster to provide or restore essential public services for the health, safety and quality of life for the community.
- C. In the event of an emergency that could impact our community, all employees must be ready to assist in managing the crisis. City employees will be required to fulfill their individual responsibilities and function as a team to protect the City's vital assets and maintain and restore essential City services. All City departments will be called upon to participate in response efforts.
- D. The Mayor or his/her designee determines the commencement of the emergency period and dismissal of employees through each department head. Each department head will evaluate and complete its emergency preparation even if a public announcement of the office closures or suspension of services is issued. Employees authorized to leave work during a declared emergency due to closed facilities will be on emergency paid administrative leave.
- E. Emergency paid administrative leave will start when the employee is dismissed by the City Manager through each department head and will continue until the employee returns to work based on the employee's normal workweek. During a hurricane evacuation, employees are required to return within forty-eight (48) hours after landfall. It is the responsibility of all employees to prepare an emergency response plan to ensure safety of family, personal property and contingency plans to return to work. It is the intent of management to provide time off prior to the known emergency to activate their emergency response plans. If an employee fails to show up for work, then the time lost will be Leave without Pay.
- F. During a state of emergency, any unauthorized absence from work or assignment may be considered sufficient cause for discharge. Non-cooperation of the essential personnel may result in disciplinary action up to and including termination.
- G. Emergency Periods:
  - 1. Pre-Impact Period. This is the time prior to the impending emergency/disaster period and includes emergency response activities and preventive measures by the City of Alvin's departments in preparing for the impending emergency. This period begins when the Mayor or his/her designee declares an emergency is imminent.

2. Emergency Period. This is the time during which emergency response activities of critical services and all regular City services are suspended. This period begins when the City is closed for normal business and ends forty-eight (48) hours after impact of the known disaster.
3. Post Impact/Recovery Period. This is the time during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. During this time, vacations will be granted on a case by case basis. This period ends when the Mayor or his designee declares the end of the period.

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**H.** Employee Status. Prior to a declaration of an emergency, department heads shall request for volunteers by position for each division within their department to be "emergency essential personnel" and all others will be classified as "emergency non-essential personnel". After the request for volunteers, the department heads have the authority to assign employees as "emergency essential personnel". With written approval from their department head, employees from different departments can be designated as "emergency essential personnel".

**I.** The designations shall be documented and be approved by the City Manager.

"Emergency Non-Essential" - Following a needs assessment, some employees may be temporarily dismissed from work, concurrently or successively, as determined by the emergency need and the department or function. These employees will be placed on emergency paid Administrative Leave pursuant to this policy.

"Emergency Essential" - Each department head is responsible for identifying those employees who will be designated as "Emergency Essential". These employees may be required to remain available immediately before, during the forty-eight (48) hour emergency period, and/or after the post impact/recovery period to perform duties directly related to the emergency conditions as determined by the City. Notwithstanding, an "Emergency Essential" employee will be allowed reasonable emergency paid administrative leave to secure the employee's home and family and attend to immediate personal needs resulting from the emergency.

"Post-Impact/Recovery Assigned" - Following the event, all City of Alvin employees are considered "Post-Impact/Recovery Assigned" employees. After the return to work, each department head is responsible for identifying those employees who are essential to the quick restoration of critical services to the community.

"Emergency Duty Assignment" - In the event of an emergency, the City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

**J.** Compensation for Hours Worked During a Declared State of Emergency

1. The City of Alvin has the authority to require as many employees as necessary to either remain at work (held over), or be on emergency standby.
2. During the Emergency Period, “emergency non-essential” employees who are released from their normal workday by the City Manager/department head and are not required to report back to work due to the emergency event shall receive regular pay for their normally scheduled workday. These hours shall not count as “time worked” for the purposes of calculating overtime that may be earned elsewhere in that week. These hours shall be recorded on the employee’s time with appropriate coding, as designated by the Finance Department, to reflect emergency administrative leave.
3. During the declared Emergency Period, “emergency essential” personnel who are non-exempt (hourly, overtime eligible) and are authorized to perform work for the benefit of the city shall be paid the base straight pay for normally scheduled hours and one and one-half times (1.5x) for all hours worked outside their regular scheduled work hours during the declared emergency conditions, when other employees are allowed administrative leave.
- ~~4.~~ During the declared Emergency Period and Post Impact/Recovery Period, “emergency essential” exempt employees shall be compensated by receiving their regular pay ~~and/or compensatory time (hour for hour)~~ for all hours worked in excess of their normal work hours during the declared emergency/disaster and Impact/Recovery period. ~~Total compensatory time accrued shall not exceed 240 hours for all non-public safety employees and 480 hours for all public safety employees at any given time during the year (Texas and Federal Wage and Hour Laws).~~ The rate of pay for such additional hours worked shall be equivalent to the exempt employee’s hourly rate, as long as it is within the City’s financial ability to make such payment, and must be approved by City Council. If the City is unable to make such payment, the City Manager may authorize the exempt employees to receive compensatory time (hour for hour). Each department will provide the appropriate documents to record their hours worked.
- ~~4.~~ a. The City Manager may authorize “emergency essential” exempt employees to be compensated for hours worked assisting other jurisdictions during a declared Emergency Period and Post Impact/Recovery Period.

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- K. Employees who are out on prior approved leave during any of the three periods will continue to be charged the prior approved leave status for such leave.
- L. Responsibilities
  1. Supervisors and/or Department Heads
    - a. Ensure all employees have completed the appropriate NIMS training as required by the State of Texas Department of

Emergency Management and FEMA and schedule new employees training immediately after hire.

- b. Hold training with all employees regarding emergency operations procedures prior to May 31 of each year.
- c. Assess all approved vacation leave requests and advise employees of their responsibilities and when they need to return back to work.
- d. Allow “emergency essential” employees to secure their homes and families.
- e. Provide list of “emergency essential” employees to the City Manager for approval prior to sending “emergency non-essential” employees home.

**2. Employees (Emergency Essential and Emergency Non- Essential)**

- a. Provide up-to-date emergency contact information to supervisor and department head so that employee can be contacted when away from work.
- b. Understand that any pre-approved leave may be subject to postponement or cancellation.
- c. Attend appropriate required NIMS training classes according to job position as outlined in the NIMS Training Guidelines.
- d. Ensure that the safety and security of the employee’s family is met.

**M.** At the department head’s discretion, previously approved leave, vacation, etc. may be canceled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that the previously approved leave is being canceled, will be deemed an unauthorized absence from work or assignment which may be sufficient cause for termination.

**RULE 23. RULE 19. EMPLOYEE APPRAISAL SYSTEM**

**A.** The City uses a thorough employee appraisal process for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The employee appraisal process provides necessary information for assisting career development and training, assignments, advancements, transfers, disciplinary actions and retention. The purpose of the appraisal process as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service. A copy of the Employee Appraisal form can be obtained from the Human Resources Manager.

**B.** Newly hired regular full-time employees are eligible for:

- 1. a written employee appraisal midway through their probationary period and upon successful completion of their probationary period; and
- 2. an annual employee appraisal on their date of hire anniversary.

- C. Newly transferred or promoted employees who are on probation shall also receive periodic evaluations:
  - 1. during their probationary period; and
  - 2. at the end of their probation period.
- D. Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area.
- E. All employee appraisal information must be written and each employee will be asked to sign and date a copy of his/her employee appraisal when it is reviewed. An evaluation is considered complete at the time:
  - 1. the employee signs and dates the evaluation document; or
  - 2. the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document; and
  - 3. the evaluation document is signed by the affected Supervisor, Department Director and the City Manager and then forwarded to the Human Resources Manager for retention in the employee's official personnel file.
- F. Department Directors are expected to ensure compliance with this rule and ensure that evaluating supervisors and managers under their direction are adequately trained in the employee appraisal process. Department Directors and/or mid-level managers are encouraged to review all employee appraisal documents for validity prior to the department supervisor conducting the appraisal with the affected employee, in order to correct any obvious errors or rating bias.
- G. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual employee appraisal with their evaluating supervisor. If the employee is unable to resolve his/her issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address his/her concerns.
- H. The Human Resources Manager will review all appraisal documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Human Resources Manager is responsible for maintaining original appraisal documents in official personnel files.

**RULE 24-RULE 20. PROMOTIONS**

- A. Positions to be filled shall be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.
- B. Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

- C. Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.
- D. A promotion should not be deemed completed until a probationary period of four (4) months shall have elapsed. Should a promoted employee not successfully complete the probationary period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.

**RULE 25-RULE 21. SEPARATIONS**

- A. The City designates all employee separations as one of the following types:

Resignation. An employee who intends to resign is requested to notify his/her supervisor and/or the Human Resources Manager in writing at least two (2) weeks prior to the last day of work. Employees who fail to give a two (2) week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Human Resources Manager.

Retirement. An employee who intends to retire must notify his/her Department Director, supervisor and the Human Resources Manager, in writing, thirty (30) days prior to the date of retirement. This thirty (30) day requirement is necessary to ensure that the required paperwork is timely submitted to Texas Municipal Retirement System (TMRS).

Dismissal/Termination. The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails probation. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance or conduct and/or violation of City policies or procedures, are not eligible for rehire.

- B. Dismissal may also occur for the following:

Job Abandonment. If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization and/or notification for three (3) or more consecutive work days, the City will normally consider the employee to have abandoned his/her employment, and he/she will be terminated.

Long-Term Absence. Any employee who is absent from work ~~after exhausting his/her FMLA time, may receive an extension of time with appropriate documentation of his/her date of return to work for more than 180 days, for whatever reason, will be terminated, except as provided below. Brief appearances at work during an overall absence of 180 day period will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the duties of his or her actual position after a period of ninety (90) days will be terminated. The City may elect to end the employee's employment before the expiration of ninety (90) if it is unlikely that the employee will be able to return to full~~

~~time active duty at the end of that time. An employee who has a paid leave balance remaining at the end of ninety (90) days may, at the City's option, extend his/her leave using any available paid leave balance, or be terminated and paid for accrued leave balances.~~

~~This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.~~

**D.C.** Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

**E.D.** Death. If a City employee dies, his/her designated beneficiary or estate will be paid all earned pay and payable benefits the employee would have received but for his or her death.

## SECTION V. PAID TIME OFF BENEFITS

### **RULE 26-RULE 22. HOLIDAY PAY BENEFIT**

A. The City hereby recognizes and establishes a holiday pay benefit. The duly recognized holidays upon adoption of this Manual are those listed below; provided, however, that the City Council may modify this holiday listing at any time by a duly posted resolution regarding this subject matter. ~~The City provides paid holidays to probationary and regular full-time employees. Every other employee is extended the official holiday, but without pay.~~

B. The following official holidays are hereby established:

1.	New Year's Day	January 1
2.	New Year's Day Holiday	Day before or after Jan. 1
3.	Martin L. King Birthday	Third Monday in January
4.	Good Friday	Thursday before Easter
5.	Memorial Day	Last Monday in May
6.	Independence Day	July 4
7.	Labor Day	First Monday in September
8.	Thanksgiving Holiday	Wednesday before Thanksgiving
9.	Thanksgiving Day	Fourth Thursday in November
10.	Christmas Day	December 25 <sup>th</sup>
<b><u>11.</u></b>	<b><u>Christmas Day Holiday</u></b>	<b><u>Day before or after Christmas only</u></b>

11.12. Floating Holiday \_\_\_\_\_ Date is Employee's discretion with Department Director approval

- C. For purposes of administration, a specified holiday period begins at 12:01 a.m. and ends at 12 midnight on the calendar date of the holidays specified above. ~~twelve o'clock midnight at the beginning of the calendar day recognized as a holiday and ends just before midnight of the following calendar day.~~
- D. In order to use the Floating Holiday, the employee shall be employed on January 1 of each calendar year to accrue the Floating Holiday and shall take such holiday by December 31 of the same calendar year.
- ~~D.E.~~ Holiday Pay Benefit. The holiday pay benefit is defined as one workday consisting of a ten (10) hour period, which shall be paid at the employee's current regular rate of pay. ~~A holiday is a period of ten (10) hours, paid at the employee's regular rate.~~
- ~~E.F.~~ Scheduling of Certain Holidays. Specified holidays ~~falling on~~ ~~occurring on~~ Friday or Saturday will normally be observed on the preceding Thursday and holidays occurring on Sunday will normally be observed on the following Monday. The City Manager may modify this provision on a holiday by holiday basis if so required in the interest of administrative necessity.
- ~~F.G.~~ Eligibility for Holiday Pay. Only regular full-time employees are eligible to receive the holiday pay benefit, regardless of their probationary status. ~~Probationary employees are eligible for holiday pay.~~
- ~~G.H.~~ Employees Who Work on a Holiday. Employees called in or otherwise required to work on a holiday will be paid for productive hours worked during the holiday period at a rate of pay of 1.5 ~~two and one-half (2½)~~ times their regular ~~normal~~ rate of pay for the entirety of their shift so long as the shift begins on the calendar date of the specified holiday. This rate of pay will be in addition to the holiday pay benefit specified above.
- ~~H.I.~~ ~~Temporary and~~ Seasonal Employees. ~~Temporary and~~ Although seasonal employees are not authorized to receive a holiday pay benefit, if required to work on a holiday, they will be paid for productive hours worked at a rate of pay of 1.5 times their regular rate of pay, hourly rates for a holiday only if required to work on a holiday; but no holiday pay benefit is authorized for seasonal or temporary employees
- ~~I.~~ Employees Scheduled "Off Duty" on a Holiday. ~~When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue ten (10) hours of holiday leave to be taken at a later date.~~
- J. Waiver of Ineligibility for Holiday Pay Benefit. Employees who meet anyone or more of the following conditions shall not be entitled to receive the holiday benefit set out herein:
- ~~1.~~ Nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday
  - ~~2.1.~~ Employees who call in sick on a workday before a recognized holiday, or on a workday after a recognized holiday, automatically forfeit and will not receive the holiday pay benefit allowed herein, unless they ~~at~~ presents an

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acceptable sick leave excuse from an appropriate health care provider and such excuse is accepted by the applicable supervisory official.

~~3.2.~~ Employees on Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay.

- K. Holiday Occurring During Vacation Leave. A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.
- L. Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.
- M. ~~Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.~~
- N. Religious Holidays. Employees who wished to observe a personal religious holiday may request an approved absence ~~to celebrate a religious holiday that is not a scheduled City holiday~~. If approved, the employee ~~may~~ must charge the time to vacation, compensatory time, the floating holiday, or receive an excused absence without pay. Utilization of sick leave time for this purpose is strictly prohibited.

~~RULE 27.~~ RULE 23. VACATION LEAVE

- A. The City Council hereby authorizes and continues a recognition of a vacation leave benefit, as specified below. The City Council reserves its authority to modify this benefit at any time by resolution.
- B. Vacation Day - A "vacation day" for purposes of this benefit is defined as a ~~eight (8) hour~~ ten (10) hour period for all full-time employees, unless otherwise specified.
- C. Eligibility to accrue Vacation Leave. Only regular full-time employees may accrue vacation leave under this authorization, regardless of their probationary status. Part-time and seasonal employees do not earn vacation leave.
- D. Vacation leave accrues only during periods in which the employee works or is otherwise on an approved paid leave status.
- E. ~~The following schedule designates the amount of vacation an employee accrues based on their length of employment. Accrual Rate. An employee's increase of vacation accrual begins with the first pay period of their 6<sup>th</sup>, 15<sup>th</sup> and 20<sup>th</sup> years of service after completion of their 5<sup>th</sup>, 14<sup>th</sup> and 19<sup>th</sup> years of service.~~
- F. The accrual of vacation hours specified below shall be calculated on a pro-rata basis by pay period.

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Anniversary Date in Calendar Year	Vacation Benefit as of Anniversary Date of Calendar Year
1 <sup>st</sup> through 5 <sup>th</sup> years	80 hours (2 weeks)

6 <sup>th</sup> through 14 <sup>th</sup> years	120 hours (3 weeks)
15 <sup>th</sup> through 19 <sup>th</sup> years	160 hours (4 weeks)
20 <sup>th</sup> year and above	200 hours (5 weeks)

- G. An employee may not utilize accrued vacation leave until he/she has successfully completed his/her initial employment probationary period.
- H. Employees are not required to take a full day of vacation; however, accrued vacation leave must be utilized in no less than one (1) hour increments.~~the minimum unit of vacation time they may take is in one (1) hour increments.~~
- I. Employees may not “borrow” or receive an advance of unearned vacation time, except upon specific request, and approval from, the City Manager for good cause shown.
- J. Employees shall not receive payment of vacation in lieu of taking time off, except as otherwise provided in this Manual or as otherwise specifically authorized by the City Council.~~provided in the Compensation for Vacation Leave provision.~~
- K. ~~Official City observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Paid vacation leave is considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as vacation days.~~
- L. **Use and Scheduling of Vacation Leave.** ~~Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in hourly increments. Employees must schedule their annual vacation leave in accordance with their Department's guidelines governing vacation scheduling and utilizing the Authorization for Leave Form. Whenever possible, vacation time will be scheduled at the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations.~~ Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation. No more than thirty (30) consecutive days of vacation time may be taken.
- M. **Maximum Accruals.** The maximum number of vacation hours that may be accrued is two hundred and forty (240) hours. All time in excess of two hundred and forty (240) hours will be forfeited each year on September 30. Employees will not be paid for

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vacation in excess of the maximum accrual or for vacation that is forfeited as of September 30<sup>th</sup> every year.

- N. Compensation for Vacation Leave. Vacation ~~leave shall be~~ paid at the employee's base rate ~~of pay~~ at the time vacation ~~leave is taken~~. It does not include overtime or any special forms of compensation. ~~Vacation time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused vacation, except upon separation of employment.~~
- O. Upon termination, retirement, resignation, death, or upon authorization and approval by the City Council, an employee shall be paid for accrued vacation leave using the employee's current straight time hourly rate in effect on the date of termination with the following exception: as follows:
  - ~~0. — Police - Old Vacation Hours will be paid using the straight time hourly rate of pay for such employee in effect on October 1, 1998. (2) New Vacation Hours will be paid using the employee's current straight time hourly rate in effect on the date of termination.~~
- ~~Q.~~ P. Payment for vacation hours is subject to the limitations specified in this rule, including the maximum accrual cap. Employees terminated before completing a six (6) month probationary period will not receive payment for any vacation time.

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#### ~~RULE 28.~~ RULE 24. SICK LEAVE

- A. The City Council hereby authorizes and continues a recognition of a sick leave benefit, as specified below. The City Council reserves its authority to modify this benefit at any time by resolution.
- B. Eligibility to Accrue Sick Leave. All full-time employees begin accruing paid sick leave one (1) month from date of hire. Part-time, ~~temporary~~ and seasonal employees do not accrue sick leave. ~~Full-time employees who are in their initial probationary status may not use accrued sick leave. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.~~
  - 1. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status ~~for 80 hours~~.
- C. Accrual Rate. Sick leave for employees shall be computed on the basis of 8 hours for each full month employed in a calendar year so as to total 96 hours per year. ~~12 working days to a full-time employee's credit each 12 months.~~
- D. Accrual of Sick Leave Unlimited. ~~Subject only to the one-time payout provisions set out below, e~~ Employees will accrue unlimited hours of sick leave hours so long as the employee holds a position with the City, but shall receive no payment or pay-out for accumulated sick leave at termination or separation from employment with the City.
- E. Utilization. Accrued sick leave may be utilized under the following circumstances:

1. When an employee is unable to report to work because of illness or injury or other physical or mental disability that would prevent the employee from fulfilling the functions of his or her job duties; or,
2. When an employee's physical or mental condition is such that reporting to work would reasonably expose the employee's co-workers to the risk of illness or injury; or,
3. When state or federal law, such as the Family Medical Leave Act, otherwise allows an employee to utilize his or her own accrued sick leave time to care for other qualified members of the employee's immediate family, as such is defined in this Manual or other applicable law.

F. To take advantage of this benefit, employees must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department and provide appropriate documentation when required.

G. Documentation. Employees requesting paid sick leave must submit their request to their supervisor for approval.

1. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for three (3) or more consecutive work days, and at any other time if requested by the City.

2. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member.

3. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. ~~Abuse of sick leave may result in discipline up to and including termination of employment.~~

~~Authorized Use of Sick Leave.~~

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

~~For the employee's immediate family. Sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured. If additional time is needed, employees must first use all accrued compensatory time, accrued vacation leave before any remaining accrued sick leave can be used. For purposes of this policy, "immediate family" is defined as the employee's spouse, children and parents. Sick leave may also be used by employees for their own and/or their immediate family's scheduled doctor and dentist appointments.~~

~~H. Abuse of Sick Leave Privileges. Because sick leave is a benefit that covers conditions or situation defined in this Manual, the City reserves the right to investigate and to act upon, employee conduct that constitutes an~~

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~~abuse or misuse of sick leave. An employee who utilizes sick leave benefits under false or improper pretenses is subject to disciplinary action, up to and including termination. Failure to Report Absence/ Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.~~

~~**J. Other Employment During Sick Leave.** Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director and the Human Resources Manager, See Outside Employment Policy.~~

~~**K. Use of Other Leave.** If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial probationary period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex his /her work schedule ("time management") to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which time management was approved. Under no circumstances can time management extend beyond the affected workweek, or work cycle.~~

~~**L.H. Family and Medical Leave Act Leave** Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.~~

~~**M. One-Time Payout of Unused Sick Leave.**~~

~~Definition. For purposes of this provision, sick leave accrued prior to 10/2/1998 shall be designated as "pre 1998 sick leave" and sick leave accrued after 10/2/1998 shall be designated as "post 1998 sick leave."~~

~~Pre-1998 Sick Leave. After the adoption of this provision, Employees hired prior to 10/2/1998, with no break in service, shall be paid for 50% of all accrued sick leave~~

~~through 10/2/1998 (pre 1998 sick leave), such pay out to be at the regular rate of pay being earned at the time of the authorized pay out.~~

~~Post 1998 Sick Leave. Similarly, after the adoption of this provision, Employees hired prior to 10/2/1998 shall be paid for 50% of all accrued sick leave from 10/2/1998 through the date of pay out (post 1998 sick leave), at the regular rate of pay being earned at the time of the authorized pay out;~~

- ~~1) — Provided, however, that such pay out shall not exceed 720 hours of accrued sick leave (i.e. maximum pay out of 360 sick leave hours); and,~~
- ~~2) — Provided further that the unpaid post 1998 sick leave hours shall remain in the employee's sick leave bank for future utilization, if any; and,~~
- ~~3) — Provided further that shall be no future pay out of accrued sick leave hours by any Employees, whether hired before or after 10/2/1998, regardless of the level of accruals achieved after the one time pay out.~~

~~**4.1.** No Future Sick Leave Pay-Out Upon Termination or Separation. Except as otherwise provided in a separate labor agreement, or in carry-over policy for employees hired before and after 10/2/1998, City employees shall not be entitled to receive any future or further pay-out of accrued sick leave hours upon separation from employment, but shall continue to accrue such hours indefinitely for future utilization so long as the employee is employed by the City. ~~but shall not be entitled to receive any pay out of sick leave hours upon termination or separation from employment.~~~~

#### **RULE 29-RULE 25. DONATED SICK LEAVE**

- A. The purpose of this rule is to provide guidelines to establish a program that allows employees to donate sick leave accruals to fellow employees who have exhausted all paid leave.
- B. “Donated Sick Leave” is to be used in the event of catastrophic illness or injury by full-time employees by allowing employees with sick leave balances of at least 48 hours to donate accrued sick leave to specific eligible employees.
- C. For purposes of this rule, definitions are:
  - A “catastrophic illness or injury” is defined as a life threatening injury or illness of an employee, which totally incapacitates the employee from work as verified by a licensed physician and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods, may be considered catastrophic.
  - “Employee” is defined as a full-time employee who is eligible for group benefits.
  - A “licensed physician” means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license in treating the employee or family member.
- D. Procedures for purposes of this rule are as follows:

1. All employees wishing to receive donated sick leave must make a request to apply to the Human Resources Manager (HRM) ~~and complete an application~~. Candidates must be full-time employees and must have already exhausted their own accrued paid leave, including sick leave, vacation leave and compensatory time.
  2. ~~Upon receipt of application,~~ HRM will make the request for donated sick leave via the City's email system for ~~Citywide notification of an employee's request for donated sick leave will be distributed via the City's email system.~~
  3. HRM will accept donations for the request ~~for a period of approximately one week. HR will~~ and then direct payroll to apply that the appropriate number of sick leave hours to be added to the applicant's sick leave accrual balance.
  4. Sick Leave dDonors must submit a Leave Request form and forward it to the Human Resources Department. HRM will direct payroll to deduct the appropriate number of that donated hours ~~donated~~ by employees ~~be deducted~~ from their sick leave accrual balances.
- ~~0. Use of donated sick leave is considered under the provisions of the Family Medical Leave Act (FMLA) and any use is calculated in the 12 weeks of leave provided under this Act.~~

F.E. All City of Alvin restrictions on permissible uses of sick leave apply to the use of Donated Sick Leave. In no case may Donated Sick Leave be used in conjunction with a Workers' Compensation claim. Also, the employee cannot be eligible for receiving disability benefits from the group insurance program.

G.F. Sick leave donation, once made, shall not be reversed or rescinded. Any sick leave donated to an employee shall be treated as belonging in the sick leave account of the recipient employee.

~~H. If more hours are donated than are needed, the donated hours will be prorated so that only the number needed are taken from the donor(s) and the remaining hours will be returned to the donor(s) in proportion to their original donation.~~

I.G. Additional donations for extenuating circumstances may be approved by the Human Resource Manager. If an employee does not agree with the decision of the Human Resource Manager, the employee may appeal to the City Manager. The City Manger's decision will be final.

**RULE 30-RULE 26. FUNERAL BEREAVEMENT LEAVE (#28)**

A. The City provides probationary and regular full-time employees paid time off for bereavement leave, up to a maximum of three (3) ~~three~~ work days, in the event of a death(s) in the family, ~~for the purpose of attending the funeral~~. For the purpose of authorizing bereavement leave "family" is defined as current spouse, children, step-children, parents, step-parents, parents of the employee's spouse, brothers, sisters, grandchildren and grandparents by blood or marriage.

- B. An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. ~~Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.~~
- C. Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as vacation, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. ~~All bereavement leave time taken must be requested on the City's Authorization for Leave Form.~~
- D. Employees who wish to attend funerals or for bereavement leave for other than ~~immediate~~ family as defined above, must use vacation or compensatory time.

~~RULE 31-~~**RULE 27. FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE**

- A. The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to twelve (12) workweeks of unpaid leave each year for qualifying family and medical reasons.
- B. If both an employee and the employee's spouse are employed by the City, their combined time off of family leave may not exceed twelve (12) workweeks during any twelve (12) month period.
- C. FMLA Leave Runs Concurrently With Other Types of Leave. If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's sick leave policy. Accrued sick leave taken for the purposes of FMLA for the employee or employee's immediate family will follow the guidelines set out in the sick leave policy. If the absence is not covered by the City's sick leave policy, the following leave time will be applied and will run concurrently with any remaining FMLA leave: compensatory time, accrued holiday leave, and lastly, vacation leave. FMLA leave will also run concurrently with any time off from work covered by workers' compensation.
- D. Employee Eligibility. To be eligible for FMLA leave, an employee must have worked for the City:
  - 1. For at least 12 months; and,
  - 2. For at least 1,250 hours during the 12 months preceding the start of the leave.
- E. Leave Entitlement. Eligible employees may take reasonable leaves of absence for any of the following reasons:
  - 1. maternity purposes; or
  - ~~1-2.~~ the birth, adoption or placement of a foster child; or,
  - ~~2-3.~~ to care for a spouse, child, or parent with a serious health condition, as defined by law; or

3.4. when the employee is unable to perform the functions of his/her position because of his/her own serious health condition; or,

4.5. as otherwise authorized by law, as amended from time to time.

F. Leave Entitlement for Active Duty. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven (7) days of leave); (2) attending certain military events and related activity; (3) arranging for alternative childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five (5) days of leave); (7) attending post-deployment reintroduction briefings; and (8) any additional member's active duty or call to active duty.

G. Leave Entitlement for Line of Duty Injury or Illness. The FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty or active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

H. To determine eligibility for leave, the City uses a rolling twelve (12) month period measured backward from the date of any FMLA leave.

I. Employee's Notice Requirements. In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both his/her Department Director and the Human Resources Manager with at least thirty (30) days' advance notice when the leave is foreseeable.

1. If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and the Human Resources Manager with as much advance notice as possible.
2. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations.

H-J. The City may also unilaterally place an employee on FMLA leave when information comes to the City's attention that would otherwise qualify an employee for FMLA leave.

K. All supervisors must immediately notify both their Department Director and the Human Resources Manager if they have reason to believe an employee's absence is due to an FMLA-covered reason.

1. (Note: Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements.)

**J.L.** Medical Certification and Other Required Documentation.

~~1.~~ 1. An employee must provide the City with medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent.

~~2.~~ 2. An employee must also provide periodic reports during FMLA leave as to his/her status and ~~intent to return to work, and may be required to submit a "fitness for duty" certification before the employee can return to work. a statement of the employee's intentions concerning returning to work. The certification must set forth~~including the beginning and expected ending dates of the leave.

~~3.~~ 3. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. ~~Forms are available from the Human Resources Manager.~~

~~4.~~ 4. In some cases, the City may require a second or third medical opinion (at the City's expense) and periodic recertification of the serious health condition.

~~5.~~ 5. A medical clearance is required for all employees desiring to return to work from taking leave as a result of a serious health condition.

~~6.~~ 6. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

~~7.~~ 7. If an employee fails to provide any required certification within fifteen (15) days, the City may deny leave until the certification is provided. Intermittent Leave.

M. An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by the Department Director. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

N. Benefits During FMLA Leave. Taking family leave will not result in the loss of any employment benefit accrued prior to the date on which the leave began, and seniority will not be affected. However, vacation and sick leave benefits, shall not accrue during any period of unpaid leave of absence.

O. An employee on family leave will remain covered under all employee benefit plans (medical, retirement, etc.) throughout the duration of the leave as if actively employed.

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~~P.~~ 1. Where applicable, the employee must timely pay his/her share of health insurance premiums while on family leave.

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~~Q.P.~~ If the employee fails to return to work at the conclusion of the leave, the City will require the employee to reimburse it for the full cost of health care coverage during the period of leave. However, if an employee fails to return to work because of legitimate medical reasons or circumstances beyond the employee's control, he/she may not be required to reimburse the City for such benefits. Medical certification is required under such circumstances.

~~R.Q.~~ Job Restoration After FMLA Leave. An employee returning to work following a leave of absence under these family leave provisions, shall be returned to his/her position or an equivalent position.

~~S.R.~~ Leave Due To Birth/Adoption. FMLA leave for birth, adoption or placement of a foster child must conclude within twelve (12) weeks of the birth, adoption or placement.

~~T.S.~~ FLSA Considerations. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

~~U.T.~~ Other Employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment ~~as defined in the Outside Employment Policy~~ unless expressly authorized in writing in advance by the Department Director and City Manager.

~~V.U.~~ TMRS. Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Manager and completing the necessary paperwork.

~~W.V.~~ Other Provisions. The FMLA does not affect any federal or state law prohibiting discrimination. This rule is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Human Resources Manager. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his/her rights and responsibilities under the FMLA.

~~Definition of Serious Health Condition. For purposes of this policy, a "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care due to:~~

~~0. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform~~

~~other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:~~

- ~~— A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - ~~— Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or~~
  - ~~— Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.~~~~
- ~~— Any period of incapacity due to pregnancy, or for prenatal care.~~
- ~~— Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - ~~— Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;~~
  - ~~— Continues over an extended period of time (including recurring episodes of a single underlying condition); and~~
  - ~~— May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).~~~~
- ~~— A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.~~
- ~~— Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days~~

~~in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis). (b) Treatment for purposes of paragraph (a) of this section includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under paragraph (a)(2)(i)(B), a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over the counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave. (c) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met. (d) Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave. (e) Absences attributable to incapacity under paragraphs (a)(2) (ii) or (iii) qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.~~

#### ~~RULE 44~~RULE 28. JURY DUTY

- A. The City provides paid leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off will be considered a leave without pay.
- B. The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., ~~with his/her leave request. Employees must submit Authorization for Leave form along with supporting documentation~~ to his/her supervisor as soon as possible so that arrangements can be made to accommodate the absence.
- C. Employees on jury duty leave should keep up with their job responsibilities if possible. An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service. Any payment for jury duty received by the employee may be retained by the employee.
- D. Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

#### ~~RULE 45~~RULE 29. ADMINISTRATIVE LEAVE

- A. The City may grant Administrative Leave With Pay to an employee, as a matter of discretion by the City Manager (or designee), when no other paid leave category is available or applicable and leave without pay would not be appropriate. The City Manager may also authorize Administrative Leave Without Pay.
- B. Department Directors may grant Administrative Leave With Pay only when a disciplinary decision is pending.
- C. Administrative Leave granted to an employee will be put in writing and forwarded to the Human Resources Manager for proper payroll processing and placement in the employee's personnel file.

#### ~~RULE 46~~RULE 30. MILITARY LEAVE - USERRA

- A. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. ~~Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.~~
- B. This rule covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

C. Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than twenty-four (24) hours after the employee receives the military orders. To be eligible for paid military leave, employees must ~~complete and submit an Authorization for Leave Form along with provide~~ the official documents setting forth the purpose of the leave and, if known, its duration. ~~The Authorization form-Notice~~ must be turned into the Department Director and the Human Resources Manager as far in advance of the leave as possible.

D. Paid Leave for Training and Duty.

1. Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of fifteen (15) work days per fiscal year. Shift employees will be transitioned to a forty (40) hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.
2. Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.
3. Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.
4. Benefits. The City will continue to provide employees on paid military leave with most City benefits.
5. Medical and Dental. While an employee is on paid military leave (or any military leave of less than thirty-one (31) days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to twenty-four (24) months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for himself/herself and eligible dependents. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the City's group health plan.
6. Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

7. Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
8. TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the City within ninety (90) days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five (5) years or three (3) times the length of the military service to make up any TMRS contributions that were missed while on military leave.

**E. Returning from Military Leave**

1. Re-employment Rights. Employees who complete their military service will be re-employed in accordance with federal law.
2. Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:
  - a. For service of less than thirty-one (31) days, employees have eight (8) hours following their return home from service to report for their next scheduled work period.
  - b. For service between thirty-one (31) days and one hundred and eighty (180) days, employees have fourteen (14) days following their release from service to apply for re-employment.
  - c. For service of more than one hundred and eighty (180) days, employees have ninety (90) days following their release from service to apply for reemployment.

- F.** These deadlines may be extended for two (2) years or more when an employee suffers service-related injuries that prevent him/her from applying for re-employment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

- G. Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than thirty-one (31) calendar days.

## SECTION VI. INSURANCE AND RETIREMENT BENEFITS

### ~~RULE 47-~~RULE 31. INSURANCE BENEFITS

- A. ~~The City Council hereby confirms its authorization for certain insurance benefits for its employees, under the terms and conditions specified herein and in accordance with applicable state and federal law. The City reserves the authority to modify the scope and breadth of benefits from time to time taking into account the fiscal needs of the City as well as the needs of its employees.~~
- A.B. The City shall generally furnish hospitalization, medical, dental and vision, long term disability and life insurance for each full-time employee.
- B.C. Employees are eligible to participate in a Section 125 - Cafeteria Plan. This benefit is available for full-time employees.
- C.D. Additional supplemental insurance coverage for employees, beyond those amounts provided by the City, may be made available at the employee's expense.
- D.E. The City also carries a workers' compensation insurance policy. In cases of job related injuries, provisions and benefits available under workers' compensation are activated.
- ~~— A Medicare supplement shall be offered to employees or their dependents over the age of 65 at the retiree's expense.~~

### ~~RULE 49-~~RULE 32. RETIREMENT

- A. The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees.
- B. A deduction from the employee's salary is supplemented by the City's two-to-one ~~(2-1)~~ matching contribution of seven percent (7%) of gross income. Participation by every full-time regular employee is a condition of employment. ~~All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Copies are on file in the office of the City Secretary.~~
- C. The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched by the City for this benefit. Participation by every employee is a condition of employment.

D. ICMA Retirement Corporation. In December of 1985, the City of Alvin, through its membership in the ICMA Retirement Corporation, made available to its employees the opportunity to participate in a deferred compensation plan. The plan is for employees of a local government and offers the advantages of (1) a tax shelter, (2) supplemental retirement plan, and (3) an investment program. Participation is optional and brochures outlining the basic provisions and unique features are available from the Human Resources Manager.

E. Retirement Awards: Employees with the following length of service with the City of Alvin and who retire will be awarded a gift equal in value to:

25 years or more	\$500.00
21 to 24 years	\$400.00
15 to 20 years	\$300.00
10 to 14 years	\$200.00

The responsible Department Head will notify the City Manager within thirty (30) days of the anticipated retirement. Said Department Head may be responsible for purchasing an appropriate gift which has been pre-approved by the City Manager.

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#### **RULE 50-RULE 33. GROUP HEALTH CONTINUATION COVERAGE**

A. COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage, plus a small administration fee.

B. Under COBRA, employees may elect COBRA continuation coverage for up to eighteen (18) months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to thirty-six (36) months following a qualifying event. Employees must notify the Human Resource Manager within sixty (60) days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

C. Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. ~~For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan.~~

~~C.D.~~ The City will also abide by and implement any and all continuation coverage that may be mandated by state or federal law at any given time.

**SECTION VII.  
CITY EQUIPMENT GENERALLY**

**~~RULE 51.~~RULE 34. CITY PROPERTY & EQUIPMENT USE GENERALLY**

- A.** The City attempts to provide employees with adequate tools, equipment, ~~vehicles~~ and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of ~~vehicles~~ ~~and~~ equipment. Any City-provided safety equipment must be used at all times.
- B.** From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, computers, and electronic devices. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties.
- C.** At the time of issuance of city property and equipment, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.
- D.** In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.
- E.** Employees must notify their supervisor immediately if any ~~vehicle~~, equipment, machine, tool, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.
- F.** Personal Use Prohibited. City property, materials, supplies, tools, or equipment ~~or vehicles~~ may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.
- G.** ~~Tobacco Use In Vehicles Prohibited. The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City owned vehicles and/or equipment.~~
- H.** ~~Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.~~
- I.** ~~Take Home Vehicles. As part of the annual budget preparation process, each Department Head shall present to the City Manager a list of positions that are to be assigned the use of a take-home vehicle. The City Manager shall submit to Council a~~

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~~complete list of authorized positions to be assigned take home vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Manager or Department Director. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take home vehicles except as required by official duties or as required by inner department policies.~~

~~J. The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24 hours are normally exempt from the fringe benefit tax liability.~~

~~K. Use of City Vehicles. City owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives his/her own, or a City owned, rented or leased vehicle on the job or while carrying out City related business, the employee must comply with the following:~~

- ~~0. Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.~~
- ~~0. Always observe all posted laws and speed limits.~~
- ~~0. Always wear seat belts when the vehicle is in operation.~~
- ~~0. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.~~
- ~~0. No personal use of City provided vehicles is allowed without the prior, specific approval of the Department Director.~~
- ~~0. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.~~
- ~~0. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the Central Shop Superintendent or appropriate supervisor immediately.~~
- ~~0. All drivers must be eligible for coverage under the City's insurance policy.~~
- ~~0. Drivers covered by Department of Transportation regulations must comply with them at all times.~~

~~0. At no time may an employee under the influence of alcohol or illegal drugs drive a city vehicle or a personal vehicle while conducting city business.~~

~~0. Employees involved in an accident while operating a city vehicle, or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, Department Director, and/or City Manager. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Legal Department.~~

~~W.G.~~ The City may, at any time, check the driving record of a City employee who drives city equipment as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose.

~~X.H.~~ The above is not a complete and exhaustive list of ~~vehicle equipment~~ use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of city equipment~~a vehicle~~, may result in disciplinary action, up to and including termination of employment.

~~Y.I.~~ Personal Property. All employees shall be solely responsible for their personal property at all times.

#### ~~RULE 52.~~ RULE 35. ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE

~~A. The City provides computer networks, Internet access, instant messaging, email, telephones, pagers, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems" or "systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communications systems. The City's electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.~~

~~B. Acceptable Use. Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material, with the exception of investigative acts by the Police Department.~~

~~C. Users must understand that use of any City provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.~~

~~D.A.~~ Unacceptable Uses of Electronic Communications Systems include:

- ~~1.~~ Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
- ~~1.2.~~ Accessing, displaying, downloading, or distributing sexually explicit material.
- ~~2.3.~~ Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- ~~3.4.~~ Copying or downloading commercial software in violation of copyright law.
- ~~4.5.~~ Using the systems for financial gain or for any commercial activity unrelated to City business.
- ~~5.6.~~ Using the systems in such a manner as to create a security breach of the City network.
- ~~6.7.~~ Looking or applying for work or business opportunities other than for internal City postings.
- ~~7.8.~~ Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
- ~~8.9.~~ Transmitting or sharing information regarding a coworker's health status without his/her permission
- ~~9.10.~~ Expressing opinions or personal views that could be misconstrued as being those of the City.
- ~~10.11.~~ Expressing opinions or personal views regarding management of the City of other political views
- ~~11.12.~~ Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

~~Filtering. The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:~~

- ~~0. Violence/Profanity~~
- ~~0. Full or partial nudity~~

- ~~0. Sexual or deviant acts~~
- ~~0. Satanic/Cult~~
- ~~0. Militant/Extremist~~
- ~~0. Illegal activities~~

- ~~— The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.~~
- ~~— Responsibility. The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.~~
- ~~— No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.~~
- ~~— Copyright Restriction. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the IT Manager is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.~~

**RULE 64-RULE 36. COMPUTER USE POLICY**

- A. The City's intentions for publishing Computer Use Policy is not to impose restrictions that are contrary to the established culture of openness, trust and integrity. The City is committed to protecting employees and the City from illegal or damaging actions by individuals, either knowingly or unknowingly.
- B. Resources provided to employees are to be used as tools to aid the employee in accomplishing his/her job duties. Related resources include but are not limited to any city owned or leased computers, cell phones, data shares, electronic mail, network

accounts, office equipment, software, and web browsing. These resources should be used for business purposes in serving the interest of the City and the citizens of Alvin in the course of normal operations.

- C. Effective security is a team effort that requires the participation and support of every employee who deals with information or information systems. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly. Inappropriate use exposes the City to risks including virus attacks, compromise of network systems and services, including legal issues.
- D. This policy applies to employees, consultants, contractors, temporaries, and other workers at the City, including all personnel affiliated with third parties. This policy also applies to equipment owned or leased by the City and related application software. This policy is not intended to apply to employees' off-duty use or elected officials' use of private equipment or software having no connection to the business of the City.
- E. Various Departments may have additional and/or more restrictive policy requirements than contained in this policy. These requirements will be provided by the Department Head for each particular department.
- F. General Use and Ownership
  - 1. While the City's network administration desires to provide a reasonable level of security, users should be aware that the data they create on City systems remains the property of the City. Because of our need to protect the City's network, management cannot guarantee the confidentiality of information stored on any network device belonging to the City.
  - 2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use of city computers. Department supervisors shall be responsible for ensuring that his/her employees comply with this policy.
  - 3. For security and network maintenance purposes, authorized security and network maintenance personnel within the City or contracted with the City may monitor equipment, systems and network traffic at any time. The City reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.
- G. Security and City of Alvin Information
  - 1. All materials or information sent or received by email or over the internet shall be considered the property of the City. It is recommended that users incorporate encryptions or confidentially disclaimers (approved by the IT Director) for any data as needed. Examples of confidential information include, but are not limited to: Employee records, Legal documents, and financial data/documents. Employees should take all necessary steps to prevent unauthorized access to this information.
  - 2. All PC's, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at ten (10)

minutes or less, or by logging-off (control-alt-delete) when the host will be unattended.

3. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly.
4. All hosts used by employees that are connected to the City's Internet/Intranet/Extranet, whether owned by the employee or the City, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
5. Employees must use extreme caution when opening e-mail or attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

**H. Unacceptable Use.** The lists below are by no means exhaustive, but constitute an attempt to provide a framework for activities which fall into the category of unacceptable use.

1. System and Network Activities. The following activities are strictly prohibited, with no exceptions:
  - a. Engage in an activity that is illegal under local, state, federal or international law while utilizing City owned resources.
  - b. Unauthorized access, use or removal of City hardware, software, and data is strictly prohibited.
  - c. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home. Only the use of your assigned domain logon is permissible.
  - d. Use any program/script/command to illicitly capture data, interfere with another user session or attempt to gain more access to the City computer systems than otherwise allowed by a user's job duties.
  - e. Use any means to bypass, disable or circumvent any City Internet filters or blocks. This includes the use of "proxy servers" to mask the true address of destination web sites to allow access to blocked sites.
  - f. Storage on City servers of personal files such as pictures, music and video files are prohibited, unless specifically necessary for a legitimate job function. IT staff will notify a user about such files if they are located. If they are not removed in a reasonable amount of time, the files will be deleted.
  - g. Using City computer systems to purposefully access any Internet website that is of a racially offensive, obscene or sexually oriented nature.

- h. Using City computer systems to perform real time live streaming, (such as video, radio, or TV broadcasts), except in those instances used specifically for City related business, such as webinar training.
- 2. Website, Email and Communication Activities. The following activities are strictly prohibited, with no exceptions:
  - a. Sending unsolicited e-mail messages, including the sending of “Junk mail” or other material to individuals who did not request such material (e-mail spam).
  - b. Creating or forwarding “chain letters”, “Ponzi” or other “pyramid” schemes of any type.
  - c. Any form of harassment via email, telephone, or paging whether through language, frequency, or size of messages.
  - d. Submitting, forwarding or displaying any defamatory, purposefully inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages.
- 3. Blogging and Social Networking. Social Networking and Blogging is prohibited unless a Social Media Request form is completed and submitted to the IT Department for review. If approval is granted by the IT Department, the City Manager may approve, or disapprove, the request at his/her discretion.

- I. Employees should be aware that the City does not recognize any right of privacy in connection with the personal use or personal content maintained or otherwise found on City computer equipment.
- J. Disciplinary Action. Any employee found to have violated this policy, or other state and federal laws, may be subject to disciplinary action, up to and including termination of employment.

**RULE 65-RULE 37. SOCIAL NETWORKING POLICY**

- A. The City, in an ongoing effort to maintain effective communication to and with residents and other audiences, uses Social Networking Outlets to deliver messages to users and to encourage resident involvement, interaction and feedback. This policy sets guidelines for the use of Social Networking Outlets in an effort to ensure timely, accurate and appropriate use of those outlets to deliver clear, concise and consistent messages on behalf of the City.
- B. The City realizes that a large number of employees, as well as the general public, use Social Networking Outlets to communicate with others and to keep abreast of current events. This policy is not meant to hinder that flow of information but is meant to provide guidelines for information posted to City-Administered sites and appropriate on-line behavior of City employees.

- C. This policy applies to employees, consultants, contractors, temporaries and other workers at the City, including all personnel affiliated with Third Parties.
- D. This policy applies to Networking Sites (such as MySpace and Facebook), Bulletin Sites (such as Twitter and Nixle), Multimedia Sites (such as YouTube, Flickr, PhotoBucket and Picasa) and any Blogs or Message Boards. Any Social Networking Outlets implemented by the City shall be operated in compliance with this policy. The lack of explicit reference to a specific site does not limit the extent of the application of this policy.
- E. Various city departments may have additional and/or more restrictive requirements than contained in this policy.
- F. GENERAL RULES OF USE
  - 1. City presence on Social Networking Outlets will be administered by the City's Public Information Officer.
  - 2. If a specific City Department or Division wishes to create a presence on a Social Networking Outlet, such a request must originate from the Departmental Director and be approved by the City Manager prior to implementation. Sites in violation of this policy may be removed at any time.
  - 3. Information posted by staff on official City pages must be factual and must not impair public confidence in the operation of City Government or the performance of individual employees or departments.
  - 4. As public forums, City-administered pages will accept connection requests from the public. City-administered pages will not submit Connection requests to individual users with the following exceptions:
    - a. Elected or appointed officials of the City or other governing body
    - b. City Employees
    - c. Other government-run user profiles (e.g. cities, counties, state, etc.)
    - d. Partner agencies approved by Public Information Officer
    - e. News media outlets and representatives
  - 5. Bulletins and Comments containing any of the following shall not be posted and shall be removed by the City if found to be posted:
    - a. Profane language or content
    - b. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, skin color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation
    - c. Sexual content or links to sexual content
    - d. Threats of violence
    - e. Solicitations of commerce

- f. Conduct or encouragement of illegal activity
  - g. Information that may tend to compromise the safety or security of the public or public systems
  - h. Content that violates proprietary information of any other party
6. Where feasible, City-administered sites that permit user Comments will prominently display the following disclaimer:

*The purpose of this site is to present matters of public interest in Alvin, Texas, including its many residents, businesses and visitors.*

*We encourage you to submit questions, comments and concerns, but please note that the City of Alvin reserves the right to delete or block submissions that contain vulgar language, personal attacks of any kind, encouragement of violence or other criminal activity, material of sexual nature, solicitation of commerce, infringement on copyrights or trademarks or offensive comments that target or disparage any ethnic, racial or religious group.*

*Please note that user comments expressed on this site do not necessarily reflect the opinions or positions of Alvin city government, its officers or employees. Further, the City of Alvin is not responsible for the content posted by individual users on their own sites and pages. If you have any questions concerning the operation of this site, please contact Public Information Officer.*

7. Hyperlinks and connections to City-administered sites may be placed on the homepage of the City's official website ([www.alvin-tx.gov](http://www.alvin-tx.gov)). Social site addresses may be used in appropriate marketing materials, but only in conjunction with and subordinate to the City's official web address.

**G. SITE ADMINISTRATION.**

- 1. The City retains intellectual rights to all content placed in City-administered sites by employees.
- 2. The Public Information Officer will maintain a current list of all City-administered sites, access information for each site and employees who have been provided with access information. If an employee with access to any City-administered site leaves the organization for any reason the Public Information Officer will change the access information and distribute the changes to appropriate personnel.

**H. THIRD-PARTY SITES**

- 1. Only the City Manager's Office or Department Directors are authorized to respond to information about the City that is posted on sites not maintained by the City. The Public Information Officer should be notified of any proposed response prior to the posting to ensure an appropriate and consistent message.

2. Employees who become aware of incorrect, inflammatory or potentially damaging information that has been posted on publically accessible third-party sites should notify their Departmental Director and/or Public Information Officer.
3. When responding to information posted on a publically accessible site, the City representative must clearly identify themselves as such. The response cannot impair the public's confidence in the operation of the City government or the performance of individual employees.

**I. EMPLOYEE SITES**

1. The City recognizes that many City employees use Social Networking Outlets for their own purposes. This policy does not extend to individual employee sites, except that employees may be subject to disciplinary action for Internet postings that could impair the public's confidence in the operation of the City government or the performance of individual employees.
2. Any employee that identifies themselves on Social Networking Outlets as City employees or displays readily identifiable information that identifies them as a City employee (e.g. workplace photos or clothing) may be subject to disciplinary action for posting items that tend to bring the City or their individual Department into disrepute.
3. Employee sites may not be designed in such a way as to cause users to believe the site is City-administered or endorsed by the City, including unauthorized use of City logos and trademarks. Connections with City-administered sites are permitted.

**J. ADVERTISING AND SPONSORSHIPS**

1. The City will not solicit or accept paid advertising in association with its presence on Social Networking Outlets.

**RULE 66. RULE 38. CELL PHONE USE IN THE WORKPLACE**

- A.** The City recognizes that many employees have cell phones 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, including those with a camera, at work 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 co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including discharge.

## SECTION VIII. VEHICLE POLICIES

### RULE 67, RULE 39. VEHICLE UTILIZATION POLICY

- A. City Vehicles shall be used only for City business except as otherwise provided in the rules adopted by this policy and the Public Safety Department Policy. Risk of loss from vehicle accidents involving all City employees will be minimized through driver record screening, hands-on training and education, and defensive driving training.
- B. This policy applies to all employees; full-time, part-time and seasonal.
- C. Police, Fire and EMS are subject to the City's Vehicle Policy in addition to the Public Safety Department Policy, which may incorporate some or all of the provisions of this policy. Where different, the Public Safety Department Policy shall have controlling authority.
- D. Use of a City vehicle by an employee is neither a right nor a privilege; rather it is a trust conferred to facilitate necessary performance of job duties. Use of a City vehicle should always lead to a positive perception by our citizens.
- E. Definitions. For the purposes of this policy, the following definitions shall apply:
  - Authorized Personnel* shall mean those persons authorized to use a City vehicle in accordance with these procedures.
  - City Business* shall mean any authorized work or activity performed by a City employee or other person on behalf of the City.
  - City Vehicle* shall mean any motor vehicle or motor-driven equipment owned, leased or insured by the City.
  - De Minimis Use* shall mean use of the vehicle for a reasonable and infrequent basis (small detour such as driving to lunch while on business).
  - On-Call Employees* shall mean those employees subject to being summoned to perform City work or duties beyond their normal work hours.
  - Personal Use* shall mean any use of the vehicle other than specific city business (includes commute from residence to the work site for on-call weekend use).
- F. Driver's Licenses and Driving Records
  - 1. The City requires that all employees driving or operating a City vehicle or equipment have the appropriate operator's or commercial driver's license as required by the State of Texas. Employees who use their personal vehicle while conducting City business shall maintain current liability insurance and driver's license in accordance with Texas law. Failure to maintain current liability insurance and driver's license may result in disciplinary action up to and including termination.
  - 2. Before the operation of any City vehicle, the Human Resources Department (hereinafter HR) will conduct a driver's license check on all

newly hired employees whose essential job functions include the operation of City vehicles/equipment. The HR Department will also conduct a driver's license check on all newly hired employees who will receive a car allowance, or any employee that will conduct city business in their personal vehicle prior to the use of his/her personal vehicle to conduct City business. All employees shall maintain a current Texas Driver's License and be insurable through the City's insurance carrier, Texas Municipal League Intergovernmental Risk Pool.

3. An application does not meet criteria and will not be considered for positions requiring driving if the record reveals any of the following:
  - a. Three (3) or more moving violations, fault accidents (the accident and any subsequent tickets related to the accident will be considered one event) or any combination in the previous twenty-four (24) months; or
  - b. Four (4) or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous thirty-six (36) months; or
  - c. One (1) Driving While Intoxicated (DWI) or One (1) Driving Under the Influence (DUI) conviction in the previous thirty-six (36) months, including probated sentences; or
  - d. Suspended, expired, or non-Texas license. New hires with an out-of-state license will have thirty (30) days to obtain a Texas license.
4. New employees who do not meet the criteria in 3(a) through (d) above but have one or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous thirty-six (36) months shall be counseled by HR regarding these requirements.
5. HR will conduct a driver's license check through the Texas Department of Public Safety, or other acceptable source, every twelve (12) months, or as otherwise needed, for City employees who operate a City-owned vehicle or who utilize their personal vehicle for City business. Current employees will be subject to the same criteria as new employees as outlined in Section 3 above. Current employees whose driving record indicates any of the violations contained in these sections will be suspended from operating City vehicles/equipment and/or their personal vehicle to conduct City business and may be subject to reclassification, transfer or demotion to a non-driving position and/or other disciplinary action up to and including termination.
6. Employees shall self-disclose, without the necessity of an inquiry, any loss or limitation in driver's license status and any and all arrests, charges, or convictions for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving, whether or not such incidents arose out of work-related driving. Employees shall make such self-disclosure to his/her supervisor

or the Chief Financial Officer at the earliest opportunity and shall not operate any City vehicle/equipment or their personal vehicle to conduct City business until cleared to do so by the Chief Financial Officer. Employees who fail to make such required self-disclosure at the earliest opportunity shall be subject to disciplinary action up to and including termination.

7. In the event the self-disclosure required above is made, and assuming no other City policies have been violated, the following criteria shall be utilized:
  - a. One DWI or DUI conviction within the previous thirty-six (36) months - Mandatory referral to the City's Employee Assistance Program (EAP). Once evaluated and released by the EAP counselor, the employee may return to duties requiring him/her to operate a City vehicle/equipment and/or to drive his/her personal vehicle to conduct City business, provided the employee adheres to any treatment plan recommended by the EAP.
  - b. Two DWI or DUI convictions within the previous thirty-six (36) months - Suspension from operating City vehicles/equipment or personal vehicle to conduct City business and may be subject to termination.
  - c. In the event an arrest, charge or conviction for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving occurs while operating a City vehicle/equipment or operating his/her personal vehicle to conduct City business, the employee shall be subject to termination.
  - d. In each of the above situations, based on the frequency of DWI and/or DUI convictions, as well as the employee's complete and overall driving and/or performance record, the Chief Financial Officer, City Manager, and the employee's supervisor have the discretion to deviate from this criteria and apply a suspension from driving duties, disciplinary action up to and including termination, or any combination thereof.
8. The requirements for self-disclosure in Sections 6 and 7 above do not in any way affect the requirements of holders of a Commercial Driver's license from notifying the City within thirty (30) days of any conviction, in any jurisdiction, for a traffic violation (except parking) regardless of the type of vehicle being operated or the suspension, revocation or cancellation of license.

**G. Driver - Safety and Training**

1. Department Heads shall confirm that an employee or applicant has demonstrated the ability to operate vehicles and special equipment in a safe and competent manner by requiring the employee to operate the equipment to the satisfaction of his/her supervisor. Training will be

conducted for those individuals who cannot satisfactorily operate such equipment. Under no circumstances shall an unsupervised employee be allowed to operate a vehicle or piece of equipment for which he or she is untrained or unqualified.

2. Employees who are required to operate vehicles as part of their job descriptions or normal duties shall attend a Defensive Driving Course (DDC) as soon as possible after employment and every three (3) years thereafter. Each department will maintain driver records and budget for completion of DDC courses.
3. All City drivers shall wear safety belts when any vehicle is in motion and require all occupants (including back seat passengers) of the vehicle to do likewise. This Section applies to motor vehicles, other than motorcycles, as those terms are defined by Texas Transportation Code.

#### **H. Rules and Regulations for Use of City Vehicles**

1. No employee shall use a City vehicle for commuting to or from his/her residence during off-duty work hours unless authorized to do so in accordance with these procedures and regulations.
2. Every employee who is responsible for a City vehicle shall properly secure, lock and remove the ignition keys from the vehicle at any time during which the vehicle is parked and unattended.
3. No employee shall use a City vehicle to transport any person, except for the purpose of performing City business.
4. Every employee driving a City vehicle shall use best efforts to park the vehicle off-street, except when otherwise necessary to perform City business.
5. Every employee who drives or is otherwise responsible for a City vehicle shall use all reasonable care in the operation and use of the vehicle and shall promptly report to the appropriate person or department any needed servicing, repairs or maintenance.
6. Each employee operating a City vehicle shall comply with all applicable traffic laws. An employee will be personally responsible for any fines incurred as a result of driving or parking violations while driving a City vehicle or their personal vehicle while on City business.
7. The possession, transportation or consumption of any alcoholic beverage or any controlled substance within or upon any City vehicle is expressly prohibited except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.
8. Employees are not authorized to conduct personal business in City vehicles during work hours except as specifically authorized by this policy. "Personal business" includes running personal errands and shopping.

9. During scheduled work shifts, an employee operating a City vehicle is authorized to stop for limited time periods for meals, refreshments, restroom breaks, and other de minimis stops. Discretion shall be used by the employee when other City vehicles are already present at the establishment.
10. Employees operating City vehicles are not authorized to transport family members or friends for non-City business. Supervisors may grant specific and limited exceptions to this rule when the employee demonstrates good cause and an urgent need. Supervisors may only grant such exceptions on a case-by case basis and may not grant blanket exceptions on a continuing basis.
11. Supervisors may authorize employees to operate City vehicles to transport sick or injured individuals to medical care facilities in specific emergency situations. Each supervisor is strongly encouraged, if time permits, to discuss any such authorizations with his/her immediate supervisor and an authorized representative of the Finance Department.
12. A City employee driving a City vehicle or personal vehicle for City business is expected to drive with safety as their first consideration. This includes driving safely while operating voice cellular telephones and electronic ~~paging~~ devices. ~~A City employee driving a City vehicle or personal vehicle for City business is strongly encouraged to find a safe and secure location and stop their vehicle to use voice cellular phones or pagers.~~
13. Cellular texting or use of ~~electronic devices~~~~laptops~~ is strictly prohibited when driving a City vehicle or their personal vehicle while on City business. An exception is the authorized use of electronic devices; i.e., laptops, to carry out City business purposes.
14. Employees authorized to operate City vehicles and equipment should be aware that the operation and appearance of such vehicles and equipment reflects on the professionalism of the driver, the department, and the City. As such, employees must be constantly aware of their actions and ensure that their behavior, appearance and operation exhibit the highest in professionalism and courtesy.
15. City vehicles and equipment are not considered private property and may be searched at any time for any reason.
16. Smoking and the use of smokeless tobacco products are prohibited in City vehicles and equipment except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.
17. No City employee may carry firearms or other weapons that are not required for his/her position with the City in any City vehicle or equipment while conducting City business.

18. The City does not provide insurance coverage on any loss of personal articles that may be stolen from a City vehicle and will not be responsible in any way for such loss.
19. An employee who is operating a City vehicle is required to pay for any moving violations, parking citations and/or toll charges for which they are responsible.
20. Employees authorized to take a city vehicle home must drive the vehicle to and from work by the most direct route, without any deviation. The location of home storage may not be further than ten (10) miles from the City limits, unless approved in writing by the City Manager.
21. During declared City emergencies, department heads shall have the authority to assign vehicles as necessary during duration of an emergency.

**I. Take-Home Vehicles**

1. Certain employees may be identified by the Department Head or City Manager as requiring a take-home vehicle. Regular assignment of a City vehicle to be taken home by an employee will be reviewed by the Chief Financial Officer and authorized by the City Manager.
2. A Take-Home Vehicle Request/Justification Form must be submitted by the requesting employee's supervisor to the Department Head prior to the employee being allowed to take a City vehicle home. The Department Head must then submit that request to the Chief Financial Officer who will forward it to the City Manager for approval. A separate request form is required for each position that a vehicle is to be used for callback or standby purposes or as approved by the City Manager for temporary situations. Positions that utilize a take-home vehicle will be reviewed on an annual basis and will require approval each year. A Take-Home Vehicle List will be submitted, and updated yearly, to be approved by the City Council during the Budget Process.
3. Employees given the use of take-home City vehicles must execute a written acknowledgement regarding receipt of said vehicle with the Finance Department. Departments must annually forward a list of employees with take-home City vehicles to the Finance Department. The Finance Department will keep a central list of employees with take-home City vehicles. It is each department's responsibilities to update Finance Department with all current information.
4. Aside from providing services and conducting business related to the City, take-home vehicles may be used for commuting and de minimis personal errands during work days pursuant to the Internal Revenue Service (IRS) regulations. Employees using take-home vehicles must comply with all other Rules and Regulations for the Use of City Vehicles provided in Rule H above.
5. The City is required to comply with the IRS's regulations regarding the reporting of income. Since the only authorized non-business use is

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commuting and de minimis personal errands, the City will use the Commuting Valuation method to report income. This method will use Three Dollars (\$3) per day for each day of commuting (including any on-call weekend use) as the amount of taxable income reported to the IRS. This amount may be amended by the IRS at any time.

6. Marked and unmarked Law Enforcement vehicles, Emergency Medical Service vehicles and Fire Emergency Response vehicles are excluded from this IRS requirement.
7. Employees authorized to use take-home City vehicles who submit leave notices for five (5) or more consecutive work days must make arrangements with their supervisors to leave the vehicle and keys for use of the vehicle by other City personnel during such period.
8. The approval for a take-home vehicle shall be made for the purpose of assuring the performance of City business, and such authorization or use shall not constitute or be considered a vested employment benefit or right of the employee. Such authorization or use may be denied, revoked, or suspended at any time for any reason or for no reason.

**J. Use of Personal Vehicles**

1. City employees shall carry liability insurance on any personal vehicle used to transact City business. Each employee shall contact his/her insurance carrier to determine the necessity for a "Business Use" rider to their personal policy. The City will not assume responsibility for any deductible amounts necessitated by claims, and the employee shall bear the responsibility of pursuing claims against either his/her carrier or the other driver in the event of a collision or other loss.
2. The City will pay employees for using their personal vehicles on City business at the current IRS mileage rate, as such may be amended from time to time.
3. The City pays for maintenance and insurance costs through mileage payments. Consequently, the City will not pay employees for vehicle repair costs. If an employee's vehicle fails to operate while he or she is out of town on City business, the City will pay reasonable towing costs to the nearest garage. The City will not pay towing costs within the City.
4. Persons who donate their time and services to the City are not covered by the Worker's Compensation Act or by the City insurance coverage, and the City assumes no liability for the use of their personal vehicle during any volunteer activity.

**K. Vehicle or Equipment Accident Procedures**

1. An employee that has an accident while operating a City vehicle shall immediately notify the Alvin Police Department and their Supervisor, if possible.

2. The Supervisor, or designee, shall in turn report immediately to the Fleet Superintendent and Chief Financial Officer. In addition, the employee must complete an Incident Accident Report and provide to their immediate supervisor and the Chief Financial Officer.

**RULE 69-RULE 40. VEHICLE POLICY - PUBLIC SAFETY DEPARTMENTS**

- A. This policy provides City guidelines to govern the assignment, use, care, control and privileges concerning City vehicles for any employee or volunteer within the Police, Fire and E.M.S. Departments. This policy is in addition to the Vehicle Utilization Policy. This policy shall have controlling authority where differences occur from the Vehicle Utilization Policy.
- B. The intent of this policy is to set forth additional guidelines and regulations concerning the use of City vehicles by establishing who may make use of such vehicles, who shall be assigned departmental vehicles long-term, and what specific privileges are associated with such assignments. Due to the nature of the emergency response from each department, vehicle assignments may vary. Under all circumstances the employee/volunteer shall notify their respective supervisor of where the vehicle will be stored, i.e., their residence.
- C. This order consists of the following numbered sections:
  1. Definitions
  2. Short Term Assignments
  3. Long Term Assignments
  4. Call Out Status Groupings
  5. Conditional Privileges
  6. Rules Governing Use and Responsibility
  7. Effective Date
- D. Definitions
  1. Call Out Status – To be known and identified, for purposes of this order, as either “*Administrative*”, “*Supervisory*”, “*Rotating*” or “*Special Assignments*” call out.
  2. City Vehicle – Any motor vehicle which is owned, whole or in part, by the City of Alvin or insured by the City. This includes lease/loaner vehicles wherein the City is the lessee or the vehicle is operated by an employee/volunteer.
  3. Conditional Privilege – shall be known as the limits and restrictions placed upon employees/volunteers who are assigned a City vehicle for take-home use, based upon their Call-Out Status.
- E. Short Term Assignments

1. Employees/volunteers not assigned a take-home vehicle may have an occasional need to use a City vehicle, including but not limited to, in-service training schools or trips to other agencies and entities. These employees/volunteers should seek availability and consent for use of a departmental vehicle from the Department Head or his/her designee.

**RULE 69-RULE 41. LONG TERM VEHICLE ASSIGNMENTS**

- A. Assignments whereby an employee/volunteer possessing some form of defined “call out status” and a specific vehicle assignment are paired for predominantly exclusive use for a period of time greater than one year. These assignments shall be made by the Department Head or designee.
- B. Call Out Status Groupings. Employees/volunteers shall be grouped into one of the following categories:
  1. Administrative Call Status
    - a. ~~Chief of Police~~
    - b. Fire Chief
    - c. E.M.S. Director
    - d. ~~Police Captains~~
  2. Supervisory Call Status
    - a. Assistant Fire Chief
    - b. Assistant E.M.S. Director
    - c. Police Lieutenant
    - d. Police Sergeant
    - e. E.M.S. Supervisor
  3. On-Call Status
    - a. Police Detectives/Investigators
    - b. Fire Department Duty Officer
    - c. ~~Police Patrol Investigator (Rotating)~~
    - d. On-Duty E.M.S. Personnel
    - e. Police K-9 Officers
    - f. Police Victim Liaison Officer
    - g. ~~Police Warrant Officer~~
    - h. ~~Police Information Technologies Manager~~
    - i. Police Crime Prevention Officer
    - j. Police ~~Bike Patrol~~/Tactical Officer

C. Rules Governing Use and Responsibility

1. Any employee/volunteer who is assigned a City vehicle shall consider this assignment as a necessary tool to perform the functions and requirements of their position. Each employee/volunteer shall do that which is necessary to take reasonable and prudent care of the vehicle. Failure to do so may result in disciplinary action.
2. Employees/volunteers may have family members and community guests in their assigned vehicles. In every instance, emergency responses shall be avoided where possible.
  - a. Only in the most extreme cases of concern for public safety should a traffic stop be conducted by off-duty police personnel. No violator contact shall be made with family/guests in the vehicle. Off-duty traffic stops shall be logged with the on-duty dispatcher.
  - b. Police officers, who observe crimes in progress while off-duty in the city, shall remain prepared to act upon such circumstances. Official Department identification, radio and weapon should be accessible at all times.
3. Police employees may utilize assigned vehicles to engage in extra-duty employment while inside the city limits. No City vehicle may be used for conveyance to or from any extra-duty employment that occurs outside the Department's jurisdiction (city limits).
4. Police employees who are assigned unmarked vehicles are permitted to use their vehicles for personal use, but are not permitted to use the vehicle for recreational purposes or personal purposes outside of the State.
5. Any employee/volunteer who is assigned a marked vehicle is not permitted to conduct personal business while operating their vehicle outside of their respective jurisdiction unless they are commuting to or from work. In the instance of Police, jurisdiction is the City limits of Alvin, and in the instance of Fire and E.M.S., it is their respective response areas.
6. No employee/volunteer shall operate a City vehicle while under the influence of alcohol or prescription medication which may physically or mentally impair their ability to operate a vehicle.
  - a. Under no circumstances shall an employee/volunteer consume alcoholic beverages in a City vehicle. Possession or transportation of any alcoholic beverage within a City vehicle is expressly prohibited, except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.
  - b. The possession, transportation or consumption of any controlled substance within or upon any City vehicle is expressly prohibited, except for the performance of City business, i.e., EMS/Fire Dept

medical care or for evidentiary purposes, i.e., a narcotics investigation.

7. Smoking and the use of smokeless tobacco products are prohibited in City vehicles and equipment except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.
8. Cellular texting is strictly prohibited when driving a City vehicle or an employee/volunteer's personal vehicle while on City business.

**D. Conditional Privileges**

1. Unless otherwise noted below, Police employees assigned an unmarked vehicle shall reside within ten (10) miles of the intersection of Gordon Street and House Street. Employees assigned with marked units shall reside within five (5) miles of the intersection of Gordon Street and House Street. In the instance of the Fire and E.M.S. Departments, personnel shall reside within the respective response areas of each Department.
2. The zones for the Police personnel are noted in Appendix A with the area contained within the blue line denoting the ten (10) mile limit and the area within the red line denoting the five (5) mile limit. Fire and E.M.S. Departmental mapping denote their respective response areas and are noted in Appendix B.
3. Administrative Call Status – allows for the employee/volunteer to use their vehicle on duty and off in Brazoria and adjacent counties. This is permitted with the understanding that these employees/volunteers must respond when a need for them is verified.
4. Supervisory Call Status – allows for the employee/volunteer to use their vehicle on duty and off in an area that will allow them to respond within a reasonable time period to the Police Department once notified. Marked units shall be returned to the Department within a reasonable time should a shortage of fleet vehicles occur. Vehicles located at a supervisor's residence should be available to be retrieved as needed.
5. A "reasonable time" will be generally interpreted to mean 30-45 minutes unless otherwise approved by an appropriate supervisor.
6. On-Call Status – allows for the employee/volunteer to use the City vehicle on duty and off in an area that will allow for a thirty (30) minute response to the Police Department once notified. When notified, the designated "On-Call" Detective for any given period shall be required, within a reasonable time period, to respond to the Department or crime scene unless previous arrangements were made with an appropriate supervisor. Vehicles located at the employee/volunteer's residence should be available to be retrieved as needed.

**E.** Once notified, on-duty Fire and E.M.S. personnel shall immediately respond to the destination required.

**F.** Ten and Five Mile Map for Authorized Take Home Vehicle



**RULE 70-RULE 42. ACCIDENT REPORTING**

- A. All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor, who will then notify the appropriate City personnel or the Human Resources Manager. Failure to report any accident or injury within twenty-four (24) hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.
- B. Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

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**RULE 71-RULE 43. ACCIDENTS INVOLVING CITY EQUIPMENT OR VEHICLES**

- A. Any employee involved in an accident while operating City equipment or a vehicle shall report the accident immediately to his/her supervisor; the Central Shop superintendent and to the proper law enforcement agency. The employee must immediately complete an incident/accident report, no matter how minor the damage is to the vehicle, and submit to his/her supervisor, who will then notify -and to- the Legal Department.
- B. Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of eighteen (18) may operate a City vehicle. Wearing of seat belts is mandatory.
- C. Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

## SECTION IX. PROHIBITED CONDUCT

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### ~~RULE 72.~~RULE 44. SEXUAL AND OTHER UNLAWFUL HARASSMENT

- A.** The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.
- B.** Sexual Harassment. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
  3. 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.
- C.** Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.
- D.** Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion, color,

sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, volunteers, citizens, vendors, and other visitors to the workplace.

- E. Mandatory Reporting. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to:
  - 1. his or her Department Director;
  - 2. the Human Resources Manager; or
  - 3. the City Manager.
- F. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director and/or the Human Resources Manager. A Grievance Complaint form is available from the Human Resources Manager.
- G. Under this policy, an employee may report to and/or contact the Human Resources Manager directly, without regard to the employee's normal chain of command:
  - HR Manager
  - 216 West Sealy
  - (281) 388-4295
- H. In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his/her behavior is unwelcome and request that it be discontinued. ~~Often this action will resolve the problem.~~
- I. Investigation. All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.
- J. Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.
- K. Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

#### ~~RULE 73.~~RULE 45. POLITICAL ACTIVITY

- A. City employees will not be ~~appointed~~hired or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other

prerogatives of citizenship consistent with state and federal law and these policies. Other than as provided by State law for the police. City employees may not:

1. Publicly endorse or campaign in any manner for any person seeking a City public office.
2. Use his/her position or office to coerce political support from employees or citizens.
3. Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
4. Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
5. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
6. Contribute money, labor, time or other valuable thing to any person for City election purposes.
7. Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* City of Alvin City Council, Alvin ISD and Brazoria County.

**RULE 74-RULE 46. SOLICITATION AND ACCEPTANCE OF GIFT**

- A. Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his or her employment according to his or her response to a solicitation.
- B. Except as provided by State law, no employee shall accept or solicit any money property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member.
- C. If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift in writing to his/her supervisor and the City Manager.
- D. Except as provided by State law, no employee shall accept property, service or other thing of value in excess of \$100.00 for the benefit of the City, or any employee, or department of the City, ~~unless approved in advance by the City Council.~~

**RULE 75-RULE 47. WEAPONS BAN AND VIOLENCE PREVENTION POLICY**

- A. The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.
- B. Zero Tolerance. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.
- C. City's Response to Threats or Acts of Violence. The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the ~~Human Resources Manager, and where applicable, the~~ City's Police Department or other appropriate law enforcement agency. The ~~Human Resources Manager~~appropriate department will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and/or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.
- D. No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.
- E. ~~All~~ Weapons Banned. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. The City prohibits employees from carrying or using any weapons, concealed or otherwise, on City property. ~~This ban includes keeping or transporting a weapon in any vehicle in a City provided parking area.~~ Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. The weapons ban does not include firearms in a locked vehicle in a City parking lot but only if the person possesses a license pursuant to TPC 30.06 or TPC 30.07.
- F. Mandatory Reporting. Each City employee must immediately notify his/her supervisor, Department Director, the Human Resources Manager and/or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any

behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Human Resources Manager.

- G. Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resources Manager and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director of any protective or restraining order issued against them.
- H. 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.
- I. City Property. For purposes of this rule to prevent incidents of violence from occurring in the workplace, City property includes but is not limited to City-owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks. City-owned parking lots are not a prohibited area regarding the weapons ban as stated in Rule E above.
- J. Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Manager and/or the Police Department.
- K. 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.

**RULE 76-RULE 48. DRUG, ALCOHOL AND SUBSTANCE ABUSE USE POLICY**

- A. It is the desire of the City to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.
- B. Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are

legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

- C. **Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia.** This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.
- D. **Permissive Use of Prescribed and Over-The-Counter Drugs.** The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.
- E. **Use of Alcohol.** The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.
- F. **Police Department Employees.** Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by the Police Department operating procedures.
- G. **Mandatory Disclosure by Employees.** Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the Human Resources Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

- H. On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.
- I. Mandatory Reporting of Convictions. Employees must notify their immediate supervisor and the Human Resources Manager, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.
- J. Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty conduct is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty conduct adversely affects the employee's job performance.
- K. Rehabilitation/Treatment.
  - 1. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his or her problem and seek and accept counseling and/or rehabilitation before it impairs his or her job performance and/or jeopardizes his/her employment.
  - 2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City. ~~Note: Under certain conditions, treatment for substance abuse may be covered under the City's Family Medical Leave Act Policy.~~
  - 3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.
  5. If the employee successfully completes his or her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his or her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
    - a. Initial negative test for drugs and/or alcohol before returning to work;
    - b. A written release to return to work from the City-approved rehabilitation or treatment facility/program;
    - c. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
    - d. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment; and
    - e. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Human Resources Manager. The employee must meet with the Human Resources Manager to discuss the terms of his or her continued employment and sign a formal agreement before returning to work.
  6. This policy will be administered in accordance with the City's Family Medical Leave Act policy when applicable.
- L. Policy Violations.** Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Human Resources Manager to receive assistance or referrals to appropriate resources in the community.

**RULE 77-RULE 49. DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES**

- A.** Employees/Applicants Subject To Testing. City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver’s License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee’s supervisor or the Human Resources Manager will advise the employee if he or she is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.
- B.** Employees covered by this policy are also required to comply with the City’s Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City’s general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.
- C.** An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.
- D.** Prohibited Alcohol Use

  - 1.** 1. (a) On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

    - a. While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
    - b. While using alcohol; or
    - c. Within 4 hours after using alcohol.
  - 2.** 2. (b) Use Following An Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.
- E.** Prohibited Drug Use. Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee

tests positive for controlled substances or has adulterated or substituted a test specimen.

- F.** Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.
- G.** Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.
- H.** Post-accident testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:
  - 1.** When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
  - 2.** When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or,
  - 3.** In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.
- I.** An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.
- J.** In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.
- K.** Post-Accident Alcohol Testing. If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Human Resources Manager by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an

alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Human Resources Manager.

- L. Post-Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Human Resources Manager.
- M. Reasonable suspicion testing. Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of his/her suspicion. If the Department Director concurs, he/she may order the employee to undergo testing only after consultation with the Human Resources Manager. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Human Resources Manager.
- N. Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before he/she is to perform, or just after he/she stopped performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Human Resources Manager. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Human Resources Manager.
- O. Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:
  - 1. An alcohol test measures the employee's alcohol concentration at less than 0.02; or
  - 2. 24 hours have elapsed since the reasonable suspicion observation was made.

- P.** Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Human Resources Manager.
- Q.** Random Testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.
- R.** Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.
- S.** Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty

pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

**T. Additional Information About Alcohol Testing.**

1. **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and will be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If the employee is not terminated, then he/she will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)
2. **Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

**U. Additional Information About Drug Testing.**

1. **Drug Testing Procedures.** Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then he/she has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Human Resources Manager. The second test will be at the driver’s own expense.
2. **Drugs Tested For.** DOT requires testing for the following drugs:
  - a. Marijuana (THC)
  - b. Cocaine
  - c. Amphetamines
  - d. Opiates

e. Phencyclidine (PCP)

- V. A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.
- W. Review of Drug Test Results. All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.
- X. Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.
- Y. Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Human Resources Manager. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.
- Z. Information From Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver’s written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver’s application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to

perform safety sensitive functions. ~~If the City receives any such information about an applicant driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask the person if he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City.~~ If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

- AA. Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations. See 49 C.F.R. §382.401, Retention of Records.
- BB. Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive, and also which controlled substance(s) verified positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.
- CC. Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.
- DD. Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in

readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

1. All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City
2. All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time.
3. All time spent at the driving controls of a CMV in operation;
4. All time, other than driving time, in or upon any CMV;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**EE.** Transportation to Testing Site. With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

**FF.** Questions. Anyone with questions regarding this policy should contact the Human Resources Manager.

**RULE 78-RULE 50. TESTING FOR DRUG, ALCOHOL, AND SUBSTANCE ABUSE**

**A.** Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally-accepted testing procedure.

**B.** Testing of Applicants. All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

**C.** Testing of Employees.

~~C. 1. Employees may be required to submit to random testing for alcohol and/or illegal and unauthorized drugs.~~

2. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.

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3. Police Department and EMS employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
4. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
5. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
6. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
7. A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
8. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

**D. Testing Procedures.**

1. All testing must normally be authorized in advance by both the employee's Department Director and the Human Resources Manager. If the Department Director is unavailable within a reasonable period of time, the Human Resources Manager may, in his/her sole discretion, authorize the testing of an employee. If the Human Resources Manager is unavailable within a reasonable period of time, the Department Director may, in his/her sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led him/her to suspect that the employee is under the influence of illegal or unauthorized

drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put him or her on administrative leave until the test results are received.
3. The City will make arrangements to have the employee transported home after the testing.
4. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
5. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Human Resources Manager; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

#### **RULE 79-RULE 51. EMPLOYEE SAFETY GUIDELINES - DO'S AND DON'TS**

- A. The City is interested in the employees safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can do much to prevent accidents and injuries by obeying the safety rules of their job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that is believed to be an unsafe act or an unsafe condition, the employee should immediately report it to their supervisor or to management at once.
- B. The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.
  1. Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
  2. Smoke only during designated times in authorized outside areas.

3. Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For the employee's comfort and safety, wear shoes with non-slip soles, in good condition.
4. To avoid back injuries, use correct lifting methods. Get someone to help with heavy (or difficult to handle) items.
5. Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
6. Material Safety Data Sheets (MSDS Sheets) - Employees will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that may be encountered in normal work. They will explain possible reactions to exposure, and steps to take if it occurs. Review this information from time to time.
7. Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
8. Do not put fingers, hands, feet or clothing in moving machinery.
9. Do not carry items in a manner that obscures your vision.
10. Do not block access to fire extinguishers.
11. Do not touch open or loose electrical circuits.
12. Report unusual vibrations, smells, or noises coming from equipment.
13. Do not wear rings or jewelry while operating machinery.
14. Do not perform maintenance or repairs on running equipment.
15. Do not remove or alter warning tags or safety devices.
16. Never leave nails or spikes protruding from planks or boards.
17. Perform routine maintenance at all scheduled intervals.
18. Do not use compressed air for cleaning clothing or floors.

**RULE 80-RULE 52. EMPLOYEE MISCONDUCT AND DISCIPLINARY ACTION**

- A. To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.
- B. Progressive Discipline. Depending on the seriousness of the misconduct, the City will generally use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the

severity of the conduct, the employee's work performance, prior disciplinary history, length of service and any mitigating circumstances.

- C. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following steps:
1. verbal warning (documented)
  2. letter of counseling
  3. written reprimand
  4. return to a probationary status
  5. suspension (without pay)
  6. demotion
  7. discharge or termination
- D. Documentation. All forms of discipline, including verbal warnings, will be documented and will be placed in the employee's personnel file. In the event an employee is discharged, the supervisor shall forward a copy of the dismissal to the Human Resources Manager, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.
- E. Supervisory Responsibility. All employees with the responsibility and authority to supervise and direct employees under their control shall, in a professional manner, administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures; as well as address performance appeals submitted to them as provided by policy in an attempt to resolve such issues at the lowest possible supervisory level.
- F. Request for Reconsideration. Where a disciplinary action involves a suspension of 1 workday (or 1 shiftday) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken or to request reconsideration of any action taken. ~~However, positions classified as Director Level and above are employed at the will and pleasure of the City Manager, with consent of the City Council, and have no right of appeal for any type of disciplinary action, including termination. Probationary employees have no right of appeal for disciplinary action taken against them.~~
- G. Prohibited Activities. Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties at risk, may also result in disciplinary action. An employee being aware and not reporting illegal action of another City Employee may result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the

workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

1. Theft or inappropriate removal or use of City property or other property not belonging to the employee
2. Falsification of timekeeping or other records, including employment application
3. Working under the influence of alcohol or illegal drugs
4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty or while operating City-owned equipment
5. Violation of City's policy regarding sexual or other unlawful harassment
6. Interfering with work schedules or another employee's ability to work
7. Misuse of City telephones, computers, mail systems, etc.
8. Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
9. Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
10. Profanity, abusive language, or racial slurs
11. Unauthorized disclosure of confidential information
12. Violation of any provision of the City Charter
13. Violation of City or departmental policies, codes of conduct, rules and procedures
14. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others
15. Making or publishing false, damaging, vicious, or malicious statements about the City, or a City employee or citizen, or others
16. Unsatisfactory performance or conduct
17. Inefficiency, incompetence or neglect of duty
18. Fighting, provoking or instigating a fight, or threatening violence
19. Disruptive activity in the workplace
20. Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties)
21. Violation of local, state or federal law
22. Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor, or repeated conviction of Class C misdemeanor charges

- 23. Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
  - 24. Outside employment that conflicts with, or potentially conflicts with, City interests
  - 25. Acceptance of payment of any kind for activities related to City Employment
  - 26. An accumulation of minor infractions
- H.** Fraternalization. It is not possible to anticipate all off-duty conduct or fraternalization that may relate to the City’s business, but the City can provide some general guidelines. When in doubt, please consult with the Human Resources Manager.
- I.** It is against City policy for individuals who have an economic, social or family relationship to supervise the other or to work in positions that have an audit or control function over the other.
- 1. Economic relationships include roommates, landlord-tenant, creditor-debtor and the like.
  - 2. Social relationships include past or current dating or intimate relationships.
  - 3. ~~Family relationships include spouses, parent-child, siblings, in-laws, aunts, uncles and stepfamily. Rule 9 provides the Nepotism restrictions.~~
- J.** Employees and applicants are expected to disclose these relationships whenever they may come into existence. Failure to do so may lead to discipline.
- K.** If these relationships come into existence after employment an attempt will be made to transfer employees to comparable (but separate) positions to avoid any appearance of favoritism, preferential treatment or conflict of interest. If a transfer is not possible, the employees may be requested to decide among themselves which individual is to resign.
- L.** If the employees are not able to make a decision about who is to resign, the City may take appropriate action, which can include requiring both employees to resign or requiring one of the individuals to resign based on a neutral factor such as seniority.
- M.** This section also applies to employees and their relationships with vendors and contractors working within the City.
- N.** Felonies and Misdemeanors. Employees must immediately notify their supervisor and/or Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. ~~An employee arrested, charged or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed~~

~~and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Human Resources Manager. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted or the conviction is reversed on appeal.~~

- O. Administrative Leave. During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager.

#### **RULE 81-RULE 53. GRIEVANCES OR COMPLAINTS**

- A. Definition of a Grievance or Complaint. A grievance or a complaint, for purposes of this Manual, shall mean the same thing and may address any one or more of the following subject matters:
  - 1. a claim by an employee that he or she has suffered an adverse employment action that the employee reasonably believes has been motivated by an illegal or an unlawful discriminatory or retaliatory motive by a supervisory employee; and/or,
  - 2. a claim by an employee who reasonably believes that he or she has been subjected to illegal harassment or a hostile work environment by either a supervisory employee or by other employees;
  - 3. a claim by an employee who reasonably believes that other employees, whether co-workers or supervisory employees are in violation of one or more of the conditions set out in this personnel policy manual or any other rules or regulations of the City of Alvin.
  - 4. a claim by an employee who reasonably believes that other employees, whether co-workers or supervisory employees are in violation of state or federal criminal law.
- B. A grievance or complaint must be reduced to writing and submitted in accordance with the grievance policy specified in these Rules.
- C. Any employee wishing to submit a complaint or grievance must first discuss the grievance with the employee's immediate supervisor, unless the grievance is against that supervisor, in which case the submission may be made to the next level supervisor or Department Director. If the matter is not resolved to the employee's satisfaction, the employee may take the grievance to the next level supervisor, presumably the employee's Department Director to discuss the complaint. An employee failing to gain satisfaction after conferring with his/her Department Director may present his/her grievance to the Human Resources Manager, who may forward the grievance or complaint to the City Manager.

- D. If the grievance is against the Department Director, the employee may discuss the grievance with the Human Resources Manager or the City Manager. Complaints against the City Manager must be submitted to the Mayor.
- E. The employee must submit the grievance on the Employee Grievance form in five (5) days after receiving the supervisor's response.
- F. The employee must notify the Human Resources Manager within ten (10) days of his/her desire to have the grievance considered by the City Manager.
- G. At the discretion of the City Manager, a special employee grievance committee may be appointed to investigate any grievance and offer or recommend solutions.
- H. The decision of the City Manager is final on the grievance or complaint and shall be final, except as otherwise provided by law.
- I. Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the City's Sexual and Other Unlawful Harassment Policy.

**RULE 52-RULE 54. DEFINITIONS (NEW)**

For purposes of this Personnel Policy Manual, the following definitions shall apply:

Budget (Fiscal) Year- refers to a city's fiscal year commencing on October 1 of any given year and ending at twelve midnight on September 30 of the subsequent year.

Calendar Year- refers to a year beginning on January 1 and ending on December 31 of that year.

City - refers to the CITY OF ALVIN, TEXAS;

City Manager - refers to the City Manager of the CITY OF ALVIN, TEXAS;

Compensatory Time – refers to a rate of pay in hours that is equivalent to time and a half of the number of productive hours worked that are classified as compensatory time pursuant to FLSA, or pursuant to a specific provision of the police labor agreement that provides for pay in terms of compensatory hours.

Effective Date - refers to the date on which the terms and conditions contained in this Manual are formally implemented as per the approval by Council;

FLSA - refers to the Fair Labor Standards Act;

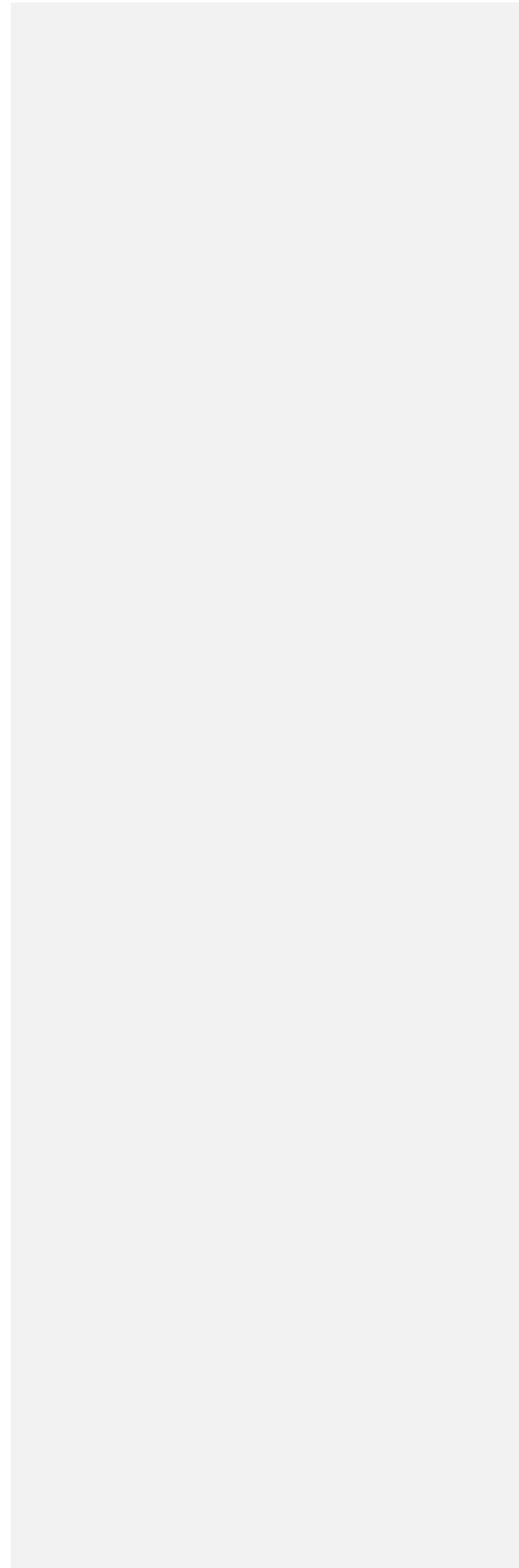
FMLA – refers to the Family Medical Leave Act;

HR – refers to the Human Resource Department or Human Resource Manager

Overtime Pay – refers to an employee's regular rate of hourly pay, as that pay is to be calculated using FLSA standards, times 1.5.

Policy - refers to this Personnel Policy Manual, also referred to as the Rules.

**END OF DEFINITIONS**



**EXHIBIT "A"**

**RECEIPT AND ACKNOWLEDGEMENT FORM**

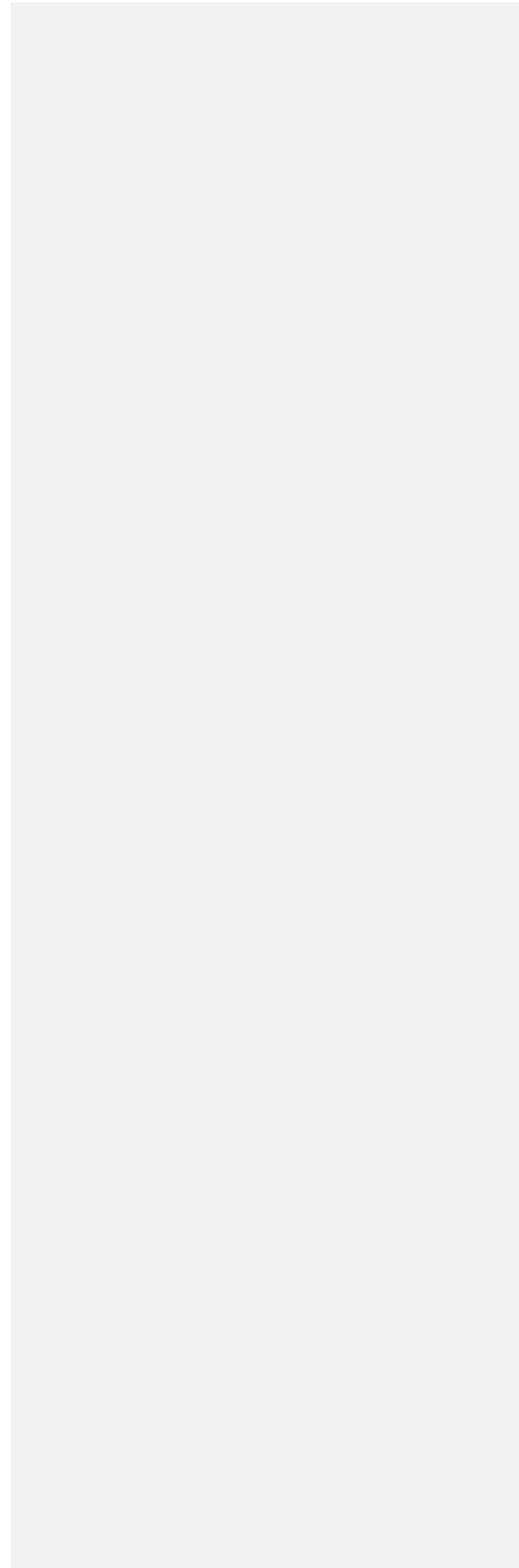
I acknowledge receipt of a copy of the Personnel Policy Manual for the City of Alvin, Texas. I understand and agree:

- A. It is my obligation to understand all of the provisions of the Manual. I can ask my Supervisor, my Department Director, or the Human Resource Manager any questions I have about this Manual.
- B. The Manual is not a contract of employment and the information provided is subject to change by the City as the need arises.

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Received



**EXHIBIT "B"**  
**TEXAS GOVERNMENT CODE §552.024**  
**Public Access Option Form**

The Public Information Act allows employees, public officials, and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information by checking off or initialing in the appropriate box:

<b>Public Access Election</b>	<b>"Yes"</b>	<b>"No"</b>
Home Address		
Home Telephone Number		
Social Security Number		
Information that reveals whether you have family members		

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT "C"**  
**WAGE DEDUCTION AUTHORIZATION FORM**

I recognize that during my employment or upon termination of my employment, I may owe the **CITY OF ALVIN** money for a variety of reasons, including without limitations an erroneous overpayment of wages or other benefits and also property damages. Therefore, I, the undersigned employee of **CITY OF ALVIN**, acknowledge in the event I owe any such monies to the **CITY OF ALVIN**, I hereby authorize the **CITY OF ALVIN** to deduct such amounts from my wages during my employment or from my final wages due and owing upon termination or separation from employment.

I also understand and agree that if I fail or refuse to pay any such amount, **CITY OF ALVIN** retains the right to pursue any applicable legal remedies, and may recover reasonable attorney fees and costs of litigation.

By signing this document, I certify I have carefully read and understand all of the authorizations and acknowledgements and voluntarily agree to be bound thereby.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT "D"**  
**VEHICLE POLICY CERTIFICATE OF RECEIPT**

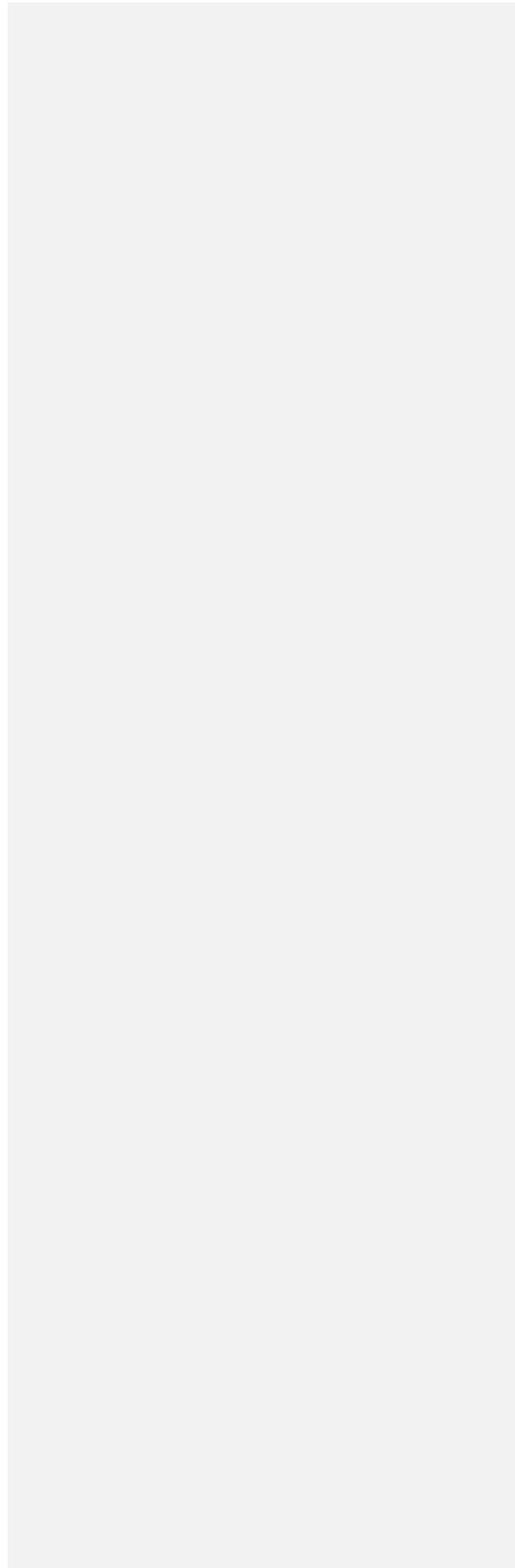
Your signature below indicates you have received a copy of the City's Vehicle Policy as contained in the Personnel Policy Manual. The current Policy was adopted by Council on \_\_\_\_\_ These policies are also available online under "Online Forms and Information". You are required to carefully review the policies and agree that you will abide by them. This form must be returned with your signature to be kept in your Personnel file.

\_\_\_\_\_  
Employee's Name (please print)

I certify that I have received a copy of Section VIII, Vehicle Policies, Rules 38 – 42, have read it, have had the opportunity to ask questions for any clarification I may need, **and will abide by the requirements set forth herein**. I understand that this document is not a contract and signifies only my receipt of the Manual.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed





**PERSONNEL POLICY MANUAL**

For The

**CITY OF ALVIN, TEXAS**

Adopted by the City Council

On the

\_\_\_\_\_ Day of May, 2016

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**SECTION I.  
PREAMBLE & PURPOSE**

**RULE 1. APPLICATION OF POLICIES**

- A. The Personnel Policy Manual policies shall apply consistently and uniformly to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council.
- B. All employees must become familiar with and abide by these policies.
- C. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Personnel Policy Manual.
- D. In addition, for those employees covered under a labor agreement, the specific terms and conditions, if any, contained in any such agreement shall be applied first. The terms and conditions contained in this Manual shall otherwise control all personnel actions in the absence of a specific provision contained in an applicable labor agreement.

**RULE 2. AMENDMENT OF POLICIES**

- A. Amendments to the Personnel Policy Manual may be implemented at any time provided that any modifications are approved by resolution of the City Council.
- B. The City Manager is responsible for the appropriate interpretation and implementation of the policies contained in this Manual.

**RULE 3. AT-WILL EMPLOYMENT**

- A. Employment with the City of Alvin 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.
- B. This Personnel Policy Manual does not constitute a contract of employment. Nothing in this Manual is intended to alter the continuing at-will status of employment with the City. Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment.
- C. Employees remain free to resign their employment at any time for any or no reason, without notice, and likewise, the City retains the authority to terminate any employee at any time, for any or no reason, in accordance with state or federal law.

## **SECTION II. EMPLOYEE CIVIL RIGHTS PROTECTIONS**

### **RULE 4. GENERAL STATEMENT**

- A. Although it is not possible to list all laws that bear on the public sector employer – employee relationship, the City of Alvin is committed to compliance with all applicable laws, whether state or federal, that govern the employment relationship between the City and its employees, and this Personnel Policy Manual is intended to implement and maintain compliance with all applicable laws.

### **RULE 5. EQUAL EMPLOYMENT OPPORTUNITY**

- A. The City is an equal opportunity employer under both state and federal law. Illegal discrimination against any person in the recruitment, selection, testing, appointment, pay and benefits, working conditions, disciplinary measures or any other aspect of employment or personnel management because of age, race, religion, sex, gender, color, national origin, citizenship, disability, veteran’s status or other unlawful basis, is prohibited to the fullest extent established by law.
- B. In addition, the City abides by any and all provisions of state and federal law that prohibit retaliation as a component of the enforcement of state and federal law.

### **RULE 6. AMERICANS WITH DISABILITIES ACT**

- A. To ensure compliance with the Americans with Disabilities Act, the City offers equal employment opportunity to qualified individuals and prohibits illegal discrimination against qualified individuals to the fullest extent provided by law.
- B. The City is committed to full and complete compliance with state and federal laws that address any covered disability status in response to appropriate requests or circumstances calling for reasonable accommodation, as such obligations are established by applicable law and procedure.

### **RULE 7. TEXAS MOTHER FRIENDLY WORKPLACE ACT**

- A. The City supports the practice of expressing breastmilk of lactating mothers, and provides work schedule flexibility to accommodate reasonable break times for an employee to express breastmilk for her nursing child or to breastfeed each time such employee has the need to express the milk or breastfeed, for up to one year after the child’s birth.
- B. Lactating mothers may use time during the standard workday for milk expression. This may include various combinations of standard paid break periods, lunch periods and other time as necessary. Scheduling will be arranged on a case-by-case basis and be based on the specific needs of the employee.
- C. Supervisors and managers are responsible for ensuring that the duties of the lactating employee are covered during her expression breaks.

- D. City support includes providing an onsite location for the lactating mother to express breastmilk for her nursing child or to breastfeed her child.

### **SECTION III. QUALIFICATION AND ELIGIBILITY FOR HIRE**

#### **RULE 8. RECRUITMENT AND SELECTION**

- A. The City hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.
- B. Recruitment Requirements. The recruitment process is initiated by a Department Director submitting a request of staffing to the Human Resources Manager. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.
- C. After making a decision to hire, the hiring department must submit the appropriate paperwork to the Human Resources Manager, along with the applicable Status Change form. Offers for City employment will be communicated by the appropriate Department Director/Supervisor or Human Resources Manager upon receipt of the hiring recommendation and all related paperwork.
- D. The recruitment method for vacant director level positions may be determined by the City Manager on a case by case basis.
- E. Applications. Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the Department.
- F. Hiring Process. Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to a pre-employment investigation.
- G. Disqualification. Applicants will be disqualified from consideration for one or more of the following:

1. Failure to meet the minimum qualifications necessary for performance of the duties for the position;
2. If they previously worked for the City and were terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure;
3. If their employment will result in a violation of the City's Nepotism Policy;
4. Failure to meet minimum age requirement of seventeen (17) for all city departments, except as part time/seasonal employment for the Parks and Recreation Department. The minimum age for part time/seasonal employment for the Parks and Recreation Department shall be fifteen (15) and shall comply with all rules adopted by the Texas Workforce Commission and the Fair Labor Standards Act (FLSA);
5. False statements or material omissions on the application form or during the application process;
6. Failing any of the City's background and employment requirements including, but not limited to, drug testing;
7. The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
8. The applicant is not legally permitted to work in the United States;
9. The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
10. Any other reason deemed to be in the best interests of the City.

**RULE 9. NEPOTISM RESTRICTIONS**

- A.** In order to prevent conflicts of interest and to avoid perceptions of biased conduct or favoritism, it is the policy of the City that:
1. An applicant related to the City Manager by blood within the third degree or marriage within the second degree according to common law shall not be employed by the City.
  2. An applicant related to any member of the City Council by blood within the third degree or marriage within the second degree according to common law shall not be employed by the City.
  3. This prohibition does not apply to applicants for the position of Municipal Court Judge.

**B. Degrees are defined as follows:**

Employee or Officer				
Consanguinity (Includes individuals related by blood to the Employee or Officer)			Affinity (Includes the Employee's or Officer's Spouse and individuals related to the Spouse)	
First Degree	2 <sup>nd</sup> Degree	<u>3<sup>rd</sup> Degree</u>	First Degree	2 <sup>nd</sup> Degree
Child or Parent	Grandparents	<u>Aunt</u>	Spouse	Brother-in-Law
	Grandchildren	<u>Uncle</u>	Mother-in-Law	Sister-in-Law
	Brother or Sister	<u>Niece</u>	Father-in-Law	Spouse's Grandparent
		<u>Nephew</u>	Son-in-Law	Spouse's Grandchild
	<u>Great Grandparents</u>	Daughter-in-Law	Grandchild's Spouse	
	<u>Great Grandchildren</u>	Stepson	Spouse of Grandparent	
		Stepdaughter		
		Stepmother		
		Stepfather		

**C. Restrictions.** The following restrictions apply on the employment of any relative. Relative is defined as being within the First, Second and Third Degrees of the chart above.

It shall be a violation of this rule for an employee to do any of the following:

1. hold a position which requires or enables the employee to directly supervise a relative; or
2. process the work of a relative; or
3. evaluate the work performance of a relative; or
4. evaluate the application for employment of a relative; or
5. adjust an employment relations grievance or complaint of a relative.

“Direct supervision” includes the following tasks in addition to those listed above: Appoint, hire, promote, recommend or assign work, discharge, discipline or demote a relative. Direct supervision also includes making effective recommendations or otherwise participating in any interview, discussion or debate regarding the above listed tasks.

- D.** Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee).
- E.** Promotion. In the event of a proposed promotion to a position supervising any employed relative, the relative must agree to immediately tender his/her written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the relative’s conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect. The relative is not prohibited from seeking a position in a different department in compliance with this rule.
- F.** Marriage of Current Employees. In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this rule, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this rule.

  - 1.** If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this rule, one or both of the affected employees will be required to resign from employment.
- G.** Grandfather Clause. The City is aware that, as of the above revision date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be “grandfathered” under this rule, meaning they will be permitted to continue their employment with the City as long as the requirements set out in this rule are met. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this rule. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this rule.
- H.** Periodic Review. Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this rule. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this rule. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment.
- I.** Application of Rule. This rule applies to all full-time and part-time employees of the City.

## **RULE 10. PROBATIONARY PERIOD**

- A.** The probationary period allows supervisory staff to assess the employees' performance to assist the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Probationary employees are subject to all City policies and procedures unless otherwise stated in this Manual. Employees who successfully complete a probationary period may utilize the grievance or complaint process outlined in this Manual.
- B.** Although all city employees are at all times "at will" employees under this Manual, the city nonetheless utilizes a probationary period of at least six (6) months as a component of its initial hiring process.
- C.** Additionally, all current employees who are transferred, promoted, or reclassified to a supervisory position, as well as former City employees who are rehired will be carried as being on a probationary period of at least four (4) months.
- D.** Extensions to Probationary Period. The performance probationary period may be extended under the following circumstances:
  - 1. At the end of the six (6) months probationary period, probation may be extended for up to an additional ninety (90) days when a probationary employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed. Such extension will be at the sole discretion of the Department Director. The probationary period is not to exceed nine (9) months.
  - 2. A probationary period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work.
- E.** Seasonal and Part-Time Employees. Seasonal and part-time employees do not serve a probationary period and have no right of appeal when terminated at any time.
- F.** Change In Assignment of Probationary Employee. A Department Director may request a probationary employee be reassigned, promoted, or transferred during the probationary period. If the reassignment, promotion, or transfer is approved, the employee will serve a four (4) month probationary period in the new position beginning with the date of the position change. Transferred or promoted employees serving probationary periods retain their eligibility for all types of leave established by City policy.
- G.** Absences During Performance Probationary Period. During the probationary period, an employee is not eligible to use vacation leave for any absences. Compensatory time off, sick leave or recognized holidays during the probationary period may be used as an approved absence per established City/departmental policy or practice.

- H.** Probationary Evaluations. All probationary employees shall receive an Employee Appraisal midway through their probationary period identifying their overall performance. The content of this appraisal will be used to help guide the employee to a successful conclusion of their probationary period. Upon successful completion of an employee’s probationary period an “Employee Probationary Period Appraisal” form will be completed with proper signatures and forwarded to the City Manager’s office for approval. The appraisal form can be obtained from the Human Resources Manager.
- I.** Successful Completion of Probation/“Regular” Status Granted. An employee is granted “regular” status in the new position if the employee satisfactorily completes the probationary period.
- J.** Failure of Probation.

  - a. An employee is considered to have failed probation 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 probation may occur at any time within the probationary period.
  - b. An employee who fails probation will normally be terminated from the City’s employment. A probationary employee who is terminated has no right of appeal. Probationary employees are not entitled to progressive levels of discipline.
  - c. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City.
  - d. A transferred or promoted employee who fails probation may, at the sole discretion of the City, be reinstated to his/her former position provided there is a vacancy and if approved by the affected Department Director(s).
  - e. Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training, and other efforts to help employees during their probationary period.

**RULE 11. ATTENDANCE AND WORK HOURS**

- A.** Regular Work Week. Nonexempt employees of the City, normally work forty (40) hours in a seven-day workweek. Exempt employees may be required to work in excess of forty (40) hours in certain weeks. In times of disaster or emergency, working hours shall be determined by the City Manager.
- B.** Adjustment to Work Hours. In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous

service to the public. All employees shall cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and includes that he/she will be available to do such work.

- C. Meal Periods. Full-time employees (excluding most Police Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Thirty minute lunches may be established at the discretion of the Department Head.
- D. Breaks. Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two (2) fifteen (15) minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day.
- E. Attendance Records. Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day.
- F. Attendance and Punctuality. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his/her supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to his/her supervisor the reason for the absence or tardiness and the date and time of his/her anticipated arrival. For absences of a day or more the employee must personally notify his/her supervisor on each day of his/her absence unless the supervisor expressly waives this requirement.
- G. In accordance to the policy of the department, an employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of three (3) days or more may be presumed to have voluntarily resigned his/her employment.

## **RULE 12. DRESS AND APPEARANCE**

- A. 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. Employees may wear business casual dress, as practical for their position. 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.

- B. Police, Fire Department, and EMS employees may be covered under Departmental policies regarding appropriate dress and appearance.
- C. The following are inappropriate for work attire:
  1. provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics;
  2. clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
  3. wrinkled, ripped and tattered clothing;
  4. visible tattoos which could be deemed offensive;
  5. nose rings/studs, eyebrow rings/studs; or similar type facial jewelry with the exception of a recognized religion.
  6. extreme hair styles and hair colors are unacceptable except for special events.
- D. Employees should direct questions about appropriate appearance or dress to their Supervisor, Department Director, or the Human Resources Manager.
- E. Department Directors and supervisors are responsible for enforcing this rule in their respective departments in order to maintain acceptable dress and appearance.
- F. The City will make the determination as to acceptable dress, appearance and grooming.
- G. 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.

**RULE 13. HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY**

- A. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.
- B. Serious Health Condition/Disabilities. The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.
- C. Medical Exams for Current Employees. The Human Resources Manager, or an employee's Department Director (with the prior written approval of the Human

Resources Manager) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment

- D. Time Off From Work. Time away from work under this rule will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.
- E. Return to Work. Before returning to work following a medical and/or psychological examination under this rule, the employee must coordinate his/her return through the Human Resources Manager and the Department Director.

#### **RULE 14. CONFIDENTIALITY OF MEDICAL INFORMATION**

- A. The City will abide by any applicable state or federal law that provides for the confidentiality of qualified health and other medical information that the City may have in its possession.
- B. Employees must respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with medical information that may be confidential and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

#### **RULE 15. NO PRIVACY INTEREST IN WORKSITE (SEARCHES)**

- A. The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, whether secured, unsecured or secured by a lock provided by the employee.
- B. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.
- C. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

### **SECTION IV. PAY AND BENEFITS**

#### **RULE 16. TENURE BASED COMPENSATION PAY PLAN**

- A. The City operates on two different Pay Plan structures. The first is a tenure based plan that is established through the Police Department's Collective Bargaining Labor Agreement and affects only sworn police officers, except the Police Chief.
- B. The second plan affects all other full-time City employees, except the City Manager and City Attorney. This plan is based on annual step increases and has a ceiling for all employees, both non-exempt and exempt.

- C. Annual step increases are subject to Council approval through the budget process and subject to fund availability. The compensation schedules shall be provided in the annual budget book.

**RULE 17. FLSA - OVERTIME, COMP TIME AND TIME MANAGEMENT**

- A. Overtime compensation is paid to all non-exempt employees in accordance with the minimum requirements of federal and state wage and hour requirements.
- B. Employees classified as EXEMPT under FLSA standards are not eligible to accrue compensatory time.
- C. The accrual, calculation, maintenance and utilization of overtime pay for employees covered under a collective bargaining labor agreement shall be controlled first by any applicable provision of that agreement, followed by the provisions of this Manual.
- D. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.
- E. All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor.
- F. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.
- G. Generally, overtime pay for non-exempt employees is at the rate of one and one-half times (1.5x) the employee's regular hourly rate of pay for hours actually worked in excess of forty (40) in the City's workweek. An employee's regular hourly rate includes all pay incentives required by FLSA standards to be included in overtime rate calculations.
- H. Vacation, comp time, and approved training time directly related to an employee's job during an employee's regular shift are included as hours worked for purposes of determining eligibility for overtime pay. However, time off on account of sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

- I.** Compensatory Time. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation in accordance with the requirements of FLSA and the following terms and conditions:
- 1.** Public safety – to be controlled by the terms of a collective bargaining labor agreement;
  - 2.** All other employees are subject to a cap of forty (40) hours.
  - 3.** Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this rule.
  - 4.** All compensatory time earned must be documented on the employee's time sheet.
- J.** An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department.
- K.** Police contractual compensatory time. As part of the annual budget preparation process, the Chief of Police shall present to the City Manager a list of police positions that are necessary and required for "on-call" availability for the effective functionality of the Police Department. Upon Approval by the City Manager, the list will become part of the Proposed Budget. The Police Department will be responsible for budgeting the necessary funds for any net accruals created by the "on-call" contractual compensation each fiscal year.
- L.** Employees that receive training compensation time shall expend these accrued hours prior to the use of FLSA compensatory time that was earned for hours worked.
- M.** Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate per the established cap.
- N.** Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.
- O.** Exempt Employees. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond forty (40) hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

- P. “Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the Human Resources Manager.
- Q. Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which he or she performs no work.
- R. It is the policy of the City not to make improper deductions from an exempt employee’s pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify the Human Resources Manager. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

#### **RULE 18. DISASTER OR EMERGENCY RESPONSE**

- A. This policy applies to all non-exempt and exempt employees and is intended to outline instructions for employees to follow when a state of emergency is imminent or has been declared by the Mayor or his designee, or any other authorized elected official for the jurisdiction of the City of Alvin. This policy recognizes that some emergencies will provide no advanced warning.
- B. The citizens of Alvin depend on City employees before, during and after an emergency or disaster to provide or restore essential public services for the health, safety and quality of life for the community.
- C. In the event of an emergency that could impact our community, all employees must be ready to assist in managing the crisis. City employees will be required to fulfill their individual responsibilities and function as a team to protect the City’s vital assets and maintain and restore essential City services. All City departments will be called upon to participate in response efforts.
- D. The Mayor or his/her designee determines the commencement of the emergency period and dismissal of employees through each department head. Each department head will evaluate and complete its emergency preparation even if a public announcement of the office closures or suspension of services is issued. Employees authorized to leave work during a declared emergency due to closed facilities will be on emergency paid administrative leave.
- E. Emergency paid administrative leave will start when the employee is dismissed by the City Manager through each department head and will continue until the employee returns to work based on the employee’s normal workweek. During a hurricane evacuation, employees are required to return within forty-eight (48) hours after landfall. It is the responsibility of all employees to prepare an emergency response plan to ensure safety of family, personal property and contingency plans to return to work. It is the intent of management to provide time off prior to the known emergency to activate their emergency response plans. If an employee fails to show up for work, then the time lost will be Leave without Pay.
- F. During a state of emergency, any unauthorized absence from work or assignment may be considered sufficient cause for discharge. Non-cooperation of the essential personnel may result in disciplinary action up to and including termination.

**G. Emergency Periods:**

1. **Pre-Impact Period.** This is the time prior to the impending emergency/disaster period and includes emergency response activities and preventive measures by the City of Alvin's departments in preparing for the impending emergency. This period begins when the Mayor or his/her designee declares an emergency is imminent.
2. **Emergency Period.** This is the time during which emergency response activities of critical services and all regular City services are suspended. This period begins when the City is closed for normal business and ends forty-eight (48) hours after impact of the known disaster.
3. **Post Impact/Recovery Period.** This is the time during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. During this time, vacations will be granted on a case by case basis. This period ends when the Mayor or his designee declares the end of the period.

**H. Employee Status.** Prior to a declaration of an emergency, department heads shall request for volunteers by position for each division within their department to be "emergency essential personnel" and all others will be classified as "emergency non-essential personnel". After the request for volunteers, the department heads have the authority to assign employees as "emergency essential personnel". With written approval from their department head, employees from different departments can be designated as "emergency essential personnel".

**I. The designations shall be documented and be approved by the City Manager.**

"Emergency Non-Essential" - Following a needs assessment, some employees may be temporarily dismissed from work, concurrently or successively, as determined by the emergency need and the department or function. These employees will be placed on emergency paid Administrative Leave pursuant to this policy.

"Emergency Essential" - Each department head is responsible for identifying those employees who will be designated as "Emergency Essential". These employees may be required to remain available immediately before, during the forty-eight (48) hour emergency period, and/or after the post impact/recovery period to perform duties directly related to the emergency conditions as determined by the City. Notwithstanding, an "Emergency Essential" employee will be allowed reasonable emergency paid administrative leave to secure the employee's home and family and attend to immediate personal needs resulting from the emergency.

"Post-Impact/Recovery Assigned" - Following the event, all City of Alvin employees are considered "Post-Impact/Recovery Assigned" employees. After the return to work, each department head is responsible for identifying those employees who are essential to the quick restoration of critical services to the community.

"Emergency Duty Assignment" - In the event of an emergency, the City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

**J. Compensation for Hours Worked During a Declared State of Emergency**

1. The City of Alvin has the authority to require as many employees as necessary to either remain at work (held over), or be on emergency standby.
2. During the Emergency Period, “emergency non-essential” employees who are released from their normal workday by the City Manager/department head and are not required to report back to work due to the emergency event shall receive regular pay for their normally scheduled workday. These hours shall not count as “time worked” for the purposes of calculating overtime that may be earned elsewhere in that week. These hours shall be recorded on the employee’s time with appropriate coding, as designated by the Finance Department, to reflect emergency administrative leave.
3. During the declared Emergency Period, “emergency essential” personnel who are non-exempt (hourly, overtime eligible) and are authorized to perform work for the benefit of the city shall be paid the base straight pay for normally scheduled hours and one and one-half times (1.5x) for all hours worked outside their regular scheduled work hours during the declared emergency conditions, when other employees are allowed administrative leave.
4. During the declared Emergency Period and Post Impact/Recovery Period, “emergency essential” exempt employees shall be compensated by receiving their regular pay for all hours worked in excess of their normal work hours during the declared emergency/disaster and Impact/Recovery period. The rate of pay for such additional hours worked shall be equivalent to the exempt employee’s hourly rate, as long as it is within the City’s financial ability to make such payment, and must be approved by City Council. If the City is unable to make such payment, the City Manager may authorize the exempt employees to receive compensatory time (hour for hour). Each department will provide the appropriate documents to record their hours worked.
  - a. The City Manager may authorize “emergency essential” exempt employees to be compensated for hours worked assisting other jurisdictions during a declared Emergency Period and Post Impact/Recovery Period.

**K.** Employees who are out on prior approved leave during any of the three periods will continue to be charged the prior approved leave status for such leave.

**L. Responsibilities**

1. Supervisors and/or Department Heads
  - a. Ensure all employees have completed the appropriate NIMS training as required by the State of Texas Department of Emergency Management and FEMA and schedule new employees training immediately after hire.

- b. Hold training with all employees regarding emergency operations procedures prior to May 31 of each year.
  - c. Assess all approved vacation leave requests and advise employees of their responsibilities and when they need to return back to work.
  - d. Allow “emergency essential” employees to secure their homes and families.
  - e. Provide list of “emergency essential” employees to the City Manager for approval prior to sending “emergency non-essential” employees home.
2. Employees (Emergency Essential and Emergency Non- Essential)
- a. Provide up-to-date emergency contact information to supervisor and department head so that employee can be contacted when away from work.
  - b. Understand that any pre-approved leave may be subject to postponement or cancellation.
  - c. Attend appropriate required NIMS training classes according to job position as outlined in the NIMS Training Guidelines.
  - d. Ensure that the safety and security of the employee’s family is met.
- M. At the department head’s discretion, previously approved leave, vacation, etc. may be canceled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that the previously approved leave is being canceled, will be deemed an unauthorized absence from work or assignment which may be sufficient cause for termination.

**RULE 19. EMPLOYEE APPRAISAL SYSTEM**

- A. The City uses a thorough employee appraisal process for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The employee appraisal process provides necessary information for assisting career development and training, assignments, advancements, transfers, disciplinary actions and retention. The purpose of the appraisal process as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service. A copy of the Employee Appraisal form can be obtained from the Human Resources Manager.
- B. Newly hired regular full-time employees are eligible for:
- 1. a written employee appraisal midway through their probationary period and upon successful completion of their probationary period; and
  - 2. an annual employee appraisal on their date of hire anniversary.
- C. Newly transferred or promoted employees who are on probation shall also receive periodic evaluations:

1. during their probationary period; and
  2. at the end of their probation period.
- D.** Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area.
- E.** All employee appraisal information must be written and each employee will be asked to sign and date a copy of his/her employee appraisal when it is reviewed. An evaluation is considered complete at the time:
1. the employee signs and dates the evaluation document; or
  2. the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document; and
  3. the evaluation document is signed by the affected Supervisor, Department Director and the City Manager and then forwarded to the Human Resources Manager for retention in the employee's official personnel file.
- F.** Department Directors are expected to ensure compliance with this rule and ensure that evaluating supervisors and managers under their direction are adequately trained in the employee appraisal process. Department Directors and/or mid-level managers are encouraged to review all employee appraisal documents for validity prior to the department supervisor conducting the appraisal with the affected employee, in order to correct any obvious errors or rating bias.
- G.** Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual employee appraisal with their evaluating supervisor. If the employee is unable to resolve his/her issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address his/her concerns.
- H.** The Human Resources Manager will review all appraisal documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Human Resources Manager is responsible for maintaining original appraisal documents in official personnel files.

## **RULE 20. PROMOTIONS**

- A.** Positions to be filled shall be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.
- B.** Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.
- C.** Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

- D. A promotion should not be deemed completed until a probationary period of four (4) months shall have elapsed. Should a promoted employee not successfully complete the probationary period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.

## **RULE 21. SEPARATIONS**

- A. The City designates all employee separations as one of the following types:

- Resignation. An employee who intends to resign is requested to notify his/her supervisor and/or the Human Resources Manager in writing at least two (2) weeks prior to the last day of work. Employees who fail to give a two (2) week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Human Resources Manager.

- Retirement. An employee who intends to retire must notify his/her Department Director, supervisor and the Human Resources Manager, in writing, thirty (30) days prior to the date of retirement. This thirty (30) day requirement is necessary to ensure that the required paperwork is timely submitted to Texas Municipal Retirement System (TMRS).

- Dismissal/Termination. The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails probation. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance or conduct and/or violation of City policies or procedures, are not eligible for rehire.

- B. Dismissal may also occur for the following:

- Job Abandonment. If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization and/or notification for three (3) or more consecutive work days, the City will normally consider the employee to have abandoned his/her employment, and he/she will be terminated.

- Long-Term Absence. Any employee who is absent from work after exhausting his/her FMLA time, may receive an extension of time with appropriate documentation of his/her date of return to work.

- C. Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.
- D. Death. If a City employee dies, his/her designated beneficiary or estate will be paid all earned pay and payable benefits the employee would have received but for his or her death.

**SECTION V.  
PAID TIME OFF BENEFITS**

**RULE 22. HOLIDAY PAY BENEFIT**

- A.** The City hereby recognizes and establishes a holiday pay benefit. The duly recognized holidays upon adoption of this Manual are those listed below; provided, however, that the City Council may modify this holiday listing at any time by a duly posted resolution regarding this subject matter.
- B.** The following official holidays are hereby established:
- |     |                         |   |
|-----|-------------------------|---|
| 1.  | New Year's Day          | January 1   |
| 2.  | New Year's Day Holiday  | Day before or after Jan. 1                                      |
| 3.  | Martin L. King Birthday | Third Monday in January   |
| 4.  | Good Friday             | Thursday before Easter  |
| 5.  | Memorial Day            | Last Monday in May  |
| 6.  | Independence Day        | July 4  |
| 7.  | Labor Day               | First Monday in September                                       |
| 8.  | Thanksgiving Holiday    | Wednesday before Thanksgiving                                   |
| 9.  | Thanksgiving Day        | Fourth Thursday in November                                     |
| 10. | Christmas Day           | December 25 <sup>th</sup>                                       |
| 11. | Christmas Day Holiday   | Day before or after Christmas only                              |
| 12. | Floating Holiday        | Date is Employee's discretion with Department Director approval |
- C.** For purposes of administration, a specified holiday begins at 12:01 a.m. and ends at 12 midnight on the calendar date of the holidays specified above.
- D.** In order to use the Floating Holiday, the employee shall be employed on January 1 of each calendar year to accrue the Floating Holiday and shall take such holiday by December 31 of the same calendar year.
- E.** Holiday Pay Benefit. The holiday pay benefit is defined as one workday consisting of a ten (10) hour period, which shall be paid at the employee's current regular rate of pay
- F.** Scheduling of Certain Holidays. Specified holidays falling on Friday or Saturday will normally be observed on the preceding Thursday and holidays occurring on Sunday will normally be observed on the following Monday. The City Manager may modify this provision on a holiday by holiday basis if so required in the interest of administrative necessity.
- G.** Eligibility for Holiday Pay. Only regular full-time employees are eligible to receive the holiday pay benefit, regardless of their probationary status.

- H.** Employees Who Work on a Holiday. Employees called in or otherwise required to work on a holiday will be paid for productive hours worked during the holiday at a rate of pay of 1.5 times their regular rate of pay for the entirety of their shift so long as the shift begins on the calendar date of the specified holiday. This rate of pay will be in addition to the holiday pay benefit specified above.
- I.** Seasonal Employees. Although seasonal employees are not authorized to receive a holiday pay benefit, if required to work on a holiday, they will be paid for productive hours worked at a rate of pay of 1.5 times their regular rate of pay.
- J.** Waiver of Holiday Pay Benefit. Employees who meet any of the following conditions shall not be entitled to receive the holiday benefit set out herein:
  - 1.** Employees who call in sick on a workday before a recognized holiday, or on a workday after a recognized holiday, automatically forfeit and will not receive the holiday pay benefit allowed herein, unless they present an acceptable sick leave excuse from an appropriate health care provider and such excuse is accepted by the applicable supervisory official.
  - 2.** Employees on Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay.
- K.** Holiday Occurring During Vacation Leave. A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.
- L.** Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.
- M.** Religious Holidays. Employees who wished to observe a personal religious holiday may request an approved absence. If approved, the employee may charge the time to vacation, compensatory time, the floating holiday, or receive an excused absence without pay. Utilization of sick leave time for this purpose is strictly prohibited.

**RULE 23. VACATION LEAVE**

- A.** The City Council hereby authorizes and continues a recognition of a vacation leave benefit, as specified below. The City Council reserves its authority to modify this benefit at any time by resolution.
- B.** Vacation Day - A "vacation day" for purposes of this benefit is defined as a ten (10) hour period for all full-time employees, unless otherwise specified.
- C.** Eligibility to accrue Vacation Leave. Only regular full-time employees may accrue vacation leave under this authorization, regardless of their probationary status. Part-time and seasonal employees do not earn vacation leave.
- D.** Vacation leave accrues only during periods in which the employee works or is otherwise on an approved paid leave status.
- E.** Accrual Rate. An employee's increase of vacation accrual begins with the first pay period of their 6<sup>th</sup>, 15<sup>th</sup> and 20<sup>th</sup> years of service..

- F. The accrual of vacation hours specified below shall be calculated on a pro-rata basis by pay period.

<b>Anniversary Date in Calendar Year</b>	<b>Vacation Benefit as of Anniversary Date of Calendar Year</b>
1 <sup>st</sup> through 5 <sup>th</sup> years	80 hours (2 weeks)
6 <sup>th</sup> through 14 <sup>th</sup> years	120 hours (3 weeks)
15 <sup>th</sup> through 19 <sup>th</sup> years	160 hours (4 weeks)
20 <sup>th</sup> year and above	200 hours (5 weeks)

- G. An employee may not utilize accrued vacation leave until he/she has successfully completed his/her initial employment probationary period.
- H. Employees are not required to take a full day of vacation; however, accrued vacation leave must be utilized in no less than one (1) hour increments.
- I. Employees may not “borrow” or receive an advance of unearned vacation time, except upon specific request, and approval from, the City Manager for good cause shown.
- J. Employees shall not receive payment of vacation in lieu of taking time off, except as otherwise provided in this Manual or as otherwise specifically authorized by the City Council.
- K. Use and Scheduling of Vacation Leave. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation. No more than thirty (30) consecutive days of vacation time may be taken.
- L. Maximum Accruals. The maximum number of vacation hours that may be accrued is two hundred and forty (240) hours. All time in excess of two hundred and forty (240) hours will be forfeited each year on September 30. Employees will not be paid for vacation in excess of the maximum accrual or for vacation that is forfeited as of September 30<sup>th</sup> every year.
- M. Compensation for Vacation Leave. Vacation leave shall be paid at the employee’s base rate of pay at the time vacation leave is taken. It does not include overtime or any special forms of compensation.
- N. Upon termination, retirement, resignation, death, or upon authorization and approval by the City Council, an employee shall be paid for accrued vacation leave using the employee’s current straight time hourly rate in effect on the date of termination with the following exception:

Police - Old Vacation Hours will be paid using the straight time hourly rate of pay for such employee in effect on October 1, 1998.

- O. Payment for vacation hours is subject to the limitations specified in this rule, including the maximum accrual cap. Employees terminated before completing a six (6) month probationary period will not receive payment for any vacation time.

#### **RULE 24. SICK LEAVE**

- A. The City Council hereby authorizes and continues a recognition of a sick leave benefit, as specified below. The City Council reserves its authority to modify this benefit at any time by resolution.
- B. Eligibility to Accrue Sick Leave. All full-time employees begin accruing paid sick leave one (1) month from date of hire. Part-time and seasonal employees do not accrue sick leave.
  - 1. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status.
- C. Accrual Rate. Sick leave for employees shall be computed on the basis of 8 hours for each full month employed in a calendar year so as to total 96 hours per year,.
- D. Accrual of Sick Leave Unlimited. Employees will accrue sick leave hours so long as the employee holds a position with the City, but shall receive no payment or pay-out for accumulated sick leave at termination or separation from employment with the City.
- E. Utilization. Accrued sick leave may be utilized under the following circumstances:
  - 1. When an employee is unable to report to work because of illness or injury or other physical or mental disability that would prevent the employee from fulfilling the functions of his or her job duties; or,
  - 2. When an employee's physical or mental condition is such that reporting to work would reasonably expose the employee's co-workers to the risk of illness or injury; or,
  - 3. When state or federal law, such as the Family Medical Leave Act, otherwise allows an employee to utilize his or her own accrued sick leave time to care for other qualified members of the employee's immediate family, as such is defined in this Manual or other applicable law.
- F. To take advantage of this benefit, employees must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department and provide appropriate documentation when required.
- G. Documentation. Employees requesting paid sick leave must submit their request to their supervisor for approval.
  - 1. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for three (3) or more consecutive work days, and at any other time if requested by the City.

2. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member.

3. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence.

- H. Abuse of Sick Leave Privileges. Because sick leave is a benefit that covers conditions or situation defined in this Manual, the City reserves the right to investigate and to act upon, employee conduct that constitutes an abuse or misuse of sick leave. An employee who utilizes sick leave benefits under false or improper pretenses is subject to disciplinary action, up to and including termination.
- I. No Future Sick Leave Pay-Out Upon Termination or Separation. Except as otherwise provided in a separate labor agreement, or in carry-over policy for employees hired before and after 10/2/1998, City employees shall not be entitled to receive any future or further pay-out of accrued sick leave hours upon separation from employment, but shall continue to accrue such hours indefinitely for future utilization so long as the employee is employed by the City.

## **RULE 25. DONATED SICK LEAVE**

- A. The purpose of this rule is to provide guidelines to establish a program that allows employees to donate sick leave accruals to fellow employees who have exhausted all paid leave.
- B. "Donated Sick Leave" is to be used in the event of catastrophic illness or injury by full-time employees by allowing employees with sick leave balances of at least 48 hours to donate accrued sick leave to specific eligible employees.
- C. For purposes of this rule, definitions are:

A "catastrophic illness or injury" is defined as a life threatening injury or illness of an employee, which totally incapacitates the employee from work as verified by a licensed physician and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods, may be considered catastrophic.

"Employee" is defined as a full-time employee who is eligible for group benefits.

A "licensed physician" means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license in treating the employee or family member.

- D. Procedures for purposes of this rule are as follows:
  - 1. All employees wishing to receive donated sick leave must make a request to the Human Resources Manager (HRM). Candidates must be full-time

employees and must have already exhausted their own accrued paid leave, including sick leave, vacation leave and compensatory time.

2. HRM will make the request for donated sick leave via the City's email system for citywide notification of an employee's request for donated sick leave.
  3. HRM will accept donations for the request and then direct payroll to apply the appropriate number of sick leave hours to be added to the applicant's sick leave accrual balance.
  4. Sick Leave donors must submit a Leave Request form and forward it to the Human Resources Department. HRM will direct payroll to deduct the appropriate number of donated hours by employees from their sick leave accrual balances.
- E. All City of Alvin restrictions on permissible uses of sick leave apply to the use of Donated Sick Leave. In no case may Donated Sick Leave be used in conjunction with a Workers' Compensation claim. Also, the employee cannot be eligible for receiving disability benefits from the group insurance program.
- F. Sick leave donation, once made, shall not be reversed or rescinded. Any sick leave donated to an employee shall be treated as belonging in the sick leave account of the recipient employee.
- G. Additional donations for extenuating circumstances may be approved by the Human Resource Manager. If an employee does not agree with the decision of the Human Resource Manager, the employee may appeal to the City Manager. The City Manager's decision will be final.

#### **RULE 26. BEREAVEMENT LEAVE (#28)**

- A. The City provides probationary and regular full-time employees paid time off for bereavement leave, up to a maximum of three (3) work days, in the event of a death(s) in the family. For the purpose of authorizing bereavement leave "family" is defined as current spouse, children, step-children, parents, step-parents, parents of the employee's spouse, brothers, sisters, grandchildren and grandparents by blood or marriage.
- B. An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation.
- C. Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as vacation, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director.
- D. Employees who wish to attend funerals or for bereavement leave for other than family as defined above, must use vacation or compensatory time.

**RULE 27. FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE**

- A.** The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to twelve (12) workweeks of unpaid leave each year for qualifying family and medical reasons.
- B.** If both an employee and the employee's spouse are employed by the City, their combined time off of family leave may not exceed twelve (12) workweeks during any twelve (12) month period.
- C.** FMLA Leave Runs Concurrently With Other Types of Leave. If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's sick leave policy. Accrued sick leave taken for the purposes of FMLA for the employee or employee's immediate family will follow the guidelines set out in the sick leave policy. If the absence is not covered by the City's sick leave policy, the following leave time will be applied and will run concurrently with any remaining FMLA leave: compensatory time, accrued holiday leave, and lastly, vacation leave. FMLA leave will also run concurrently with any time off from work covered by workers' compensation.
- D.** Employee Eligibility. To be eligible for FMLA leave, an employee must have worked for the City:

  - 1. For at least 12 months; and,
  - 2. For at least 1,250 hours during the 12 months preceding the start of the leave.
- E.** Leave Entitlement. Eligible employees may take reasonable leaves of absence for any of the following reasons:

  - 1. maternity purposes; or
  - 2. the birth, adoption or placement of a foster child; or,
  - 3. to care for a spouse, child, or parent with a serious health condition, as defined by law; or
  - 4. when the employee is unable to perform the functions of his/her position because of his/her own serious health condition; or,
  - 5. as otherwise authorized by law, as amended from time to time.
- F.** Leave Entitlement for Active Duty. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven (7) days of leave); (2) attending certain military events and related activity; (3) arranging for alternative childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five (5) days of leave); (7) attending post-

deployment reintegration briefings; and (8) any additional member's active duty or call to active duty.

- G.** Leave Entitlement for Line of Duty Injury or Illness. The FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty or active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
- H.** To determine eligibility for leave, the City uses a rolling twelve (12) month period measured backward from the date of any FMLA leave.
- I.** Employee's Notice Requirements. In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both his/her Department Director and the Human Resources Manager with at least thirty (30) days' advance notice when the leave is foreseeable.

  - 1.** If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and the Human Resources Manager with as much advance notice as possible.
  - 2.** In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations.
- J.** The City may also unilaterally place an employee on FMLA leave when information comes to the City's attention that would otherwise qualify an employee for FMLA leave.
- K.** All supervisors must immediately notify both their Department Director and the Human Resources Manager if they have reason to believe an employee's absence is due to an FMLA-covered reason.

  - 1.** (Note: Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements.)
- L.** Medical Certification and Other Required Documentation.

  - 1.** An employee must provide the City with medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent.
  - 2.** An employee must also provide periodic reports during FMLA leave as to his/her status and a statement of the employee's intentions concerning returning to work, including the beginning and expected ending dates of the leave.

3. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave.
  4. In some cases, the City may require a second or third medical opinion (at the City's expense) and periodic recertification of the serious health condition.
  5. A medical clearance is required for all employees desiring to return to work from taking leave as a result of a serious health condition.
  6. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.
  7. If an employee fails to provide any required certification within fifteen (15) days, the City may deny leave until the certification is provided. Intermittent Leave.
- M.** An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by the Department Director. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.
- N.** Benefits During FMLA Leave. Taking family leave will not result in the loss of any employment benefit accrued prior to the date on which the leave began, and seniority will not be affected. However, vacation and sick leave benefits, shall not accrue during any period of unpaid leave of absence.
- O.** An employee on family leave will remain covered under all employee benefit plans (medical, retirement, etc.) throughout the duration of the leave as if actively employed.
1. Where applicable, the employee must timely pay his/her share of health insurance premiums while on family leave.
- P.** If the employee fails to return to work at the conclusion of the leave, the City will require the employee to reimburse it for the full cost of health care coverage during the period of leave. However, if an employee fails to return to work because of legitimate medical reasons or circumstances beyond the employee's control, he/she may not be required to reimburse the City for such benefits. Medical certification is required under such circumstances.
- Q.** Job Restoration After FMLA Leave. An employee returning to work following a leave of absence under these family leave provisions, shall be returned to his/her position or an equivalent position.
- R.** Leave Due To Birth/Adoption. FMLA leave for birth, adoption or placement of a foster child must conclude within twelve (12) weeks of the birth, adoption or placement.
- S.** FLSA Considerations. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for

exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

- T. Other Employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment unless expressly authorized in writing in advance by the Department Director and City Manager.
- U. TMRS. Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Manager and completing the necessary paperwork.
- V. Other Provisions. The FMLA does not affect any federal or state law prohibiting discrimination. This rule is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Human Resources Manager. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his/her rights and responsibilities under the FMLA.

#### **RULE 28. JURY DUTY**

- A. The City provides paid leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off will be considered a leave without pay.
- B. The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc. to his/her supervisor as soon as possible so that arrangements can be made to accommodate the absence.
- C. Employees on jury duty leave should keep up with their job responsibilities if possible. An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service. Any payment for jury duty received by the employee may be retained by the employee.
- D. Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

#### **RULE 29. ADMINISTRATIVE LEAVE**

- A. The City may grant Administrative Leave With Pay to an employee, as a matter of discretion by the City Manager (or designee), when no other paid leave category is

available or applicable and leave without pay would not be appropriate. The City Manager may also authorize Administrative Leave Without Pay.

- B. Department Directors may grant Administrative Leave With Pay only when a disciplinary decision is pending.
- C. Administrative Leave granted to an employee will be put in writing and forwarded to the Human Resources Manager for proper payroll processing and placement in the employee's personnel file.

**RULE 30. MILITARY LEAVE - USERRA**

- A. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military.
- B. This rule covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.
- C. Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than twenty-four (24) hours after the employee receives the military orders. To be eligible for paid military leave, employees must provide the official documents setting forth the purpose of the leave and, if known, its duration. Notice must be turned into the Department Director and the Human Resources Manager as far in advance of the leave as possible.
- D. Paid Leave for Training and Duty.
  - 1. Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of fifteen (15) work days per fiscal year. Shift employees will be transitioned to a forty (40) hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.
  - 2. Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.
  - 3. Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.
  - 4. Benefits. The City will continue to provide employees on paid military leave with most City benefits.

5. Medical and Dental. While an employee is on paid military leave (or any military leave of less than thirty-one (31) days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to twenty-four (24) months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for himself/herself and eligible dependents. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the City's group health plan.
6. Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.
7. Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
8. TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the City within ninety (90) days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five (5) years or three (3) times the length of the military service to make up any TMRS contributions that were missed while on military leave.

**E. Returning from Military Leave**

1. Re-employment Rights. Employees who complete their military service will be re-employed in accordance with federal law.
2. Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that he/she intends to

return to work following military leave depends upon how long the employee's military service lasted:

- a. For service of less than thirty-one (31) days, employees have eight (8) hours following their return home from service to report for their next scheduled work period.
  - b. For service between thirty-one (31) days and one hundred and eighty (180) days, employees have fourteen (14) days following their release from service to apply for re-employment.
  - c. For service of more than one hundred and eighty (180) days, employees have ninety (90) days following their release from service to apply for reemployment.
- F.** These deadlines may be extended for two (2) years or more when an employee suffers service-related injuries that prevent him/her from applying for re-employment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.
- G.** Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than thirty-one (31) calendar days.

## **SECTION VI. INSURANCE AND RETIREMENT BENEFITS**

### **RULE 31. INSURANCE BENEFITS**

- A.** The City Council hereby confirms its authorization for certain insurance benefits for its employees, under the terms and conditions specified herein and in accordance with applicable state and federal law. The City reserves the authority to modify the scope and breadth of benefits from time to time taking into account the fiscal needs of the City as well as the needs of its employees.
- B.** The City shall generally furnish hospitalization, medical, dental and vision, long term disability and life insurance for each full-time employee.
- C.** Employees are eligible to participate in a Section 125 - Cafeteria Plan. This benefit is available for full-time employees.
- D.** Additional supplemental insurance coverage for employees, beyond those amounts provided by the City, may be made available at the employee's expense.
- E.** The City also carries a workers' compensation insurance policy. In cases of job related injuries, provisions and benefits available under workers' compensation are activated.

**RULE 32. RETIREMENT**

- A. The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees.
- B. A deduction from the employee’s salary is supplemented by the City’s two-to-one (2-1) matching contribution of seven percent (7%) of gross income. Participation by every full-time regular employee is a condition of employment.
- C. The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee’s salary is matched by the City for this benefit. Participation by every employee is a condition of employment.
- D. ICMA Retirement Corporation. In December of 1985, the City of Alvin, through its membership in the ICMA Retirement Corporation, made available to its employees the opportunity to participate in a deferred compensation plan. The plan is for employees of a local government and offers the advantages of (1) a tax shelter, (2) supplemental retirement plan, and (3) an investment program. Participation is optional and brochures outlining the basic provisions and unique features are available from the Human Resources Manager.
- E. Retirement Awards: Employees with the following length of service with the City of Alvin and who retire will be awarded a gift equal in value to:

25 years or more	\$500.00
21 to 24 years	\$400.00
15 to 20 years	\$300.00
10 to 14 years	\$200.00

The responsible Department Head will notify the City Manager within thirty (30) days of the anticipated retirement. Said Department Head may be responsible for purchasing an appropriate gift which has been pre-approved by the City Manager.

**RULE 33. GROUP HEALTH CONTINUATION COVERAGE**

- A. COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer’s group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage, plus a small administration fee.
- B. Under COBRA, employees may elect COBRA continuation coverage for up to eighteen (18) months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee’s hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to thirty-six (36) months following a qualifying event. Employees must notify the Human Resource Manager within sixty (60) days of the occurrence of the employee’s legal separation

or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

- C. Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs.
- D. The City will also abide by and implement any and all continuation coverage that may be mandated by state or federal law at any given time.

## **SECTION VII. CITY EQUIPMENT GENERALLY**

### **RULE 34. CITY PROPERTY & EQUIPMENT USE GENERALLY**

- A. The City attempts to provide employees with adequate tools, equipment and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of equipment. Any City-provided safety equipment must be used at all times.
- B. From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, computers, and electronic devices. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties.
- C. At the time of issuance of city property and equipment, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.
- D. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.
- E. Employees must notify their supervisor immediately if any equipment, machine, tool, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.
- F. Personal Use Prohibited. City property, materials, supplies, tools, or equipment may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.
- G. The City may, at any time, check the driving record of a City employee who drives city equipment as part of his/her job duties to determine that he/she maintains the

necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose.

- H. The above is not a complete and exhaustive list of equipment use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of city equipment, may result in disciplinary action, up to and including termination of employment.
- I. Personal Property. All employees shall be solely responsible for their personal property at all times.

**RULE 35. ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE**

**A. Unacceptable Uses of Electronic Communications Systems include:**

1. Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
2. Accessing, displaying, downloading, or distributing sexually explicit material.
3. Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
4. Copying or downloading commercial software in violation of copyright law.
5. Using the systems for financial gain or for any commercial activity unrelated to City business.
6. Using the systems in such a manner as to create a security breach of the City network.
7. Looking or applying for work or business opportunities other than for internal City postings.
8. Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
9. Transmitting or sharing information regarding a coworker's health status without his/her permission
10. Expressing opinions or personal views that could be misconstrued as being those of the City.
11. Expressing opinions or personal views regarding management of the City of other political views
12. Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

## **RULE 36. COMPUTER USE POLICY**

- A.** The City's intentions for publishing Computer Use Policy is not to impose restrictions that are contrary to the established culture of openness, trust and integrity. The City is committed to protecting employees and the City from illegal or damaging actions by individuals, either knowingly or unknowingly.
- B.** Resources provided to employees are to be used as tools to aid the employee in accomplishing his/her job duties. Related resources include but are not limited to any city owned or leased computers, cell phones, data shares, electronic mail, network accounts, office equipment, software, and web browsing. These resources should be used for business purposes in serving the interest of the City and the citizens of Alvin in the course of normal operations.
- C.** Effective security is a team effort that requires the participation and support of every employee who deals with information or information systems. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly. Inappropriate use exposes the City to risks including virus attacks, compromise of network systems and services, including legal issues.
- D.** This policy applies to employees, consultants, contractors, temporaries, and other workers at the City, including all personnel affiliated with third parties. This policy also applies to equipment owned or leased by the City and related application software. This policy is not intended to apply to employees' off-duty use or elected officials' use of private equipment or software having no connection to the business of the City.
- E.** Various Departments may have additional and/or more restrictive policy requirements than contained in this policy. These requirements will be provided by the Department Head for each particular department.
- F.** General Use and Ownership
  - 1.** While the City's network administration desires to provide a reasonable level of security, users should be aware that the data they create on City systems remains the property of the City. Because of our need to protect the City's network, management cannot guarantee the confidentiality of information stored on any network device belonging to the City.
  - 2.** Employees are responsible for exercising good judgment regarding the reasonableness of personal use of city computers. Department supervisors shall be responsible for ensuring that his/her employees comply with this policy.
  - 3.** For security and network maintenance purposes, authorized security and network maintenance personnel within the City or contracted with the City may monitor equipment, systems and network traffic at any time. The City reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.
- G.** Security and City of Alvin Information

1. All materials or information sent or received by email or over the internet shall be considered the property of the City. It is recommended that users incorporate encryptions or confidentially disclaimers (approved by the IT Director) for any data as needed. Examples of confidential information include, but are not limited to: Employee records, Legal documents, and financial data/documents. Employees should take all necessary steps to prevent unauthorized access to this information.
2. All PC's, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at ten (10) minutes or less, or by logging-off (control-alt-delete) when the host will be unattended.
3. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly.
4. All hosts used by employees that are connected to the City's Internet/Intranet/Extranet, whether owned by the employee or the City, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
5. Employees must use extreme caution when opening e-mail or attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

**H. Unacceptable Use.** The lists below are by no means exhaustive, but constitute an attempt to provide a framework for activities which fall into the category of unacceptable use.

1. System and Network Activities. The following activities are strictly prohibited, with no exceptions:
  - a. Engage in an activity that is illegal under local, state, federal or international law while utilizing City owned resources.
  - b. Unauthorized access, use or removal of City hardware, software, and data is strictly prohibited.
  - c. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home. Only the use of your assigned domain logon is permissible.
  - d. Use any program/script/command to illicitly capture data, interfere with another user session or attempt to gain more access to the City computer systems than otherwise allowed by a user's job duties.
  - e. Use any means to bypass, disable or circumvent any City Internet filters or blocks. This includes the use of "proxy servers" to mask the true address of destination web sites to allow access to blocked sites.

- f. Storage on City servers of personal files such as pictures, music and video files are prohibited, unless specifically necessary for a legitimate job function. IT staff will notify a user about such files if they are located. If they are not removed in a reasonable amount of time, the files will be deleted.
  - g. Using City computer systems to purposefully access any Internet website that is of a racially offensive, obscene or sexually oriented nature.
  - h. Using City computer systems to perform real time live streaming, (such as video, radio, or TV broadcasts), except in those instances used specifically for City related business, such as webinar training.
2. Website, Email and Communication Activities. The following activities are strictly prohibited, with no exceptions:
- a. Sending unsolicited e-mail messages, including the sending of “Junk mail” or other material to individuals who did not request such material (e-mail spam).
  - b. Creating or forwarding “chain letters”, “Ponzi” or other “pyramid” schemes of any type.
  - c. Any form of harassment via email, telephone, or paging whether through language, frequency, or size of messages.
  - d. Submitting, forwarding or displaying any defamatory, purposefully inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages.
3. Blogging and Social Networking. Social Networking and Blogging is prohibited unless a Social Media Request form is completed and submitted to the IT Department for review. If approval is granted by the IT Department, the City Manager may approve, or disapprove, the request at his/her discretion.
- I. Employees should be aware that the City does not recognize any right of privacy in connection with the personal use or personal content maintained or otherwise found on City computer equipment.
- J. Disciplinary Action. Any employee found to have violated this policy, or other state and federal laws, may be subject to disciplinary action, up to and including termination of employment.

**RULE 37. SOCIAL NETWORKING POLICY**

- A. The City, in an ongoing effort to maintain effective communication to and with residents and other audiences, uses Social Networking Outlets to deliver messages to users and to encourage resident involvement, interaction and feedback. This policy sets guidelines for the use of Social Networking Outlets in an effort to ensure timely,

accurate and appropriate use of those outlets to deliver clear, concise and consistent messages on behalf of the City.

- B.** The City realizes that a large number of employees, as well as the general public, use Social Networking Outlets to communicate with others and to keep abreast of current events. This policy is not meant to hinder that flow of information but is meant to provide guidelines for information posted to City-Administered sites and appropriate on-line behavior of City employees.
- C.** This policy applies to employees, consultants, contractors, temporaries and other workers at the City, including all personnel affiliated with Third Parties.
- D.** This policy applies to Networking Sites (such as MySpace and Facebook), Bulletin Sites (such as Twitter and Nixle), Multimedia Sites (such as YouTube, Flickr, PhotoBucket and Picasa) and any Blogs or Message Boards. Any Social Networking Outlets implemented by the City shall be operated in compliance with this policy. The lack of explicit reference to a specific site does not limit the extent of the application of this policy.
- E.** Various city departments may have additional and/or more restrictive requirements than contained in this policy.
- F.** GENERAL RULES OF USE
  - 1.** City presence on Social Networking Outlets will be administered by the City's Public Information Officer.
  - 2.** If a specific City Department or Division wishes to create a presence on a Social Networking Outlet, such a request must originate from the Departmental Director and be approved by the City Manager prior to implementation. Sites in violation of this policy may be removed at any time.
  - 3.** Information posted by staff on official City pages must be factual and must not impair public confidence in the operation of City Government or the performance of individual employees or departments.
  - 4.** As public forums, City-administered pages will accept connection requests from the public. City-administered pages will not submit Connection requests to individual users with the following exceptions:
    - a. Elected or appointed officials of the City or other governing body
    - b. City Employees
    - c. Other government-run user profiles (e.g. cities, counties, state, etc.)
    - d. Partner agencies approved by Public Information Officer
    - e. News media outlets and representatives
  - 5.** Bulletins and Comments containing any of the following shall not be posted and shall be removed by the City if found to be posted:
    - a. Profane language or content

- b. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, skin color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation
  - c. Sexual content or links to sexual content
  - d. Threats of violence
  - e. Solicitations of commerce
  - f. Conduct or encouragement of illegal activity
  - g. Information that may tend to compromise the safety or security of the public or public systems
  - h. Content that violates proprietary information of any other party
6. Where feasible, City-administered sites that permit user Comments will prominently display the following disclaimer:

*The purpose of this site is to present matters of public interest in Alvin, Texas, including its many residents, businesses and visitors.*

*We encourage you to submit questions, comments and concerns, but please note that the City of Alvin reserves the right to delete or block submissions that contain vulgar language, personal attacks of any kind, encouragement of violence or other criminal activity, material of sexual nature, solicitation of commerce, infringement on copyrights or trademarks or offensive comments that target or disparage any ethnic, racial or religious group.*

*Please note that user comments expressed on this site do not necessarily reflect the opinions or positions of Alvin city government, its officers or employees. Further, the City of Alvin is not responsible for the content posted by individual users on their own sites and pages. If you have any questions concerning the operation of this site, please contact Public Information Officer.*

7. Hyperlinks and connections to City-administered sites may be placed on the homepage of the City's official website ([www.alvin-tx.gov](http://www.alvin-tx.gov)). Social site addresses may be used in appropriate marketing materials, but only in conjunction with and subordinate to the City's official web address.

**G. SITE ADMINISTRATION.**

- 1. The City retains intellectual rights to all content placed in City-administered sites by employees.
- 2. The Public Information Officer will maintain a current list of all City-administered sites, access information for each site and employees who have been provided with access information. If an employee with access to any City-administered site leaves the organization for any reason the

Public Information Officer will change the access information and distribute the changes to appropriate personnel.

#### **H. THIRD-PARTY SITES**

1. Only the City Manager's Office or Department Directors are authorized to respond to information about the City that is posted on sites not maintained by the City. The Public Information Officer should be notified of any proposed response prior to the posting to ensure an appropriate and consistent message.
2. Employees who become aware of incorrect, inflammatory or potentially damaging information that has been posted on publically accessible third-party sites should notify their Departmental Director and/or Public Information Officer.
3. When responding to information posted on a publically accessible site, the City representative must clearly identify themselves as such. The response cannot impair the public's confidence in the operation of the City government or the performance of individual employees.

#### **I. EMPLOYEE SITES**

1. The City recognizes that many City employees use Social Networking Outlets for their own purposes. This policy does not extend to individual employee sites, except that employees may be subject to disciplinary action for Internet postings that could impair the public's confidence in the operation of the City government or the performance of individual employees.
2. Any employee that identifies themselves on Social Networking Outlets as City employees or displays readily identifiable information that identifies them as a City employee (e.g. workplace photos or clothing) may be subject to disciplinary action for posting items that tend to bring the City or their individual Department into disrepute.
3. Employee sites may not be designed in such a way as to cause users to believe the site is City-administered or endorsed by the City, including unauthorized use of City logos and trademarks. Connections with City-administered sites are permitted.

#### **J. ADVERTISING AND SPONSORSHIPS**

1. The City will not solicit or accept paid advertising in association with its presence on Social Networking Outlets.

### **RULE 38. CELL PHONE USE IN THE WORKPLACE**

- A. The City recognizes that many employees have cell phones 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, including those with a camera, at work 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 co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including discharge.

## **SECTION VIII. VEHICLE POLICIES**

### **RULE 39. VEHICLE UTILIZATION POLICY**

- A.** City Vehicles shall be used only for City business except as otherwise provided in the rules adopted by this policy and the Public Safety Department Policy. Risk of loss from vehicle accidents involving all City employees will be minimized through driver record screening, hands-on training and education, and defensive driving training.
- B.** This policy applies to all employees; full-time, part-time and seasonal.
- C.** Police, Fire and EMS are subject to the City's Vehicle Policy in addition to the Public Safety Department Policy, which may incorporate some or all of the provisions of this policy. Where different, the Public Safety Department Policy shall have controlling authority.
- D.** Use of a City vehicle by an employee is neither a right nor a privilege; rather it is a trust conferred to facilitate necessary performance of job duties. Use of a City vehicle should always lead to a positive perception by our citizens.
- E.** Definitions. For the purposes of this policy, the following definitions shall apply:
  - Authorized Personnel* shall mean those persons authorized to use a City vehicle in accordance with these procedures.
  - City Business* shall mean any authorized work or activity performed by a City employee or other person on behalf of the City.
  - City Vehicle* shall mean any motor vehicle or motor-driven equipment owned, leased or insured by the City.
  - De Minimis Use* shall mean use of the vehicle for a reasonable and infrequent basis (small detour such as driving to lunch while on business).
  - On-Call Employees* shall mean those employees subject to being summoned to perform City work or duties beyond their normal work hours.
  - Personal Use* shall mean any use of the vehicle other than specific city business (includes commute from residence to the work site for on-call weekend use).
- F.** Driver's Licenses and Driving Records
  - 1.** The City requires that all employees driving or operating a City vehicle or equipment have the appropriate operator's or commercial driver's license as required by the State of Texas. Employees who use their personal vehicle while conducting City business shall maintain current liability

insurance and driver's license in accordance with Texas law. Failure to maintain current liability insurance and driver's license may result in disciplinary action up to and including termination.

2. Before the operation of any City vehicle, the Human Resources Department (hereinafter HR) will conduct a driver's license check on all newly hired employees whose essential job functions include the operation of City vehicles/equipment. The HR Department will also conduct a driver's license check on all newly hired employees who will receive a car allowance, or any employee that will conduct city business in their personal vehicle prior to the use of his/her personal vehicle to conduct City business. All employees shall maintain a current Texas Driver's License and be insurable through the City's insurance carrier, Texas Municipal League Intergovernmental Risk Pool.
3. An application does not meet criteria and will not be considered for positions requiring driving if the record reveals any of the following:
  - a. Three (3) or more moving violations, fault accidents (the accident and any subsequent tickets related to the accident will be considered one event) or any combination in the previous twenty-four (24) months; or
  - b. Four (4) or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous thirty-six (36) months; or
  - c. One (1) Driving While Intoxicated (DWI) or One (1) Driving Under the Influence (DUI) conviction in the previous thirty-six (36) months, including probated sentences; or
  - d. Suspended, expired, or non-Texas license. New hires with an out-of-state license will have thirty (30) days to obtain a Texas license.
4. New employees who do not meet the criteria in 3(a) through (d) above but have one or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous thirty-six (36) months shall be counseled by HR regarding these requirements.
5. HR will conduct a driver's license check through the Texas Department of Public Safety, or other acceptable source, every twelve (12) months, or as otherwise needed, for City employees who operate a City-owned vehicle or who utilize their personal vehicle for City business. Current employees will be subject to the same criteria as new employees as outlined in Section 3 above. Current employees whose driving record indicates any of the violations contained in these sections will be suspended from operating City vehicles/equipment and/or their personal vehicle to conduct City business and may be subject to reclassification, transfer or demotion to a non-driving position and/or other disciplinary action up to and including termination.

6. Employees shall self-disclose, without the necessity of an inquiry, any loss or limitation in driver's license status and any and all arrests, charges, or convictions for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving, whether or not such incidents arose out of work-related driving. Employees shall make such self-disclosure to his/her supervisor or the Chief Financial Officer at the earliest opportunity and shall not operate any City vehicle/equipment or their personal vehicle to conduct City business until cleared to do so by the Chief Financial Officer. Employees who fail to make such required self-disclosure at the earliest opportunity shall be subject to disciplinary action up to and including termination.
7. In the event the self-disclosure required above is made, and assuming no other City policies have been violated, the following criteria shall be utilized:
  - a. One DWI or DUI conviction within the previous thirty-six (36) months - Mandatory referral to the City's Employee Assistance Program (EAP). Once evaluated and released by the EAP counselor, the employee may return to duties requiring him/her to operate a City vehicle/equipment and/or to drive his/her personal vehicle to conduct City business, provided the employee adheres to any treatment plan recommended by the EAP.
  - b. Two DWI or DUI convictions within the previous thirty-six (36) months - Suspension from operating City vehicles/equipment or personal vehicle to conduct City business and may be subject to termination.
  - c. In the event an arrest, charge or conviction for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving occurs while operating a City vehicle/equipment or operating his/her personal vehicle to conduct City business, the employee shall be subject to termination.
  - d. In each of the above situations, based on the frequency of DWI and/or DUI convictions, as well as the employee's complete and overall driving and/or performance record, the Chief Financial Officer, City Manager, and the employee's supervisor have the discretion to deviate from this criteria and apply a suspension from driving duties, disciplinary action up to and including termination, or any combination thereof.
8. The requirements for self-disclosure in Sections 6 and 7 above do not in any way affect the requirements of holders of a Commercial Driver's license from notifying the City within thirty (30) days of any conviction, in any jurisdiction, for a traffic violation (except parking) regardless of the type of vehicle being operated or the suspension, revocation or cancellation of license.

**G. Driver - Safety and Training**

1. Department Heads shall confirm that an employee or applicant has demonstrated the ability to operate vehicles and special equipment in a safe and competent manner by requiring the employee to operate the equipment to the satisfaction of his/her supervisor. Training will be conducted for those individuals who cannot satisfactorily operate such equipment. Under no circumstances shall an unsupervised employee be allowed to operate a vehicle or piece of equipment for which he or she is untrained or unqualified.
2. Employees who are required to operate vehicles as part of their job descriptions or normal duties shall attend a Defensive Driving Course (DDC) as soon as possible after employment and every three (3) years thereafter. Each department will maintain driver records and budget for completion of DDC courses.
3. All City drivers shall wear safety belts when any vehicle is in motion and require all occupants (including back seat passengers) of the vehicle to do likewise. This Section applies to motor vehicles, other than motorcycles, as those terms are defined by Texas Transportation Code.

**H. Rules and Regulations for Use of City Vehicles**

1. No employee shall use a City vehicle for commuting to or from his/her residence during off-duty work hours unless authorized to do so in accordance with these procedures and regulations.
2. Every employee who is responsible for a City vehicle shall properly secure, lock and remove the ignition keys from the vehicle at any time during which the vehicle is parked and unattended.
3. No employee shall use a City vehicle to transport any person, except for the purpose of performing City business.
4. Every employee driving a City vehicle shall use best efforts to park the vehicle off-street, except when otherwise necessary to perform City business.
5. Every employee who drives or is otherwise responsible for a City vehicle shall use all reasonable care in the operation and use of the vehicle and shall promptly report to the appropriate person or department any needed servicing, repairs or maintenance.
6. Each employee operating a City vehicle shall comply with all applicable traffic laws. An employee will be personally responsible for any fines incurred as a result of driving or parking violations while driving a City vehicle or their personal vehicle while on City business.
7. The possession, transportation or consumption of any alcoholic beverage or any controlled substance within or upon any City vehicle is expressly prohibited except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.

8. Employees are not authorized to conduct personal business in City vehicles during work hours except as specifically authorized by this policy. "Personal business" includes running personal errands and shopping.
9. During scheduled work shifts, an employee operating a City vehicle is authorized to stop for limited time periods for meals, refreshments, restroom breaks, and other de minimis stops. Discretion shall be used by the employee when other City vehicles are already present at the establishment.
10. Employees operating City vehicles are not authorized to transport family members or friends for non-City business. Supervisors may grant specific and limited exceptions to this rule when the employee demonstrates good cause and an urgent need. Supervisors may only grant such exceptions on a case-by case basis and may not grant blanket exceptions on a continuing basis.
11. Supervisors may authorize employees to operate City vehicles to transport sick or injured individuals to medical care facilities in specific emergency situations. Each supervisor is strongly encouraged, if time permits, to discuss any such authorizations with his/her immediate supervisor and an authorized representative of the Finance Department.
12. A City employee driving a City vehicle or personal vehicle for City business is expected to drive with safety as their first consideration. This includes driving safely while operating voice cellular telephones and electronic devices.
13. Cellular texting or use of electronic devices is strictly prohibited when driving a City vehicle or their personal vehicle while on City business. An exception is the authorized use of electronic devices; i.e., laptops, to carry out City business purposes.
14. Employees authorized to operate City vehicles and equipment should be aware that the operation and appearance of such vehicles and equipment reflects on the professionalism of the driver, the department, and the City. As such, employees must be constantly aware of their actions and ensure that their behavior, appearance and operation exhibit the highest in professionalism and courtesy.
15. City vehicles and equipment are not considered private property and may be searched at any time for any reason.
16. Smoking and the use of smokeless tobacco products are prohibited in City vehicles and equipment except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.
17. No City employee may carry firearms or other weapons that are not required for his/her position with the City in any City vehicle or equipment while conducting City business.

18. The City does not provide insurance coverage on any loss of personal articles that may be stolen from a City vehicle and will not be responsible in any way for such loss.
19. An employee who is operating a City vehicle is required to pay for any moving violations, parking citations and/or toll charges for which they are responsible.
20. Employees authorized to take a city vehicle home must drive the vehicle to and from work by the most direct route, without any deviation. The location of home storage may not be further than ten (10) miles from the City limits, unless approved in writing by the City Manager.
21. During declared City emergencies, department heads shall have the authority to assign vehicles as necessary during duration of an emergency.

#### I. Take-Home Vehicles

1. Certain employees may be identified by the Department Head or City Manager as requiring a take-home vehicle. Regular assignment of a City vehicle to be taken home by an employee will be reviewed by the Chief Financial Officer and authorized by the City Manager.
2. A Take-Home Vehicle Request/Justification Form must be submitted by the requesting employee's supervisor to the Department Head prior to the employee being allowed to take a City vehicle home. The Department Head must then submit that request to the Chief Financial Officer who will forward it to the City Manager for approval. A separate request form is required for each position that a vehicle is to be used for callback or standby purposes or as approved by the City Manager for temporary situations. Positions that utilize a take-home vehicle will be reviewed on an annual basis and will require approval each year. A Take-Home Vehicle List will be submitted, and updated yearly, to be approved by the City Council during the Budget Process.
3. Employees given the use of take-home City vehicles must execute a written acknowledgement regarding receipt of said vehicle with the Finance Department. Departments must annually forward a list of employees with take-home City vehicles to the Finance Department. The Finance Department will keep a central list of employees with take-home City vehicles. It is each department's responsibilities to update Finance Department with all current information.
4. Aside from providing services and conducting business related to the City, take-home vehicles may be used for commuting and de minimis personal errands during work days pursuant to the Internal Revenue Service (IRS) regulations. Employees using take-home vehicles must comply with all other Rules and Regulations for the Use of City Vehicles provided in Rule H above.
5. The City is required to comply with the IRS's regulations regarding the reporting of income. Since the only authorized non-business use is

commuting and de minimis personal errands, the City will use the Commuting Valuation method to report income. This method will use Three Dollars (\$3) per day for each day of commuting (including any on-call weekend use) as the amount of taxable income reported to the IRS. This amount may be amended by the IRS at any time.

6. Marked and unmarked Law Enforcement vehicles, Emergency Medical Service vehicles and Fire Emergency Response vehicles are excluded from this IRS requirement.
7. Employees authorized to use take-home City vehicles who submit leave notices for five (5) or more consecutive work days must make arrangements with their supervisors to leave the vehicle and keys for use of the vehicle by other City personnel during such period.
8. The approval for a take-home vehicle shall be made for the purpose of assuring the performance of City business, and such authorization or use shall not constitute or be considered a vested employment benefit or right of the employee. Such authorization or use may be denied, revoked, or suspended at any time for any reason or for no reason.

**J. Use of Personal Vehicles**

1. City employees shall carry liability insurance on any personal vehicle used to transact City business. Each employee shall contact his/her insurance carrier to determine the necessity for a "Business Use" rider to their personal policy. The City will not assume responsibility for any deductible amounts necessitated by claims, and the employee shall bear the responsibility of pursuing claims against either his/her carrier or the other driver in the event of a collision or other loss.
2. The City will pay employees for using their personal vehicles on City business at the current IRS mileage rate, as such may be amended from time to time.
3. The City pays for maintenance and insurance costs through mileage payments. Consequently, the City will not pay employees for vehicle repair costs. If an employee's vehicle fails to operate while he or she is out of town on City business, the City will pay reasonable towing costs to the nearest garage. The City will not pay towing costs within the City.
4. Persons who donate their time and services to the City are not covered by the Worker's Compensation Act or by the City insurance coverage, and the City assumes no liability for the use of their personal vehicle during any volunteer activity.

**K. Vehicle or Equipment Accident Procedures**

1. An employee that has an accident while operating a City vehicle shall immediately notify the Alvin Police Department and their Supervisor, if possible.

2. The Supervisor, or designee, shall in turn report immediately to the Fleet Superintendent and Chief Financial Officer. In addition, the employee must complete an Incident Accident Report and provide to their immediate supervisor and the Chief Financial Officer.

#### **RULE 40. VEHICLE POLICY - PUBLIC SAFETY DEPARTMENTS**

- A. This policy provides City guidelines to govern the assignment, use, care, control and privileges concerning City vehicles for any employee or volunteer within the Police, Fire and E.M.S. Departments. This policy is in addition to the Vehicle Utilization Policy. This policy shall have controlling authority where differences occur from the Vehicle Utilization Policy.
- B. The intent of this policy is to set forth additional guidelines and regulations concerning the use of City vehicles by establishing who may make use of such vehicles, who shall be assigned departmental vehicles long-term, and what specific privileges are associated with such assignments. Due to the nature of the emergency response from each department, vehicle assignments may vary. Under all circumstances the employee/volunteer shall notify their respective supervisor of where the vehicle will be stored, i.e., their residence.
- C. This order consists of the following numbered sections:
  1. Definitions
  2. Short Term Assignments
  3. Long Term Assignments
  4. Call Out Status Groupings
  5. Conditional Privileges
  6. Rules Governing Use and Responsibility
  7. Effective Date
- D. Definitions
  1. Call Out Status – To be known and identified, for purposes of this order, as either “*Administrative*”, “*Supervisory*”, “*Rotating*” or “*Special Assignments*” call out.
  2. City Vehicle – Any motor vehicle which is owned, whole or in part, by the City of Alvin or insured by the City. This includes lease/loaner vehicles wherein the City is the lessee or the vehicle is operated by an employee/volunteer.
  3. Conditional Privilege – shall be known as the limits and restrictions placed upon employees/volunteers who are assigned a City vehicle for take-home use, based upon their Call-Out Status.
- E. Short Term Assignments

1. Employees/volunteers not assigned a take-home vehicle may have an occasional need to use a City vehicle, including but not limited to, in-service training schools or trips to other agencies and entities. These employees/volunteers should seek availability and consent for use of a departmental vehicle from the Department Head or his/her designee.

**RULE 41. LONG TERM VEHICLE ASSIGNMENTS**

- A. Assignments whereby an employee/volunteer possessing some form of defined “call out status” and a specific vehicle assignment are paired for predominantly exclusive use for a period of time greater than one year. These assignments shall be made by the Department Head or designee.
- B. Call Out Status Groupings. Employees/volunteers shall be grouped into one of the following categories:
  1. Administrative Call Status
    - a.
    - b. Fire Chief
    - c. E.M.S. Director
    - d.
  2. Supervisory Call Status
    - a. Assistant Fire Chief
    - b. Assistant E.M.S. Director
    - c. Police Lieutenant
    - d. Police Sergeant
    - e. E.M.S. Supervisor
  3. On-Call Status
    - a. Police Detectives/Investigators
    - b. Fire Department Duty Officer
    - c.
    - d. On-Duty E.M.S. Personnel
    - e. Police K-9 Officers
    - f. Police Victim Liaison Officer
    - g.
    - h.
    - i. Police Crime Prevention Officer
    - j. Police Tactical Officer

### C. Rules Governing Use and Responsibility

1. Any employee/volunteer who is assigned a City vehicle shall consider this assignment as a necessary tool to perform the functions and requirements of their position. Each employee/volunteer shall do that which is necessary to take reasonable and prudent care of the vehicle. Failure to do so may result in disciplinary action.
2. Employees/volunteers may have family members and community guests in their assigned vehicles. In every instance, emergency responses shall be avoided where possible.
  - a. Only in the most extreme cases of concern for public safety should a traffic stop be conducted by off-duty police personnel. No violator contact shall be made with family/guests in the vehicle. Off-duty traffic stops shall be logged with the on-duty dispatcher.
  - b. Police officers, who observe crimes in progress while off-duty in the city, shall remain prepared to act upon such circumstances. Official Department identification, radio and weapon should be accessible at all times.
3. Police employees may utilize assigned vehicles to engage in extra-duty employment while inside the city limits. No City vehicle may be used for conveyance to or from any extra-duty employment that occurs outside the Department's jurisdiction (city limits).
4. Police employees who are assigned unmarked vehicles are permitted to use their vehicles for personal use, but are not permitted to use the vehicle for recreational purposes or personal purposes outside of the State.
5. Any employee/volunteer who is assigned a marked vehicle is not permitted to conduct personal business while operating their vehicle outside of their respective jurisdiction unless they are commuting to or from work. In the instance of Police, jurisdiction is the City limits of Alvin, and in the instance of Fire and E.M.S., it is their respective response areas.
6. No employee/volunteer shall operate a City vehicle while under the influence of alcohol or prescription medication which may physically or mentally impair their ability to operate a vehicle.
  - a. Under no circumstances shall an employee/volunteer consume alcoholic beverages in a City vehicle. Possession or transportation of any alcoholic beverage within a City vehicle is expressly prohibited, except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.
  - b. The possession, transportation or consumption of any controlled substance within or upon any City vehicle is expressly prohibited, except for the performance of City business, i.e., EMS/Fire Dept

medical care or for evidentiary purposes, i.e., a narcotics investigation.

7. Smoking and the use of smokeless tobacco products are prohibited in City vehicles and equipment except for evidentiary purposes or while conducting City business, i.e., a narcotics investigation.
8. Cellular texting is strictly prohibited when driving a City vehicle or an employee/volunteer's personal vehicle while on City business.

**D. Conditional Privileges**

1. Unless otherwise noted below, Police employees assigned an unmarked vehicle shall reside within ten (10) miles of the intersection of Gordon Street and House Street. Employees assigned with marked units shall reside within five (5) miles of the intersection of Gordon Street and House Street. In the instance of the Fire and E.M.S. Departments, personnel shall reside within the respective response areas of each Department.
2. The zones for the Police personnel are noted in Appendix A with the area contained within the blue line denoting the ten (10) mile limit and the area within the red line denoting the five (5) mile limit. Fire and E.M.S. Departmental mapping denote their respective response areas and are noted in Appendix B.
3. Administrative Call Status – allows for the employee/volunteer to use their vehicle on duty and off in Brazoria and adjacent counties. This is permitted with the understanding that these employees/volunteers must respond when a need for them is verified.
4. Supervisory Call Status – allows for the employee/volunteer to use their vehicle on duty and off in an area that will allow them to respond within a reasonable time period to the Police Department once notified. Marked units shall be returned to the Department within a reasonable time should a shortage of fleet vehicles occur. Vehicles located at a supervisor's residence should be available to be retrieved as needed.
5. A “reasonable time” will be generally interpreted to mean 30-45 minutes unless otherwise approved by an appropriate supervisor.
6. On-Call Status – allows for the employee/volunteer to use the City vehicle on duty and off in an area that will allow for a thirty (30) minute response to the Police Department once notified. When notified, the designated “On-Call” Detective for any given period shall be required, within a reasonable time period, to respond to the Department or crime scene unless previous arrangements were made with an appropriate supervisor. Vehicles located at the employee/volunteer's residence should be available to be retrieved as needed.

**E.** Once notified, on-duty Fire and E.M.S. personnel shall immediately respond to the destination required.

**F.** Ten and Five Mile Map for Authorized Take Home Vehicle



**RULE 42. ACCIDENT REPORTING**

- A. All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor, who will then notify the appropriate City personnel. Failure to report any accident or injury within twenty-four (24) hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.
- B. Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

**RULE 43. ACCIDENTS INVOLVING CITY EQUIPMENT OR VEHICLES**

- A. Any employee involved in an accident while operating City equipment or a vehicle shall report the accident immediately to his/her supervisor; the Central Shop superintendent and to the proper law enforcement agency. The employee must immediately complete an incident/accident report, no matter how minor the damage is to the vehicle, and submit to his/her supervisor, who will then notify the Legal Department.
- B. Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of eighteen (18) may operate a City vehicle. Wearing of seat belts is mandatory.
- C. Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

## SECTION IX. PROHIBITED CONDUCT

### **RULE 44. SEXUAL AND OTHER UNLAWFUL HARASSMENT**

- A.** The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.
- B.** Sexual Harassment. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
  3. 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.
- C.** Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.
- D.** Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion, color,

sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, volunteers, citizens, vendors, and other visitors to the workplace.

- E. **Mandatory Reporting.** The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to:
  - 1. his or her Department Director;
  - 2. the Human Resources Manager; or
  - 3. the City Manager.
- F. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director and/or the Human Resources Manager. A Grievance Complaint form is available from the Human Resources Manager.
- G. Under this policy, an employee may report to and/or contact the Human Resources Manager directly, without regard to the employee's normal chain of command:
  - HR Manager
  - 216 West Sealy
  - (281) 388-4295
- H. In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his/her behavior is unwelcome and request that it be discontinued.
- I. **Investigation.** All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.
- J. **Retaliation Prohibited.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.
- K. **Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

#### **RULE 45. POLITICAL ACTIVITY**

- A. City employees will not be hired or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of

citizenship consistent with state and federal law and these policies. Other than as provided by State law for the police, City employees may not:

1. Publicly endorse or campaign in any manner for any person seeking a City public office.
2. Use his/her position or office to coerce political support from employees or citizens.
3. Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
4. Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
5. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
6. Contribute money, labor, time or other valuable thing to any person for City election purposes.
7. Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* City of Alvin City Council, Alvin ISD and Brazoria County.

#### **RULE 46. SOLICITATION AND ACCEPTANCE OF GIFT**

- A. Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his or her employment according to his or her response to a solicitation.
- B. Except as provided by State law, no employee shall accept or solicit any money property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member.
- C. If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift in writing to his/her supervisor and the City Manager.
- D. Except as provided by State law, no employee shall accept property, service or other thing of value in excess of \$100.00 for the benefit of the City, or any employee, or department of the City.

## **RULE 47. WEAPONS BAN AND VIOLENCE PREVENTION POLICY**

- A.** The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.
- B.** Zero Tolerance. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.
- C.** City's Response to Threats or Acts of Violence. The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the City's Police Department or other appropriate law enforcement agency. The appropriate department will evaluate the severity of the situation and the need for additional resources (*e.g.*, law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and/or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.
- D.** No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.
- E.** Weapons Banned. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. The City prohibits employees from carrying or using any weapons, concealed or otherwise, on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. The weapons ban does not include firearms in a locked vehicle in a City parking lot but only if the person possesses a license pursuant to TPC 30.06 or TPC 30.07.
- F.** Mandatory Reporting. Each City employee must immediately notify his/her supervisor, Department Director, the Human Resources Manager and/or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job

site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Human Resources Manager.

- G.** Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resources Manager and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director of any protective or restraining order issued against them.
- H.** 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.
- I.** City Property. For purposes of this rule to prevent incidents of violence from occurring in the workplace, City property includes but is not limited to City-owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks. City-owned parking lots are not a prohibited area regarding the weapons ban as stated in Rule E above.
- J.** Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Manager and/or the Police Department.
- K.** 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.

#### **RULE 48. DRUG, ALCOHOL AND SUBSTANCE ABUSE USE POLICY**

- A.** It is the desire of the City to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.
- B.** Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-

counter drugs which are not being used as prescribed or as intended by the manufacturer.

- C. **Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia.** This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.
- D. **Permissive Use of Prescribed and Over-The-Counter Drugs.** The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.
- E. **Use of Alcohol.** The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.
- F. **Police Department Employees.** Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by the Police Department operating procedures.
- G. **Mandatory Disclosure by Employees.** Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the Human Resources Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

- H.** On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.
- I.** Mandatory Reporting of Convictions. Employees must notify their immediate supervisor and the Human Resources Manager, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.
- J.** Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty conduct is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty conduct adversely affects the employee's job performance.
- K.** Rehabilitation/Treatment.
1. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his or her problem and seek and accept counseling and/or rehabilitation before it impairs his or her job performance and/or jeopardizes his/her employment.
  2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
  3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.
5. If the employee successfully completes his or her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his or her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
  - a. Initial negative test for drugs and/or alcohol before returning to work;
  - b. A written release to return to work from the City-approved rehabilitation or treatment facility/program;
  - c. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
  - d. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment; and
  - e. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Human Resources Manager. The employee must meet with the Human Resources Manager to discuss the terms of his or her continued employment and sign a formal agreement before returning to work.
6. This policy will be administered in accordance with the City's Family Medical Leave Act policy when applicable.

**L. Policy Violations.** Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Human Resources Manager to receive assistance or referrals to appropriate resources in the community.

**RULE 49. DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES**

- A.** Employees/Applicants Subject To Testing. City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver’s License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee’s supervisor or the Human Resources Manager will advise the employee if he or she is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.
- B.** Employees covered by this policy are also required to comply with the City’s Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City’s general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.
- C.** An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.
- D.** Prohibited Alcohol Use

  - 1.** 1. (a) On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

    - a. While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
    - b. While using alcohol; or
    - c. Within 4 hours after using alcohol.
  - 2.** 2. (b) Use Following An Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.
- E.** Prohibited Drug Use. Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee

tests positive for controlled substances or has adulterated or substituted a test specimen.

- F.** Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.
- G.** Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.
- H.** Post-accident testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:
  - 1.** When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
  - 2.** When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or,
  - 3.** In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.
- I.** An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.
- J.** In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.
- K.** Post-Accident Alcohol Testing. If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Human Resources Manager by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an

alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Human Resources Manager.

- L.** Post-Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Human Resources Manager.
- M.** Reasonable suspicion testing. Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of his/her suspicion. If the Department Director concurs, he/she may order the employee to undergo testing only after consultation with the Human Resources Manager. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Human Resources Manager.
- N.** Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before he/she is to perform, or just after he/she stopped performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Human Resources Manager. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Human Resources Manager.
- O.** Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

  - 1. An alcohol test measures the employee's alcohol concentration at less than 0.02; or
  - 2. 24 hours have elapsed since the reasonable suspicion observation was made.

- P.** Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Human Resources Manager.
- Q.** Random Testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.
- R.** Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.
- S.** Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty

pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

**T. Additional Information About Alcohol Testing.**

1. **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and will be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If the employee is not terminated, then he/she will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)
2. **Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

**U. Additional Information About Drug Testing.**

1. **Drug Testing Procedures.** Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then he/she has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Human Resources Manager. The second test will be at the driver’s own expense.
2. **Drugs Tested For.** DOT requires testing for the following drugs:
  - a. Marijuana (THC)
  - b. Cocaine
  - c. Amphetamines
  - d. Opiates

e. Phencyclidine (PCP)

- V. A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.
- W. Review of Drug Test Results. All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.
- X. Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.
- Y. Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Human Resources Manager. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.
- Z. Information From Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver’s written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver’s application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to

perform safety sensitive functions. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

- AA.** Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations. See 49 C.F.R. §382.401, Retention of Records.
- BB.** Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive, and also which controlled substance(s) verified positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.
- CC.** Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.
- DD.** Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:
  - 1. All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City
  - 2. All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time.
  - 3. All time spent at the driving controls of a CMV in operation;
  - 4. All time, other than driving time, in or upon any CMV;
  - 5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded,

remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- EE. Transportation to Testing Site. With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.
- FF. Questions. Anyone with questions regarding this policy should contact the Human Resources Manager.

#### **RULE 50. TESTING FOR DRUG, ALCOHOL, AND SUBSTANCE ABUSE**

- A. Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally-accepted testing procedure.
- B. Testing of Applicants. All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.
- C. Testing of Employees.
  1. Employees may be required to submit to random testing for alcohol and/or illegal and unauthorized drugs.
  2. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
  3. Police Department and EMS employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
  4. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other

employees or third parties, and other evidence supporting the reasonable suspicion testing).

5. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
6. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
7. A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
8. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

**D. Testing Procedures.**

1. All testing must normally be authorized in advance by both the employee's Department Director and the Human Resources Manager. If the Department Director is unavailable within a reasonable period of time, the Human Resources Manager may, in his/her sole discretion, authorize the testing of an employee. If the Human Resources Manager is unavailable within a reasonable period of time, the Department Director may, in his/her sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led him/her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put him or her on administrative leave until the test results are received.
3. The City will make arrangements to have the employee transported home after the testing.
4. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

5. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Human Resources Manager; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

**RULE 51. EMPLOYEE SAFETY GUIDELINES - DO'S AND DON'TS**

- A. The City is interested in the employees safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can do much to prevent accidents and injuries by obeying the safety rules of their job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that is believed to be an unsafe act or an unsafe condition, the employee should immediately report it to their supervisor or to management at once.
- B. The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.
  1. Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
  2. Smoke only during designated times in authorized outside areas.
  3. Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For the employee's comfort and safety, wear shoes with non-slip soles, in good condition.
  4. To avoid back injuries, use correct lifting methods. Get someone to help with heavy (or difficult to handle) items.
  5. Be aware of sharp tools. Use safety devises where provided, and do not alter or remove them in any way. Report hazards to management immediately.
  6. Material Safety Data Sheets (MSDS Sheets) - Employees will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that may be encountered in normal work. They will explain possible reactions to exposure, and steps to take if it occurs. Review this information from time to time.

7. Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
8. Do not put fingers, hands, feet or clothing in moving machinery.
9. Do not carry items in a manner that obscures your vision.
10. Do not block access to fire extinguishers.
11. Do not touch open or loose electrical circuits.
12. Report unusual vibrations, smells, or noises coming from equipment.
13. Do not wear rings or jewelry while operating machinery.
14. Do not perform maintenance or repairs on running equipment.
15. Do not remove or alter warning tags or safety devices.
16. Never leave nails or spikes protruding from planks or boards.
17. Perform routine maintenance at all scheduled intervals.
18. Do not use compressed air for cleaning clothing or floors.

**RULE 52. EMPLOYEE MISCONDUCT AND DISCIPLINARY ACTION**

- A. To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.
- B. Progressive Discipline. Depending on the seriousness of the misconduct, the City will generally use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance, prior disciplinary history, length of service and any mitigating circumstances.
- C. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following steps:
  1. verbal warning (documented)
  2. letter of counseling
  3. written reprimand
  4. return to a probationary status
  5. suspension (without pay)
  6. demotion
  7. discharge or termination
- D. Documentation. All forms of discipline, including verbal warnings, will be documented and will be placed in the employee's personnel file. In the event an

employee is discharged, the supervisor shall forward a copy of the dismissal to the Human Resources Manager, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

- E.** Supervisory Responsibility. All employees with the responsibility and authority to supervise and direct employees under their control shall, in a professional manner, administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures; as well as address performance appeals submitted to them as provided by policy in an attempt to resolve such issues at the lowest possible supervisory level.
- F.** Request for Reconsideration. Where a disciplinary action involves a suspension of 1 workday (or 1 shiftday) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken or to request reconsideration of any action taken
- G.** Prohibited Activities. Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties at risk, may also result in disciplinary action. An employee being aware and not reporting illegal action of another City Employee may result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

  - 1. Theft or inappropriate removal or use of City property or other property not belonging to the employee
  - 2. Falsification of timekeeping or other records, including employment application
  - 3. Working under the influence of alcohol or illegal drugs
  - 4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty or while operating City-owned equipment
  - 5. Violation of City's policy regarding sexual or other unlawful harassment
  - 6. Interfering with work schedules or another employee's ability to work
  - 7. Misuse of City telephones, computers, mail systems, etc.
  - 8. Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
  - 9. Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
  - 10. Profanity, abusive language, or racial slurs

11. Unauthorized disclosure of confidential information
  12. Violation of any provision of the City Charter
  13. Violation of City or departmental policies, codes of conduct, rules and procedures
  14. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others
  15. Making or publishing false, damaging, vicious, or malicious statements about the City, or a City employee or citizen, or others
  16. Unsatisfactory performance or conduct
  17. Inefficiency, incompetence or neglect of duty
  18. Fighting, provoking or instigating a fight, or threatening violence
  19. Disruptive activity in the workplace
  20. Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties)
  21. Violation of local, state or federal law
  22. Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor, or repeated conviction of Class C misdemeanor charges
  23. Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
  24. Outside employment that conflicts with, or potentially conflicts with, City interests
  25. Acceptance of payment of any kind for activities related to City Employment
  26. An accumulation of minor infractions
- H.** Fraternalization. It is not possible to anticipate all off-duty conduct or fraternization that may relate to the City's business, but the City can provide some general guidelines. When in doubt, please consult with the Human Resources Manager.
- I.** It is against City policy for individuals who have an economic, social or family relationship to supervise the other or to work in positions that have an audit or control function over the other.
1. Economic relationships include roommates, landlord-tenant, creditor-debtor and the like.
  2. Social relationships include past or current dating or intimate relationships.
  3. Rule 9 provides the Nepotism restrictions.

- J.** Employees and applicants are expected to disclose these relationships whenever they may come into existence. Failure to do so may lead to discipline.
- K.** If these relationships come into existence after employment an attempt will be made to transfer employees to comparable (but separate) positions to avoid any appearance of favoritism, preferential treatment or conflict of interest. If a transfer is not possible, the employees may be requested to decide among themselves which individual is to resign.
- L.** If the employees are not able to make a decision about who is to resign, the City may take appropriate action, which can include requiring both employees to resign or requiring one of the individuals to resign based on a neutral factor such as seniority.
- M.** This section also applies to employees and their relationships with vendors and contractors working within the City.
- N.** Felonies and Misdemeanors. Employees must immediately notify their supervisor and/or Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action..
- O.** Administrative Leave. During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager.

**RULE 53. GRIEVANCES OR COMPLAINTS**

- A.** Definition of a Grievance or Complaint. A grievance or a complaint, for purposes of this Manual, shall mean the same thing and may address any one or more of the following subject matters:
  - 1.** a claim by an employee that he or she has suffered an adverse employment action that the employee reasonably believes has been motivated by an illegal or an unlawful discriminatory or retaliatory motive by a supervisory employee; and/or,
  - 2.** a claim by an employee who reasonably believes that he or she has been subjected to illegal harassment or a hostile work environment by either a supervisory employee or by other employees;
  - 3.** a claim by an employee who reasonably believes that other employees, whether co-workers or supervisory employees are in violation of one or more of the conditions set out in this personnel policy manual or any other rules or regulations of the City of Alvin.
  - 4.** a claim by an employee who reasonably believes that other employees, whether co-workers or supervisory employees are in violation of state or federal criminal law.

- B.** A grievance or complaint must be reduced to writing and submitted in accordance with the grievance policy specified in these Rules.
- C.** Any employee wishing to submit a complaint or grievance must first discuss the grievance with the employee's immediate supervisor, unless the grievance is against that supervisor, in which case the submission may be made to the next level supervisor or Department Director. If the matter is not resolved to the employee's satisfaction, the employee may take the grievance to the next level supervisor, presumably the employee's Department Director to discuss the complaint. An employee failing to gain satisfaction after conferring with his/her Department Director may present his/her grievance to the Human Resources Manager, who may forward the grievance or complaint to the City Manager.
- D.** If the grievance is against the Department Director, the employee may discuss the grievance with the Human Resources Manager or the City Manager. Complaints against the City Manager must be submitted to the Mayor.
- E.** The employee must submit the grievance on the Employee Grievance form in five (5) days after receiving the supervisor's response.
- F.** The employee must notify the Human Resources Manager within ten (10) days of his/her desire to have the grievance considered by the City Manager.
- G.** At the discretion of the City Manager, a special employee grievance committee may be appointed to investigate any grievance and offer or recommend solutions.
- H.** The decision of the City Manager is final on the grievance or complaint and shall be final, except as otherwise provided by law.
- I.** Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the City's Sexual and Other Unlawful Harassment Policy.

**RULE 54. DEFINITIONS (NEW)**

For purposes of this Personnel Policy Manual, the following definitions shall apply:

Budget (Fiscal) Year- refers to a city's fiscal year commencing on October 1 of any given year and ending at twelve midnight on September 30 of the subsequent year.

Calendar Year- refers to a year beginning on January 1 and ending on December 31 of that year.

City - refers to the CITY OF ALVIN, TEXAS;

City Manager - refers to the City Manager of the CITY OF ALVIN, TEXAS;

Compensatory Time – refers to a rate of pay in hours that is equivalent to time and a half of the number of productive hours worked that are classified as compensatory time pursuant to FLSA, or pursuant to a specific provision of the police labor agreement that provides for pay in terms of compensatory hours.

Effective Date - refers to the date on which the terms and conditions contained in this Manual are formally implemented as per the approval by Council;

FLSA - refers to the Fair Labor Standards Act;

FMLA – refers to the Family Medical Leave Act;

HR – refers to the Human Resource Department or Human Resource Manager

Overtime Pay – refers to an employee’s regular rate of hourly pay, as that pay is to be calculated using FLSA standards, times 1.5.

Policy - refers to this Personnel Policy Manual, also referred to as the Rules.

**END OF DEFINITIONS**

**EXHIBIT "A"**

**RECEIPT AND ACKNOWLEDGEMENT FORM**

I acknowledge receipt of a copy of the Personnel Policy Manual for the City of Alvin, Texas. I understand and agree:

- A. It is my obligation to understand all of the provisions of the Manual. I can ask my Supervisor, my Department Director, or the Human Resource Manager any questions I have about this Manual.
- B. The Manual is not a contract of employment and the information provided is subject to change by the City as the need arises.

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Received

**EXHIBIT "B"**  
**TEXAS GOVERNMENT CODE §552.024**  
**Public Access Option Form**

The Public Information Act allows employees, public officials, and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information by checking off or initialing in the appropriate box:

<b>Public Access Election</b>	<b>"Yes"</b>	<b>"No"</b>
Home Address		
Home Telephone Number		
Social Security Number		
Information that reveals whether you have family members		

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

**EXHIBIT "C"**

**WAGE DEDUCTION AUTHORIZATION FORM**

I recognize that during my employment or upon termination of my employment, I may owe the **CITY OF ALVIN** money for a variety of reasons, including without limitations an erroneous overpayment of wages or other benefits and also property damages. Therefore, I, the undersigned employee of **CITY OF ALVIN**, acknowledge in the event I owe any such monies to the **CITY OF ALVIN**, I hereby authorize the **CITY OF ALVIN** to deduct such amounts from my wages during my employment or from my final wages due and owing upon termination or separation from employment.

I also understand and agree that if I fail or refuse to pay any such amount, **CITY OF ALVIN** retains the right to pursue any applicable legal remedies, and may recover reasonable attorney fees and costs of litigation.

By signing this document, I certify I have carefully read and understand all of the authorizations and acknowledgements and voluntarily agree to be bound thereby.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT “D”**

**VEHICLE POLICY CERTIFICATE OF RECEIPT**

Your signature below indicates you have received a copy of the City’s Vehicle Policy as contained in the Personnel Policy Manual. The current Policy was adopted by Council on \_\_\_\_\_ These policies are also available online under “Online Forms and Information”. You are required to carefully review the policies and agree that you will abide by them. This form must be returned with your signature to be kept in your Personnel file.

\_\_\_\_\_  
Employee’s Name (please print)

I certify that I have received a copy of Section VIII, Vehicle Policies, Rules 38 – 42, have read it, have had the opportunity to ask questions for any clarification I may need, **and will abide by the requirements set forth herein**. I understand that this document is not a contract and signifies only my receipt of the Manual.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed



# AGENDA COMMENTARY

Meeting Date: 5/19/2016

Department: City Clerk

Contact: Dixie Roberts, City Clerk

Agenda Item: Consider mayor's appointment of mayor pro-tem.

Type of Item:  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** The Charter states that at the second regular meeting each May, the mayor will appoint a standing council member to serve as mayor pro-tem, subject to approval by the council.

The mayor pro-tem will serve for one year and act as the mayor during the absence of or disability of the mayor.

### History of City Council Service as Mayor Pro-Tem

City Council Position	Council member	Year Elected	Term Expires	Served as Mayor Pro-Tem
At Large 1	Brad Richards	2012, 2015	2018	No
At Large 2	Chris Sanger	2016	2019	No
District A	Scott Reed	*2011, 2013, 2016	2019	2012-2014
District B	Adam Arendell	2012, 2015	2018	Current
District C	Keith Thompson	*2014/2015	2018	No
District D	Glenn Starkey	2016	2019	No
District E	Gabe Adame	2014	2017	No

\*= filled unexpired term

Funding Expected: Revenue \_\_\_ Expenditure \_\_\_ N/A  Budgeted Item: Yes \_\_\_ No \_\_\_ N/A \_\_\_

Account Number: \_\_\_\_\_ Amount: \_\_\_\_\_ 1295 Form Required? Yes \_\_\_ No \_\_\_

Legal Review Required: N/A \_\_\_ Required \_\_\_ Date Completed: May 12, 2016

Supporting documents attached:

**Recommendation:** Move to approve the appointment of Council member \_\_\_\_\_ to serve as Mayor pro-tem.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** City Clerk

**Contact:** Dixie Roberts, City Clerk

**Agenda Item:** Consider Resolution 16-R-11; honoring Roger Stuksa for years of service to the community as a member of the Alvin City Council District D, from May 2008 – May 2016.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** Years of Service:

May 2008 – May 2010 – 2-year term

May 2010 – May 2013 – 3-year term (terms were changed to 3 years)

May 2013 – May 2016

Mayor Horn will present a framed resolution to Council member Stuksa on behalf of the City Council in honor of his years of service.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A \_\_\_

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required \_\_\_ **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Resolution 16-R-11

**Recommendation:** Move to approve Resolution 16-R-11; honoring Roger Stuksa for his years of service to the community as a member of the Alvin City Council District D, from May 2008 – May 2016.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**RESOLUTION NO. 16-R-11**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN,  
TEXAS, HONORING ROGER STUKSA FOR HIS SERVICE AS  
COUNCILMEMBER DISTRICT D, CITY OF ALVIN, TEXAS**

**WHEREAS**, Roger Stuksa, has unselfishly contributed time, talents and energies to serve the people of the City of Alvin as Member of the City Council, District D, for the period of May 2008 to May 2016; and

**WHEREAS**, such contribution has become a part of the foundation upon which this City stands; and

**WHEREAS**, the members of the City Council of the City of Alvin, Brazoria County, Texas, wish to recognize the service and contribution of

**ROGER STUKSA**

**NOW, THEREFORE**, be it resolved that the City Council and the people of the City of Alvin do gratefully acknowledge and express their sincere thanks and appreciation for your outstanding service.

**PASSED and APPROVED** this 19th day of May, 2016.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

By: \_\_\_\_\_  
Paul A. Horn, Mayor



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** City Clerk

**Contact:** Dixie Roberts, City Clerk

**Agenda Item:** Consider Resolution 16-R-12; honoring Terry Droege for years of service to the community as a member of the Alvin City Council At Large Position 2, from May 2010 – May 2016.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** Years of Service:  
May 2010 – May 2013  
May 2013 – May 2016

Mayor Horn will present a framed resolution to Council member Droege on behalf of the City Council in honor of his years of service.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A  Required \_\_\_ **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Resolution 16-R-12

**Recommendation:** Move to approve Resolution 16-R-12; honoring Terry Droege for his years of service to the community as a member of the Alvin City Council At Large Position 2, from May 2010 – May 2016.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**RESOLUTION NO. 16-R-12**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN,  
TEXAS, HONORING TERRY DROEGE FOR HIS SERVICE AS COUNCIL  
MEMBER, AT LARGE POSITION 2, CITY OF ALVIN, TEXAS**

**WHEREAS**, Terry Droege, has unselfishly contributed time, talents and energies to serve the people of the City of Alvin as Member of the City Council, At Large Position 2, for the period of May 2010 to May 2016; and

**WHEREAS**, such contribution has become a part of the foundation upon which this City stands; and

**WHEREAS**, the members of the City Council of the City of Alvin, Brazoria County, Texas, wish to recognize the service and contribution of:

**TERRY DROEGE**

**NOW, THEREFORE**, be it resolved that the City Council and the people of the City of Alvin do gratefully acknowledge and express their sincere thanks and appreciation for your outstanding service.

**PASSED** and **APPROVED** this 19th day of May, 2016.

**ATTEST:**

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

By: \_\_\_\_\_  
Paul A. Horn, Mayor



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider a variance request from Everest Design Group to the façade requirement of Chapter 35, Section 35-19(a)(4) of the Code of Ordinances, for a restaurant to be located on Reserve F of the Heritage South Development (Highway 6 across from Joe's BBQ).

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** On April 26, 2016 the Engineering Department received a variance request, from Everest Design Group on behalf of the franchisor of King's BierHaus Restaurant and Tommy Bui (retail center developer), for a waiver to the façade requirement of section 35-19(a)(4) of the City Code of Ordinances. Mr. Bui is proposing to build two multi-tenant retail buildings on the 2.5 ac. Reserve F of the Heritage South development adjacent to Highway 6 as shown on the attached building layout. King's BierHaus Restaurant is proposing to owner occupy the end cap of the easternmost building and wishes to use Hardi-Plank siding on a portion of the building to provide a "wood plank" appearance in compliance with their franchise branding (rendering attached). The Corridor Land Use Ordinance does not allow for the use of this type of façade on portions of the building elevation that are visible from the corridor (Highway 6). The majority of the façade of both buildings will be a combination of stone and stucco which are acceptable for use in accordance with the ordinance.

The City Planning Commission voted unanimously to approve this variance request at their meeting on May 17, 2016.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No

**Legal Review Required:** N/A \_\_\_ Required  **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Variance Request Letter
- Building Layout
- Building Rendering
- Aerial Map
- Chapter 35 Variance Process

**Recommendation:** Move to approve the variance request to the façade requirement of Chapter 35 Section 35-19(a)(4) for King's BierHaus Restaurant, as requested by Everest Design Group.

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Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager



# Everest Design Group

PLANNING, ENGINEERING, CONSTRUCTION MANAGEMENT

April 26, 2016

Michelle H. Segovia, P.E., CFM  
City Engineer  
City of Alvin  
1100 W. Highway 6  
Alvin, Texas 77511

**RE: Request for Variance of Building Materials within the Overlay District  
Heritage South Retail Center & Restaurant**

Dear Ms. Segovia:

This letter serves as a request for variance on building facade materials used within the Overlay District on behalf of the franchisor of King's BierHaus Restaurant and Tommy Bui (the developer of the retail/restaurant center). The proposed project will be located on a 2.5-acre tract known as Reserve "F" of the Heritage South Subdivision along Hwy 6. The tract has of 376.67 linear feet of frontage with a depth of 227 feet. The project will consist of two buildings, with one of the two building being an end-cap containing the King's BierHaus (please see attached lot layout).

The proposed building facade will consist primary of stone and stucco; however, the King's BierHaus franchisor has an established look for their franchise brand, which is being duplicated in League City and the Heights consisting of a use of Hardi-Plank material painted to look as wood plank (please see attached rendering).

Therefore, this variance request is being made for consideration to use Hardi-Plank as wood plank accent, only for this franchise, specifically on the end-cap portion of the building, in order to comply with the franchisor's signature look and feel for his establishment.

This request is an unique consideration from the view point that this developer is establishing a 51% owner occupied business in the proposed commercial building in order obtain funding for the retail buildings. He had obtained a franchisee license from King's Bier House and the franchisor is imposing the aforementioned architectural requirement (Please see attached email from the Franchisor denying our request to remove Hardi-Plank Material).

Please let me know if you need additional information.

Sincerely,

Sel Thint, P.E.



**From:** Philipp Sitter <[phil@kingsbiergarten.com](mailto:phil@kingsbiergarten.com)>

**Date:** April 25, 2016 at 8:48:52 AM CDT

**To:** Tommy Bui <[tommy\\_buii@yahoo.com](mailto:tommy_buii@yahoo.com)>

**Subject: URGENT: King's BierHaus**

Mr. Bui,

Upon careful consideration we have come to the conclusion that the King's BierHaus brand will not approve the proposed location in Alvin, Tx.

This decision was based on the disapproval of our required brand elements.

Those brand elements are hardi-plank on the exterior motif and shingle roof, as they are part of our brand uniformity agreement.

We apologize for any grievances this may cause; it is in all of our best intentions to keep the brand strong and consistent.

Best Regards,

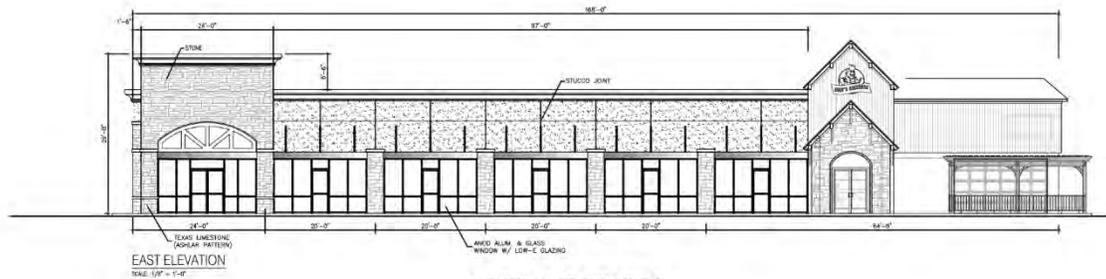
***Philipp Sitter, CEO***

King's BierHaus, Gourmet Sausages + Specialty Brews

KB Restaurant Group, Inc.

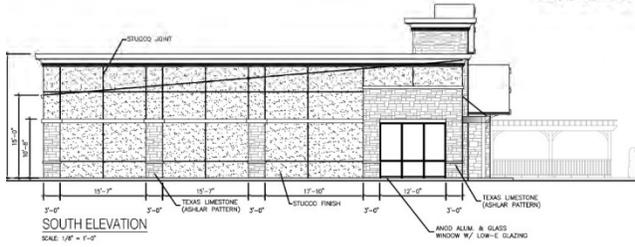
Cel. 832 226 3190



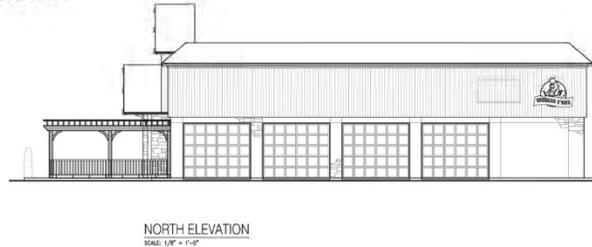


EAST ELEVATION  
SCALE: 1/8" = 1'-0"

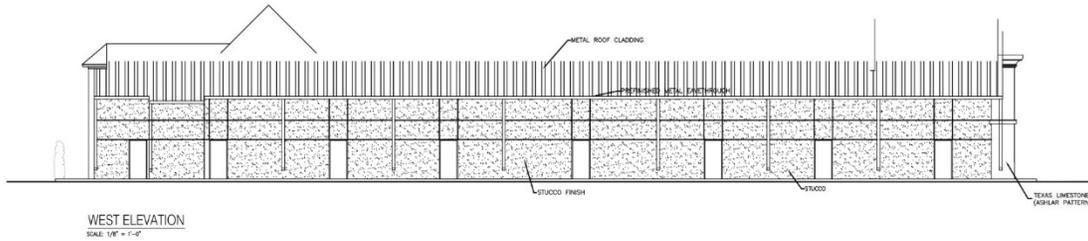
**ELEVATION OF BUILDING 2  
EAST SIDE OF PROPERTY**



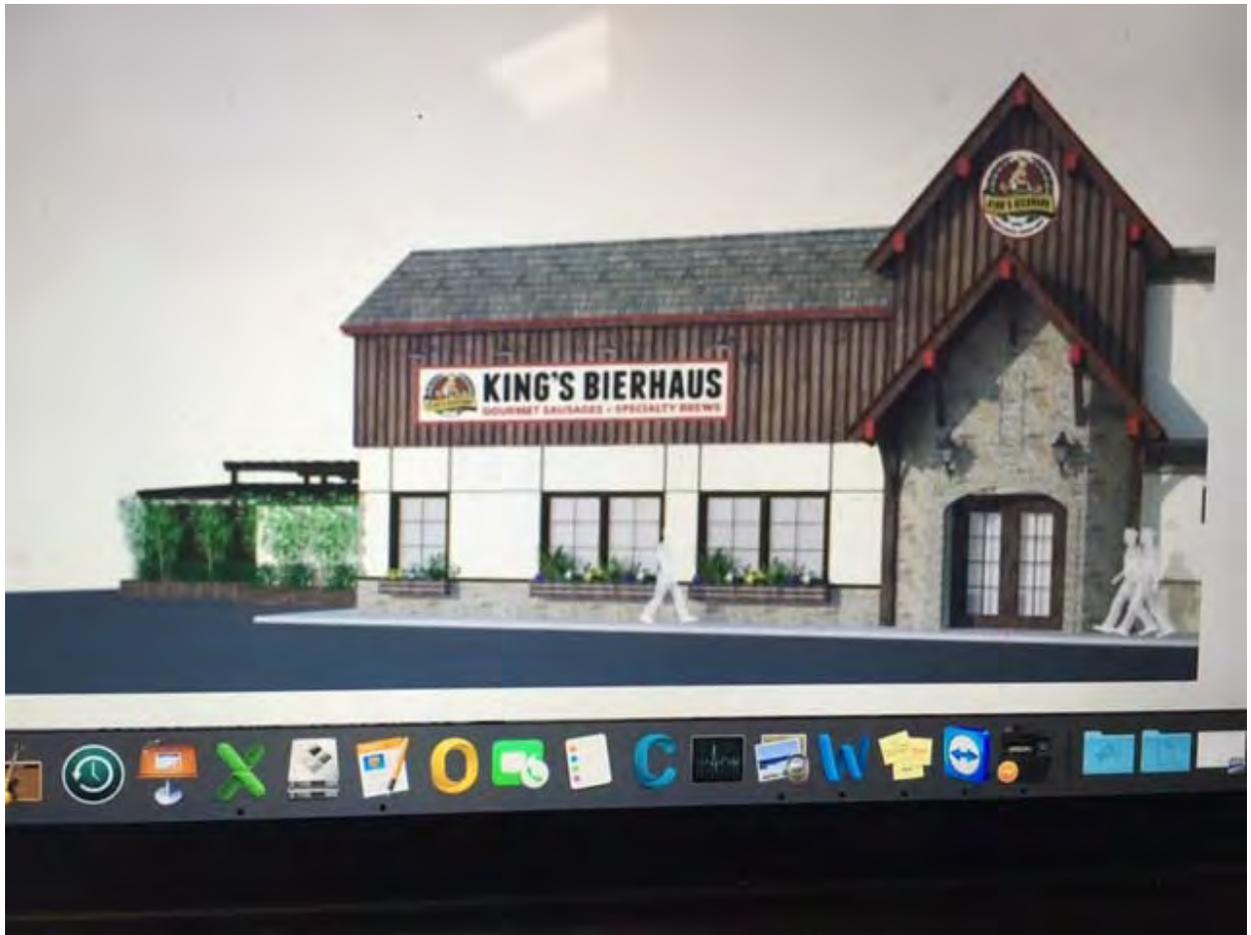
SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



WEST ELEVATION  
SCALE: 1/8" = 1'-0"





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



# Heritage South Reserve "F"

**Sec. 35-4. - Variance process**

- (a) Where unique natural features such as soil and geological characteristics, topography, or significant vegetation; historical features such as building design and materials and site configuration; or man-made features such as peculiarly-shaped lots, joint or split ownership patterns or location of existing structures and infrastructure on the site inhibit creative site design or pose unnecessary constraints to appropriate development as a result of strict compliance with these requirements, the building official may approve an alternative plan upon determining that such plan meets or exceeds the intent of these standards.
  
- (b) If the building official determines alternative compliance is not applicable, an applicant may file a written request for a variance or exception from these standards with the building official who will forward the request to the planning commission. An applicant for a waiver shall pay a non-refundable fee, in an amount provided for in the fee schedule in chapter 28. The planning commission shall review all requests for variances and exceptions to these requirements regarding appropriate measures for compliance with the intent of these standards. The city council shall take action on the recommendation of the planning commission.

*(Ord. No. 07-D, § 2, 4-19-07)*



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider a second variance request for the property owners at 404 Lulac Street to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** On May 9, 2016 the Engineering Department received a second variance request, from the property owners of 404 Lulac Street, for a waiver to the 25' front building setback required by section 21-37(a) of the City Code of Ordinances. The homeowners are proposing to construct a 20' X 24' porte cochere along the front of their home located at 404 Lulac Street. The porte cochere, as proposed, will encroach 8 feet into the 25' front building setback, however the nearest edge will be 33' from the edge of the Lulac Street pavement. The Homeowners are wanting to construct this addition to provide protection for their vehicles, as well as, to provide protection from the weather when entering and exiting the front door of their residence since they do not have a garage.

The identical original variance request was approved by the Planning Commission on November 17, 2015. The request was considered by the City Council on December 3, 2015, a motion to approve the request was made by Councilman Reed, but failed due to the lack of a second.

The Planning Commission voted unanimously to approve this second variance request at their meeting on May 17, 2016.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No

**Legal Review Required:** N/A \_\_\_ Required  **Date Completed:** \_\_\_\_\_

## Supporting documents attached:

- Variance Request Letter
- Aerial Map of the Site
- Site Plan
- Structural Plan
- Chapter 21 Variance Process

**Recommendation:** Move to approve a variance request for the property owners at 404 Lulac Street to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances.

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Reviewed by Department Head, if applicable   
Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable   
Reviewed by City Manager

May 9, 2016

City of Alvin

1100 West Hwy. 6

Alvin, Texas 77511

Thomas & Gayle Gust

404 Lulac St.

Alvin, Texas 77511

**Council of the city of Alvin,**

Ref: Variance request for Addition of residential Porte Cochere

404 Lulac

Alvin Texas

Respectfully,

We are seeking for a variance to build a covered driveway addition onto our house.

The addition requires us to encroach into the easement as listed in city code 21-37 by 8'.

(Please see attached drawings.)

The outer support structures (3) would be 33' from the edge of the Lulac street surface.

This leaves a 33' right of way for expansion of existing utilities, drainage, sewer system, or street widening. It creates no adverse drainage, line of sight, or easement issues, or constrictions.

We currently have no garage, or covered carport, and our property layout does not allow us to erect an attached, or stand alone enclosed garage structure.

We are requesting a variance to erect an attached covered driveway addition to protect our automobile's, as well as allow us to exit our vehicle(s) in adverse weather conditions, safely without fear of falling while running to the front door without it looking like a carport..

We would be adding to our existing residence a integrated Porte Cochere (covered driveway) 20'X 24' open on 3 sides supported by 3ea. Columns.

This structure will be fully within our property lines, but will fall 8' inside of the current easement code 21-37 "25' from property line.

The new addition would tie into and match the existing structure architecturally, structurally, and aesthetically. It will be fully windstorm and engineered stamped, and approved, meeting all city codes. It would add additional value to our house as a covered driveway, as well as safety and security for our vehicles, visitors, and us personally. In addition it would encourage our neighbors planning future remodeling, and expansion on their properties to go that "one" step further to improve the overall appearance their property and that of the neighborhood.

Since buying our property in 1989 we have encouraged our neighbors thru example to make improvements to their properties that would not only increase values to their property, but to the neighborhood in general. For those of you who are familiar with the area you have seen the difference, and improvements.

Your consideration and approval would be appreciated.

We also received notice of an increase of property value for 2015 improvements of almost \$20, 000, of which none were made that year. It would benefit the city for additional tax revenue to increase our property value as well !

Regards,

*Hope E Long*

404 LULAC

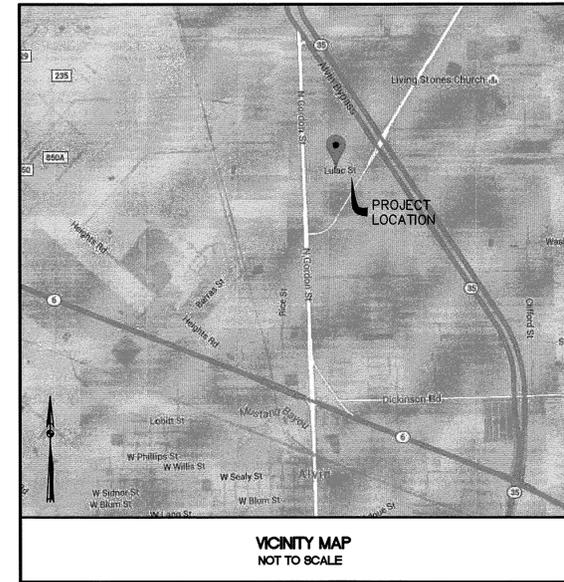
AWIW, TX 77511

281-413-0233



# 404 Lulac St Bldg Setback Variance

Rev Date: 11/12/2015  
Engineering Dept/GIS



**NOTE:**  
NO HABITABLE SQ. FT. IS BEING ADDED TO THE EXISTING RESIDENCE.

**SITE DATA:**

LOT SIZE:	23,958 S.F. (.55 Acres)
S.F. OF EXISTING RESIDENCE:	2,650 S.F. (footprint)
S.F. OF NEW COV. AREA:	480 S.F.

**LEGAL DESCRIPTION:**  
SURVEY PLAT SHOWING 0.55 ACRES OF LAND BEING ALL OF LOTS 25, 26, 27, PART OF LOT 28, AND ALL OR LOT 29, OF AN UNRECORDED SUBDIVISION KNOWN AS HAYES SUBDIVISION, A SUBDIVISION OUT OF LOTS 1 & 4, BLOCK 1, AND A PART OF LOT 1, BLOCK 8, OF THE WILLEFORD AND ARNIM SUBDIVISION OF THE HOOPER & WADE SURVEY, SECT. 22, ABSTRACT 491, BRAZORIA CO., TX.

This is not a Survey and "Valle Design & Planning, LLC" assumes no responsibility for it's accuracy. This Plot Plan was prepared from a Survey performed by Steve D. Adams; Dated: 10/05/2000.

**PLOT PLAN**  
SCALE: 1" = 10'-0"  
RE: SHEET A-1



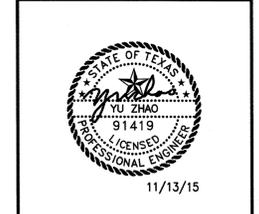
DO NOT SCALE DRAWINGS. USE FIGURE DIMENSIONS ONLY.  
THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND/OR INCONSISTENCIES ON THESE PLANS/DOCUMENTS.  
THESE PLANS & DOCUMENTS SHALL NOT BE REPRODUCED BY ANY PERSON(S) OR FIRM W/O THE WRITTEN CONSENT OF Valle Design & Planning, LLC  
© Copyright 2015

#	REVISION	DATE:

**Covered Drive Addition to "Gust Residence"**  
404 Lillac St. Alvin, Texas 77511

**Valle Design & Planning, LLC**  
20631 Colonial Parkway #7303 Katy, Texas 77449  
P: 832.382.2599  
E: gianni\_valle@yahoo.com

CONSULTING ENGINEER:  
**Yu Zhao, P.E.**  
Holistic Engineering Consultants, LLC  
1114 Sienna Hill Dr. Houston, TX 77077  
Texas Registration No. #91419  
Firm Registration No. #16558



Proj. No.: #1528  
Date: 11-13-15 / Permit  
Drawn By: G.V.  
Checked By: Y.Z.

**A-0**

### 'Simpson' Strong-Tie Chart

Model No.	Ga.	Fasteners		DF/SP Allowable Loads			SPF/NF Allowable Loads			Code Reference		
		To Rafter/Truss	To Plates	Uplift (160)	Lateral (133/160)	Lateral (133/160)	Uplift (160)	Lateral (133/160)	Lateral (133/160)			
H2.5	18	5-Bd	5-Bd	415	150	150	415	365	130	130	365	I17, L22, F16
H2.5A	18	5-Bd	5-Bd	600	110	110	415	365	130	130	365	I17, L22, F16
H2.5T	18	5-Bd	5-Bd	545	135	145	415	365	130	130	365	I17, L22, F16

**DESIGN CRITERIA:**

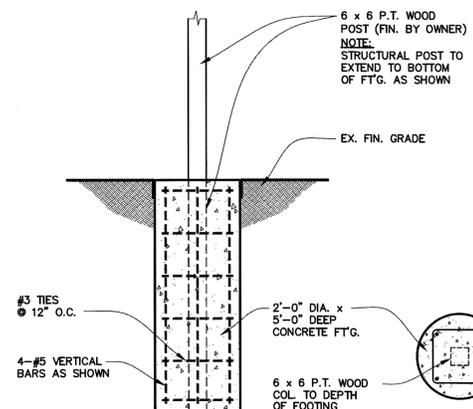
PER: 2012 INTERNATIONAL RESIDENTIAL CODE  
 WIND LOAD: 120 mph, EXPOSURE B, Iw = 1.0  
 TDI AREA: INLAND II

**FRAMING NOTES:**

- THE FOLLOWING SPECIFICATIONS ARE AN OUTLINE OF MIN. MATERIAL REQUIREMENTS AND THEIR APPLICATION. MANUFACTURER SPECIFICATION AND CODE REQUIREMENTS, WHEN IN EXCESS OF MINIMUM SPECIFICATION, SHALL CONTROL.
- ALL WOOD COMING IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED.
- ALL FASTENING MEMBERS SHALL BE BY 'SIMPSON' OR APPROVED EQ. (SEE DWGS.)
- ALL LUMBER SHALL BE S.Y.P., #2 GRADE (U.N.O.).
- ALL FASTENERS TO BE HOT-DIPPED, ZINC COATED GALV. STEEL.
- PLYWD. CLIPS SHALL BE INSTALLED AT ROOF DECKING TO RESULT IN AN 1/8" GAP BETWEEN ALL PANEL EDGES. PROVIDE (1) CLIP PER SPAN. CLIPS SHALL 'SIMPSON' "PSCL", OR APPROVED EQ., MATCH CORRESPONDING PLYWD. THICKNESS.

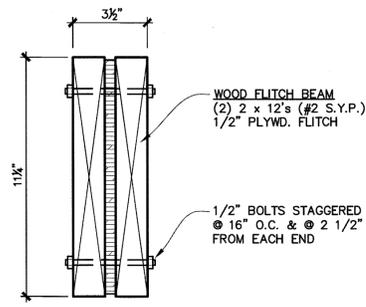
**General Notes:**

- G.C. TO VERIFY EXISTING DIMENSIONS & CONDITIONS PRIOR TO CONSTRUCTION.
- G.C. TO KEEP CONSTRUCTION AREA FREE FROM DEBRIS AT ALL TIMES.
- G.C. TO VERIFY ALL FINAL MATERIAL SELECTIONS, & FINISHES w/ OWNER.
- G.C. TO NOTIFY THE DESIGN PROFESSIONAL IF THERE ARE ANY DISCREPANCIES OR INCONSISTENCIES ON THE PLANS AND CONTACT BEFORE PROCEEDING. G.C. SHALL BE RESPONSIBLE TO REVIEW THESE PLANS AND BRING ANY INCONSISTENCIES OR DISCREPANCIES TO THE ATTENTION OF THE DESIGN PROFESSIONAL DURING THE BIDDING, PERMITTING, & PRE-CON. PHASE.
- G.C. TO SHORE & BRACE EXISTING FRAMING AS REQ'D. DURING DEMOLITION.
- G.C. SHALL VISIT THE SITE OF THE PROPOSED CONSTRUCTION AND THOROUGHLY FAMILIARIZE HIMSELF w/ ALL EXISTING CONDITIONS.
- THE G.C. IS EXPECTED TO EXERCISE CARE, & PERFORM ALL WORK WITH ACCEPTED TRADE AND INDUSTRY PRACTICES, AND SHALL PERFORM WORK IN ACCORDANCE WITH ALL CODES & ORDINANCES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION.

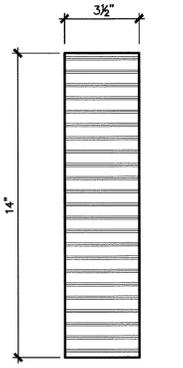


**NOTE:**  
 A SOILS REPORT IS NOT AVAILABLE. FOUNDATION/FOOTING HAS BEEN DESIGNED PER THE 2012 I.R.C., OR LATEST ISSUE, SECT. R401.4.1 AND TABLE R401.4.1 (PRESUMPTIVE LOAD-BEARING VALUES OF FOUNDATION MATERIALS).

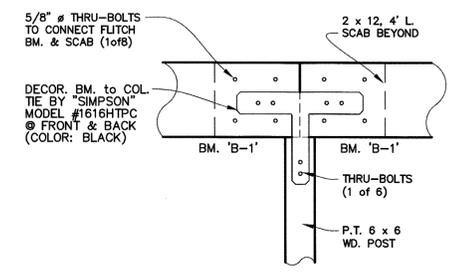
**A FOUNDATION DETAILS**  
 SCALE: 1/2" = 1'-0"



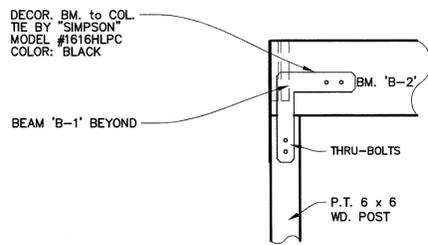
**B BM. DETAIL 'B-1'**  
 SCALE: 3" = 1'-0"



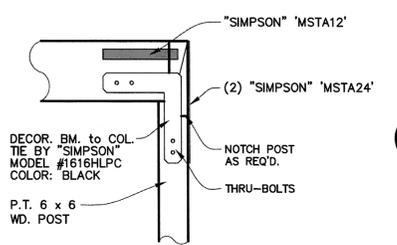
**B1 BM. DETAIL 'B-2'**  
 SCALE: 3" = 1'-0"



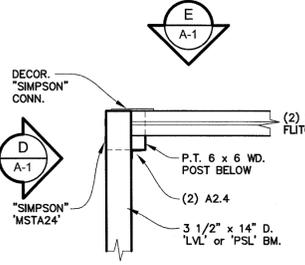
**C ELEV. DETAIL**  
 SCALE: 3/4" = 1'-0"



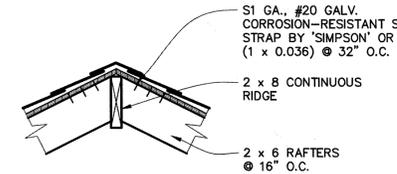
**D FRM'G. ELEV.**  
 SCALE: 3/4" = 1'-0"



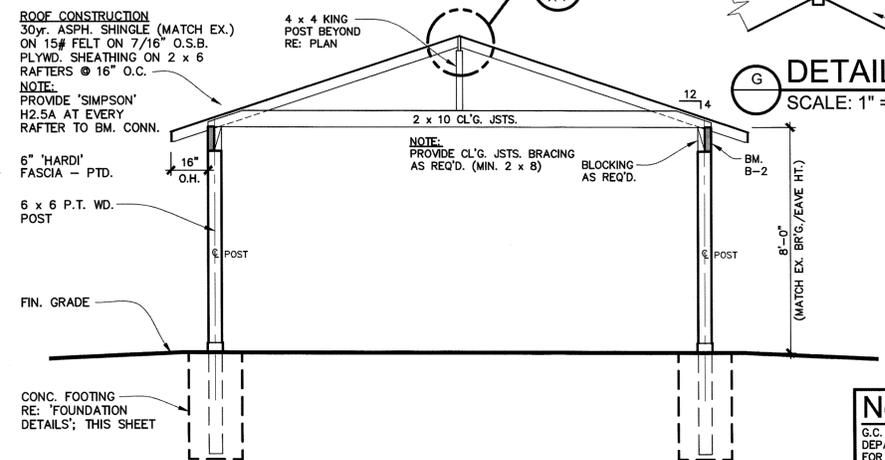
**E FRM'G. ELEV.**  
 SCALE: 3/4" = 1'-0"



**F PLAN DETAIL**  
 SCALE: 1" = 1'-0"

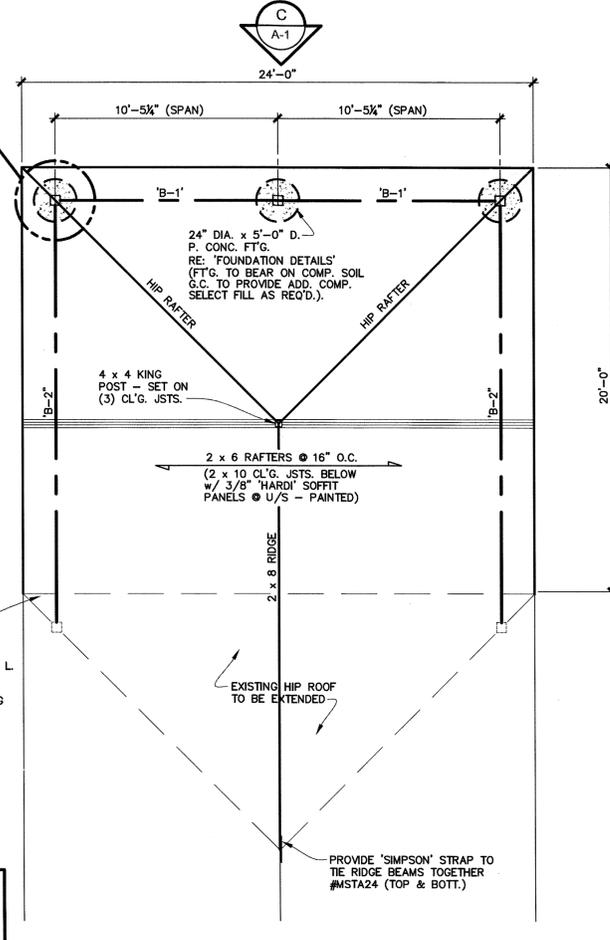


**G DETAIL**  
 SCALE: 1" = 1'-0"



**ELEVATION/SECTION**  
 SCALE: 1/4" = 1'-0"

**Note:**  
 G.C. SHALL SUBMIT FOR APPROVAL ALL TEXAS DEPARTMENT OF INSURANCE EVALUATION REPORTS FOR ALL COMPONENTS AND CLADDING PRIOR TO INSTALLATION. COMPONENTS AND CLADDING INCLUDE, BUT ARE NOT LIMITED TO: WINDOWS, MAIN DOORS, GARAGE DOORS, SIDING, ROOFING MATERIAL, AND SKYLIGHTS IF APPLICABLE. ENGINEER OR RECORD IS NOT RESPONSIBLE FOR IMPROPER INSTALLATION OR FOR INSTALLATION OF ANY UN-APPROVED PRODUCTS.



**COMPOSITE STRUCTURAL PLAN**  
 SCALE: 1/4" = 1'-0"

### Beams & Headers

- AT BEAMS MADE UP OF A NUMBER OF 2x JOISTS, EACH JOIST WILL BEAR ON WALL STUD (I.E. NUMBER OF WALL STUDS SHALL MATCH NUMBER OF JOISTS BEARING ON THESE STUDS). THE CENTERLINE OF THE BEAM SHALL BE THE CENTERLINE OF THE SUPPORTING WALL STUDS.
- ALL BEAMS MADE UP OF A NUMBER 2x JOIST SHALL BE FASTENED AS FOLLOWS:  
 FOR MAX. HORIZ. SPACING OF BOLTS -  
 - (2) 2 x 12's 6d NAILS @ 12" T. & B., STAGGER EA. FACE  
 - (3) 2 x 12's 20d NAILS @ 12" T. & B., STAGGER EA. FACE  
 - (4) 2 x 12's OR MORE 3/8" DIA. BOLTS @ 12" T. & B., STAGGER w/ STUD WASHERS (BOLTS SHALL BE 5/8" & LOCATED 2" MIN. FROM BEAM EDGES AND SHALL BE STAGGERED @ T. & B. ROWS, PROVIDE STANDARD WASHERS @ EA. FACE).
- MIN. BEARING OF ANY BEAM OR HEADER AT A STUD WALL IS 3".

### Nailing Schedule

JOINT DESCRIPTION	# of COMMON NAILS	# of BOX NAILS	NAIL SPACING
<b>ROOF FRAMING</b>			
RAFTER TO TOP PLATE (TOE-NAILED) RE: WFO TABLES	3-80	3-100	PER RAFTER
CL'G. JSTS. TO TOP PLATE (TOE-NAILED) RE: WFO TABLES	3-80	3-100	PER JOISTS
CL'G. JSTS. TO PARALLEL RAFTER (FACE-NAILED) RE: WFO TABLES	6-160	6-400	EACH LAP
CL'G. JSTS. LAPS OVER PARTITION (FACE-NAILED) RE: WFO TABLES	6-160	6-400	EACH LAP
COLLAR TIE TO RAFTER (FACE-NAILED) RE: WFO TABLES	4-80	4-100	PER TIE
BLOCKING TO RAFTER (TOE-NAILED)	2-80	2-100	EACH END
FRM BOARD TO RAFTER (END-NAILED)	2-160	3-160	EACH END

### Roof Sheathing

STRUCTURAL PANELS	INTERIOR ZONE	EXTERIOR ZONE
8D	100	6" EDGE/12" FIELD
8D	100	4" EDGE/6" FIELD
<b>DIAGONAL BOARD SHEATHING</b>		
1 x 6 or 1 x 8	2-60	2-100 PER SUPPORT
1 x 10 or WDR	3-60	3-100 PER SUPPORT

### Inland II

	EXPOSURE B, 120 mph, 3 SEC. GUSTS				
MEAN ROOF HEIGHT	15'	20'	25'	30'	35'
HEIGHT & EXPOSURE ADJUSTMENT COEFF.	1.21	1.29	1.35	1.40	1.45

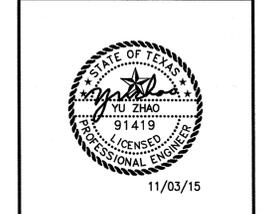
- ### Misc. Steel Specifications:
- ALL S.S. BOLTS SHALL COMPLY WITH A.S.T.M. F-593, ALLOY GROUP 1 OR 2. ALL BOLT FITTINGS SHALL INCLUDE RUBBER WASHERS FOR WATER-TIGHT SEALS AT JOINTS. ALL NUTS SHALL COMPLY WITH A.S.T.M. F-594, ALLOY GROUP 1 OR 2.
  - ALL STEEL SHALL BE DETAILED, FABRICATED, AND ERECTED IN ACCORDANCE WITH A.I.S.C. SPECIFICATIONS.
  - ALL WELDS ARE PERFORMED USING E70 ELECTRODES, OR GAS-METAL ARC WELDING USING ER 7053 WIRE. ALL FILLET WELDS ARE A MIN. 3/16" (U.N.O.). ALL STEEL SHALL BE WELDED SHUT AT TERMINATIONS TO PREVENT INTERNAL LEAKAGE.
  - ALL STEEL PLATES ARE RUST/CORROSION TREATED BY ZINC ELECTROPLATING. STEEL TUBING AND PLATES ARE FINISHED WITH A MIN. 2.5-3.5 MIL THICK UV-INHIBITED WEATHER RESISTANT POWDER COAT.
  - CONCRETE SHALL REACH MIN. (2,500) PSI IN 28 DAYS.
  - ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE LATEST STANDARDS SET FORTH IN THE ACI 318-08.
  - ALL CAST-IN-PLACE ANCHORS, IF APPLICABLE, ARE A-36 STEEL.
  - ALL CONNECTION SHALL BE MADE WITH HIGH-STRENGTH BOLTED CONNECTIONS USING A.S.T.M. A-325, S.A.E. J249, GRADE 8.

DO NOT SCALE DIMENSIONS. USE FIGURE DIMENSIONS ONLY.  
 THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. IF THERE ARE ANY DISCREPANCIES OR INCONSISTENCIES ON THESE PLANS/DRAWINGS, THESE PLANS & DRAWINGS SHALL NOT BE REPRODUCED BY ANY PERSON(S) OR FIRM W/O THE WRITTEN CONSENT OF Valle Design & Planning, LLC  
 © Copyright 2015

DATE:	REVISION

**Covered Drive Addition to "Gust Residence"**  
 404 Liliac St. Alvin, Texas 77511  
**Valle Design & Planning, LLC**  
 P: 832.392.2599  
 E: ginni\_valle@yahoo.com  
 20631 Colonial Parkway #7303 Katy, Texas 77449

CONSULTING ENGINEER:  
**Yu Zhao, P.E.**  
 Holistic Engineering Consultants, LLC  
 1114 Sienna Hill Dr. Houston, TX 77077  
 Texas Registration No. #91419  
 Firm Registration No. #16558



Proj. No.: #1528  
 Date: 11-03-15 / Permit  
 Drawn By: G.V.  
 Checked By: Y.Z.

**A-1**

Sec. 21-4. - Variances.

Upon written request, city council may authorize a variance from this chapter. An applicant for a variance shall pay a non-refundable fee, in an amount provided for in the fee schedule in chapter 28.

In granting a variance, the council shall prescribe those conditions it deems necessary or desirable to the public interest. In making the findings hereinabove required, the council shall take into account the nature of the proposed use of the land involved, the existing use of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience and welfare in the vicinity.

Any variance request shall first be reviewed by the planning commission, with a recommendation to city council.

(Ord. No. 02-AA, § 1, 6-20-02; Ord. No. 06-WW, § 3, 12-21-06; Ord. No. 12-UU, § 2, 11-1-12)



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider a Consulting Services Agreement with RPS Klotz Associates in an amount not to exceed \$100,000 for engineering design services relating to the second phase of the City's Thoroughfare Plan Update; and authorize the City Manager to sign.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** On April 7, 2016 RPS Klotz Associates completed Phase I of the Thoroughfare Plan Update which concluded with the acceptance of the Thoroughfare Plan map and roadway classifications by City Council. Phase II of this two phase Thoroughfare Plan Update includes the preparation of an Implementation Plan with cost estimates, a Capital Improvements Program, and the development of funding options including Transportation Improvement Program (TIP) submittals to the Houston Galveston Area Council (HGAC) and is scheduled to be completed in 18 months.

The update of the City's Thoroughfare Plan was one of the short term projects recommended by the recently approved 2035 Comprehensive Plan Update.

**Funding Expected:** Revenue \_\_\_ Expenditure X N/A \_\_\_ **Budgeted Item:** Yes X No \_\_\_ N/A \_\_\_

**Account Number:** 312-5501-00-9062 **Amount:** \$100,000 **1295 Form Required?** Yes X No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required X **Date Completed:** May 12, 2016

## Supporting documents attached:

- RPS Klotz Associates Consulting Services Agreement

**Recommendation:** Move to approve the Consulting Services Agreement with RPS Klotz Associates in an amount not to exceed \$100,000 for engineering design services relating to the second phase of the City's Thoroughfare Plan Update; and authorize the City Manager to sign.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**AGREEMENT FOR CONSULTING SERVICES**

This Agreement for Consulting Services ("Agreement") is made and entered into as of this 10th day of May, 2016, by and between Klotz Associates, Inc. (dba RPS Klotz Associates) of Harris County, Texas ("Engineer"), and

CITY OF ALVIN  
("Client")

That whereas the Client has requested services of the Engineer in relation to:

TRAFFIC ENGINEERING SERVICES  
TO PREPARE UPDATE TO THE MAJOR THOROUGHFARE PLAN – PHASE II  
("Project")

NOW, THEREFORE, the CLIENT and the ENGINEER, in consideration of the mutual covenants set forth below, agree as follows:

The attached proposal ("Proposal") is accepted by the Client and is incorporated herein as part of the Agreement.

Upon receipt by Engineer of a fully executed copy of this Agreement, the Engineer will develop and provide the Client with data, information and any opinions relating to the Project that are requested by the Client and provided for in the Proposal; proceed with the Basic Services more fully described in the Proposal; and proceed with any Additional Services as authorized by Client under the terms of the Proposal. Authorization to perform Additional Services under this Agreement may be oral or in writing. The Engineer will inform the Client on the progress of the Engineer's services.

The Client accepts responsibility for providing the Engineer with all available information pertinent to the Project, including previous reports and any other relevant data, and will arrange for and provide access for the Engineer to enter upon public and private lands as required for the Engineer to perform services under this Agreement, without liability of any nature to the Engineer except for liability due to Engineer's own negligence or willful misconduct.

Unless otherwise agreed in writing or set forth in the Proposal, Engineer will complete the Basic Services and any authorized Additional Services within a reasonable time following Engineer's receipt of Client's authorization to proceed. Client agrees to not hinder or delay Engineer's progress with the services.

Payments for services of the Engineer will be based on a fixed price of One Hundred Thousand Dollars (\$100,000.00). Invoices will be submitted monthly and will reflect the percentage of the project completed at the date of the invoice. Charges for Reimbursable Expenses, if any, will be described in the attached proposal.

Client agrees to pay Engineer's reasonable expenses incurred in connection with the Project ("Reimbursable Expenses"). Reimbursable Expenses shall include the Engineer's cost of transportation and subsistence of principals, employees and consultants when traveling in connection with the Project; consultant's fees; field office expenses; toll telephone calls and telegrams; costs of reproduction of reports, drawings and similar Project related items; and other similar charges actually incurred by Engineer. Reimbursable expenses will be charged at Engineer's cost plus 15%.

Client agrees to pay for all Additional Services in accordance with the Proposal. Engineer will not proceed with Additional Services until authorized by Client to do so.

Payment for Basic Services, Additional Services, and Reimbursable Expenses shall be made by the Client within thirty (30) days of the date of Engineer's invoice. All amounts not paid the Engineer within thirty days of the date of Engineer's invoice shall bear interest at 1.5% per month, calculated daily, on the unpaid balance.



May 10, 2016

Ms. Michelle Segovia, P.E. CFM  
City Engineer  
City of Alvin  
1100 West Highway 6  
Alvin, Texas 77511

Re: Proposal to Prepare Update to the Major Thoroughfare Plan – Phase II

Dear Ms. Segovia:

I am pleased to submit this proposal to perform professional engineering services for the update to the City's Thoroughfare Street System Plan. A detailed scope of work is attached to this letter.

Phase II includes preparation of an Implementation Plan to include cost estimates, a Capital Improvements Program, and development of funding options including TIP submittals to H-GAC. Phase II will be completed in approximately 18 months for a lump sum fee of \$100,000.00.

Thank you for the opportunity to submit this proposal. I look forward to a successful project with you. Should you have any questions, please call me at 281-589-7257.

Sincerely,



David C. Balmos, P.E.  
Vice President

DCB:azm

Attachment: Exhibit A – Scope of Work  
Exhibit B – Project Schedule

## **EXHIBIT A**

### **SCOPE OF SERVICES TO BE PROVIDED BY THE ENGINEER**

#### **City of Alvin, Texas Major Thoroughfare Plan – Phase II**

**May 2016**

---

The services to be provided by The Engineer under this proposal include preparation of an update to the City's Thoroughfare Street System Plan. The purpose of the project is to provide a transportation planning document to guide future planning decisions, pursue funding options, address maintenance needs, and provide input for annual CIP budget development. A key element includes the development of an implementation Plan which serves as a road map to assist in the implementation of identified projects.

The work required is described below according to each task to be performed.

Phase II – Implementation Plan (\$100,000)

Phase II will involve the prioritization of various roadway improvements. It will include cost estimates and funding concepts.

#### **A. Funding Options**

The Engineer will develop a written summary of funding opportunities for the City to obtain outside funds to implement various mobility improvements. A systematic approach to identifying various sources and mechanisms for funding infrastructure projects will be undertaken. Joint funding opportunities, Grant funds, TxDOT matching programs, CDBG Grants, public-private partnerships, TIRZ, impact fees and a variety of other sources can be successfully combined to leverage available City funds into a much greater value in the improvements realized for the City of Alvin. Recommendations on the most effective approach to securing outside funding sources for the short, medium and long term improvement projects identified and prioritization of the projects will be conducted. Funding Mechanisms evaluated will include both public and private strategies, and identify critical items required to secure funding.

#### **B. Develop Implementation Plan**

It is envisioned that an implementation plan will be prepared as part of Phase II. The implementation plan will provide a breakdown of projects identified in Phase I by order of magnitude and in terms of city roadway and intersection improvement projects and non-city (State or County) projects as well as intersection improvements. Planning-level cost estimates for each of these prioritized projects will be provided. Any available,

current and pertinent information on potential sources of funding will be included in the implementation plan. At a minimum, the plan shall contain the information listed below:

- Project Description – Roadway Name, Length, Description of Improvement
- Jurisdiction / Agency Ownership
- Prioritization & Ranking of Projects
- Funding – Sources, mechanisms, strategies and approach
- Time Line – Short, Medium or Long Term
- Preliminary Cost Estimates

### **C. Capital Improvements Program**

The Engineer will prepare preliminary cost estimates for each identified priority roadway improvement. Each project will be prioritized based on need and funding availability. The Capital Improvements Program will be developed and updated on an annual basis.

### **D. H-GAC Transportation Improvement Program (TIP) Submittal**

The Engineer will prepare and submit applications for identified priority projects to H-GAC to request federal funding. The Engineer will coordinate with Brazoria County, TxDOT, and H-GAC to develop projects and funding scenarios to increase the chances of the City's projects being selected for funding.

## **PHASE II Deliverables**

- *Funding Options Summary*
- *Preliminary Cost Estimates*
- *Implementation Plan*
- *Capital Improvements Plan*
- *TIP Submittals*

EXHIBIT B  
PROJECT SCHEDULE

City of Alvin Major Thoroughfare Plan Update - Phase II			2016									2017												2018		
Task	Start Date	Compl. Date	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		
<b>PHASE II</b>																										
Funding Options Summary	6/15/2016	9/15/2016	■	■	■	■																				
Implementation Plan	9/15/2016	1/15/2017				■	■	■	■	■																
Capital Improvements Program	1/15/2017	3/15/2017								■	■	■														
TIP Submittals*	3/15/2017	3/15/2018										■	■	■	■	■	■	■	■	■	■	■	■	■		

\*Approximate End Date. To be determined according to HGAC schedule for Project Submittals



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider an Engineering Services Agreement with Dannenbaum Engineering Corporation in an amount not to exceed \$97,810 for engineering design services to update the 2011 M-1 Ditch Watershed Study, including a drainage analysis for the Durant Road detention pond; also including the design of the proposed dry detention pond at the northwest corner of South Street and Durant Road; and authorize the City Manager to sign.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** In 2011 Dannenbaum Engineering completed a grant funded drainage analysis/study of the M-1 Ditch Watershed. The study identified possible locations for storm water detention ponds along South Street. Following the study, the City acquired two tracts of land; a 15-acre tract at the northwest corner of Kost/South Street (Kost Pond site) and a 5-acre tract at the northwest corner of Durant/South Street (Durant Pond site) to be used for detention. The Kost Pond is currently under construction and the design of the Durant Pond is included in this agreement and will commence once this agreement is approved.

The Engineering Services Agreement being considered will update the 2011 M-1 Ditch Watershed Study to include drainage analysis for the Durant Pond and provide a design with complete plan set for this proposed dry detention pond. Approval of this agreement will insure that construction plans are available in order to start construction on the Durant Pond in 2017 following the completion of the Kost Pond. More information on both of these projects can be found in the Capital Improvement Program (CIP) Quarterly Report that was distributed to City Council May 5, 2016.

**Funding Expected:** Revenue \_\_\_ Expenditure x N/A \_\_\_ **Budgeted Item:** Yes x No \_\_\_ N/A \_\_\_

**Account Number:** 312-5501-00-9025 **Amount:** \$97,810 **1295 Form Required?** Yes x No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required x **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Dannenbaum Engineering Services Agreement

**Recommendation:** Move to approve an Engineering Services Agreement with Dannenbaum Engineering Corporation in an amount not to exceed \$97,810 for engineering design services to update the 2011 M-1 Ditch Watershed Study, including a drainage analysis for the Durant Road detention pond; also including the design of the

proposed dry detention pond at the northwest corner of South Street and Durant Road; and authorize the City Manager to sign.

---

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**DANNENBAUM ENGINEERING CORPORATION**

3100 WEST ALABAMA HOUSTON, TEXAS 77098 PO BOX 22292 HOUSTON, TEXAS 77227 (713) 520-9570

May 10, 2016

Ms. Michelle Segovia, PE  
City of Alvin  
1100 W. Hwy. 6  
Alvin, Texas 77511

RE: **Drainage Analysis of Durant Pond Detention/Update of M-1 Ditch  
Watershed Study  
Detention Pond Design Durant and South Street**

Dear Ms. Segovia:

Dannenbaum Engineering Corporation (DEC) is pleased to submit this proposal for evaluating and designing the detention pond at Durant and South Street. The analysis consists of updating the models previously submitted by DEC because of the land acquisition at Durant and South Street. A drainage analysis report will be submitted to present benefits of the Durant detention. The City will review and approve report before beginning with the construction drawings. Since the Durant Detention Pond site acquired by the City (5 acres) is less than the one recommended in the 2011 M-1 Ditch Watershed Study, an update of the Watershed Study was conducted in Phase I - Kost Pond. Results indicate that the same level of protection as the M-1 Ditch Watershed Study can be achieved with a smaller Durant pond. This update will calculate the outlet structure of Durant pond for interim and ultimate conditions. Final construction drawings will include preparation of all plans, details, and standards for the Durant detention pond. During construction, limited construction phase services will be provided.

In summary our proposal includes a drainage analysis for the Durant detention, plus an update of the 2011 M-1 Ditch Watershed Study. After completion of the analysis, final construction plans specs, and cost estimates for the Durant Street detention will be prepared.

This letter briefly describes the tasks required for this project.

## **DRAINAGE ANALYSIS**

### **1.0 Drainage Analysis of Durant Detention**

The City has acquired the full site (all 5 ac. open area) for the Durant Pond bounded by Durant Road (east) and South Street (South). The analysis will consist of allowing the Kost detention (under construction) to catch most of the upstream drainage area, to reduce flooding downstream and to evaluate the reduction in acreage for Durant Pond.

### **2.0 Update 2011 M-1 Ditch Watershed Study**

Modeling update of the 2011 M-1 Ditch Watershed Study is needed since the acreage for detention at Durant detention is significantly different than the original study. This is a common occurrence when going from a planning guide document to final design. This task will evaluate the benefits of Durant Pond for existing and proposed conditions, particularly the outlet structure. An addendum to the original report will be delivered.

## **FINAL PLANS, SPECIFICATIONS AND ESTIMATE**

### **3.0 Construction Drawings**

DEC will develop and produce a full PS&E set with submittals as shown below.

#### **3.1 Preliminary Plan Layout (Redline Design) - 50% Submittal and Approval**

1. Prepare preliminary design drawings. (Layout, project control, plan and profile)
2. Prepare preliminary quantities, cost estimate and a list of specifications.

#### **3.2 Final Plan Review - 90% Submittal and Approval**

1. Prepare/revise final construction plans, cost estimate and draft specifications.
2. Obtain approval signatures from utility and/or pipeline companies, other governmental agencies or municipalities.

#### **3.3 Final Plan Approval - 100% Submittal and Approval**

1. Submit Final Plans on mylar, signed and sealed by a Professional Engineer.
2. Submit Specifications, unbound, signed and sealed by a Professional Engineer.
3. Submit opinion of cost.

#### **3.4 Pre-bid Phase**

### **4.0 Limited Construction Phase Services (Just for Durant Detention Pond)**

- 4.1 Attend construction meetings when requested.

Ms. Michelle Segovia  
City of Alvin  
Page 3  
May 10, 2016

## **5.0 Project Management**

Effort will be required to meet with the City's staff to review the results of the analysis, progress meetings and coordination with sub-consultants.

### **Additional Services Scope of Work Surveying, Geotechnical**

#### **Surveying**

1. Full topo of the Durant detention site will be needed as well as cross sections on Durant Street and South Street (by Kuo & Associates, Inc.).

#### **Geotechnical**

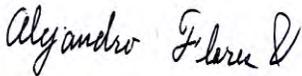
2. Four geotechnical borings (15') will be provided at the Durant Detention Pond as well as one boring (15') at Durant Street (by Terracon Consultants, Inc.).

The cost for developing the proposed Durant pond is \$81,970.00 for the pond for Dannenbaum Engineering plus \$15,840.00 for the sub-consultants tasks for a total of \$97,810.00. A breakdown of tasks is shown in Attachment 1. Time for project completion will be 16 weeks for the Durant Pond from notice to proceed.

If you have any questions or comments concerning this proposal, please feel free to contact me at 713-527-6365.

Sincerely yours,

### **DANNENBAUM ENGINEERING CORPORATION**



Alejandro C. Flores, P.E., CFM  
H&H Division Manager

### **APPROVED BY THE CITY OF ALVIN**

\_\_\_\_\_  
City Manager Sereniah Breland

Dated: \_\_\_\_\_

## Attachment 1 - Durant Pond Design

TASK	Project Director \$225.00	Project Engineer IV \$135.00	Project Engineer III \$115.00	CADD \$95.00	Secretary \$75.00	Total Hours	Total Cost
<b><u>DRAINAGE ANALYSIS</u></b>							
<b>1.0 Drainage Analysis Durant Basin</b>	<b>5</b>	<b>11</b>	<b>6</b>	<b>8</b>	<b>2</b>	<b>32</b>	<b>\$4,210.00</b>
1- Site Visits	3	3				6	\$1,080
2 - Modeling Update		4	6	4		14	\$1,610
3 - Letter Report	2	4		4	2	12	\$1,520
<b>2.0 2011 M-1 Ditch Watershed Study</b>	<b>2</b>	<b>8</b>	<b>16</b>		<b>6</b>	<b>32</b>	<b>\$3,820.00</b>
<i>Modeling Update</i>		2	8			10	\$1,190
<i>Text/Exhibits</i>	2	2	4		2	10	\$1,330
<i>Tables</i>							
-Flow Comparison		2	2		2	6	\$650
-WSE Comparison		2	2		2	6	\$650
<b><u>Plans, Specifications and Estimate</u></b>							
<b>3.0 Construction Drawings</b>	<b>24</b>	<b>76</b>	<b>114</b>	<b>348</b>	<b>28</b>	<b>590</b>	<b>\$63,930.00</b>
1- Cover Sheet		2	2	4		8	\$880
2- General Notes		2	2	8		12	\$1,260
3- Survey Control Map (and Topo) 1" = 50'		2	2	12		16	\$1,640
4- Clearing & Grubbing		2	2	8		12	\$1,260
5- Existing Property Layout		4	4	16		24	\$2,520
6- Geometric Layout (Detention Pond) 1"=50'		4	4	40		48	\$4,800
7- Control Point Table		2	2	8		12	\$1,260
8- Cross Sections 1 of 2		4	4	20		28	\$2,900
9- Cross Sections 2 of 2		4	4	20		28	\$2,900
10- Plan & Profile 1 of 2		2	2	26		30	\$2,970
11- Plan & Profile 2 of 2		2	2	26		30	\$2,970
12- Miscellaneous Details 1 of 2		2	2	8		12	\$1,260
13- Miscellaneous Details 2 of 2		2	2	8		12	\$1,260
14- Traffic Control Plan 1 of 2		2	2	24		28	\$2,780
15- Traffic Control Plan 2 of 2		2	2	24		28	\$2,780
16- HCFCD Stormwater Pollution Prevention Plan & Details		2	2	4		8	\$880
17- HCFCD Concrete Lining Details		2	2	4		8	\$880
18- HCFCD Interceptor Structure Details		2	2	4		8	\$880
19- Storm Sewer Outfall and Rip Rap Details		2	2	4		8	\$880

TASK	Project Director \$225.00	Project Engineer IV \$135.00	Project Engineer III \$115.00	CADD \$95.00	Secretary \$75.00	Total Hours	Total Cost
<b>PS&amp;E</b>							
50% Cost Estimate			4	8	2	14	\$1,370
QAQC of (PS&E) @ 50%	2	2	4	14	2	24	\$2,660
Preparation of Submittals (PS&E) @ 50% and Approval	4	2	6	4	2	18	\$2,390
90% Cost Estimate	2	4	6	6		18	\$2,250
90% Specifications	2	4	10		4	20	\$2,440
QAQC of (PS&E) @ 90%	2	2	4	12	2	22	\$2,470
Preparation of Submittals (PS&E) @ 90% and Approval	2	2	8	8	2	22	\$2,550
100% Cost Estimate	2	4	4	2		12	\$1,640
100% Specifications	2	4	8		4	18	\$2,210
QAQC of (PS&E) @ 100%	2	2	4	12	2	22	\$2,470
Preparation of Submittals (PS&E) @ 100% and Approval	2	2	8	8	2	22	\$2,550
Preparation of Bid Package	2	2	2	6	6	18	\$1,970
<b>4.0 Limited Construction Phase Services</b>		<b>8</b>	<b>8</b>		<b>2</b>	<b>18</b>	<b>\$2,150.00</b>
Meetings with City and Contractor		8	8		2	18	\$2,150
Responding to RFI (By City)							
<b>5.0 Project Management</b>	<b>10</b>	<b>16</b>	<b>20</b>		<b>2</b>	<b>48</b>	<b>\$6,860.00</b>
Coordination with subs	2	8	12		2	24	\$3,060
2- Meetings with City	8	8	8			24	\$3,800
<b>6.0 Other Direct Costs</b>							<b>\$1,000.00</b>
-Supplies							\$400.00
-Mileage							\$100.00
-Reproduction (report + mylar)							\$500.00

41      119      164      356      40      720  
 6%      17%      23%      49%      6%

**Dannenbaum Engineering Total      \$81,970.00**

**Kuo & Associates \$      9,940.00**  
**Terracon \$      5,900.00**

**Grand Total \$      97,810.00**



May 2, 2016

Dannenbaum Engineering Corporation  
3100 W. Alabama  
Houston, Texas 77098

Attn: Amy Hiefner, E.I.T., CFM  
E: amy.hiefner@dannenbaum.com

Re: Cost Estimate for Geotechnical Engineering Services  
City of Alvin Pond  
South Durant Street and West South Street  
Alvin, Texas  
Terracon Document No. P91165039

Dear Ms. Hiefner:

Terracon Consultants, Inc. (Terracon) understands we have been selected based on qualifications to provide geotechnical engineering services for the above referenced project. This letter outlines our understanding of the scope of services to be performed by Terracon for this project and provides an estimate of the cost of our services.

## 1.0 PROJECT INFORMATION

Item	Description
Site location	The proposed detention pond is located in the northwest quadrant of the intersection of South Durant Street and West South Street in Alvin, Texas. Road restoration activities are planned on South Durant Street north of its intersection with West South Street.
Current ground cover	A vacant tract of land covered with grass and scattered trees.
Proposed improvements	A 5-acre detention pond with a maximum depth of 8 feet below the existing ground surface. Road restoration at South Durant Street for construction of utilities underneath South Durant Street.

If our understanding of the project is not accurate, please let us know so that we may revise our scope of services and cost estimates, if necessary.

## 2.0 SCOPE OF SERVICES

A brief summary of the services to be provided by Terracon is summarized in the following paragraphs.

Terracon Consultants, Inc. 551 League City Parkway, Suite F League City, Texas 77573 Registration No. F-3273  
P [281] 557 2900 F [281] 557 2990 terracon.com

## Cost Estimate for Geotechnical Engineering Services

City of Alvin Pond ■ Alvin, Texas

May 2, 2016 ■ Terracon Document No. P91165039



### 2.1 Field Program

The field program is planned to consist of drilling four test borings to a depth of 15 feet within the proposed detention pond area and one boring to a depth of 15 feet in the road restoration area. The total drilled footage is planned to be 75 feet.

The borings will be located in the field using a handheld GPS with an accuracy of  $\pm 25$  feet. Therefore, the layout of the boring locations will be approximate. Boring depths will be measured from existing grade.

The drilling services for this project will be performed by a drilling subcontractor or Terracon's in-house drillers. During drilling, soil samples will generally be collected utilizing either open-tube samplers or the Standard Penetration Test. Once the samples have been collected and classified in the field, they will be properly prepared and placed in appropriate sample containers for transport to our laboratory. Upon completion of drilling, the boreholes will be backfilled with soil cuttings and patched at the surface with asphaltic concrete, where necessary.

We plan to access the site with all-terrain vehicle mounted drilling equipment. This document assumes that the site can be accessed during normal business hours and does not include services associated with surveying of boring locations, site clearing, location of underground utilities, or use of special equipment for unusually soft or wet surface conditions. If such conditions are known to exist on the site, Terracon should be notified so that we may adjust our scope of services and estimated fees if necessary. Since one boring will be located on existing pavements, we anticipate that some form of traffic control will be needed during our field activities. If desired, Terracon can arrange for traffic control, which will consist of cones, signs, and flaggers provided by a sub-contractor familiar with local traffic safety ordinances. The additional cost associated with traffic control is provided in the "**3.0 COMPENSATION**" section of this document.

Terracon will notify Texas811, a free utility locating service, to help locate public utilities within dedicated public utility easements. Location of private utilities on the property is not part of the one-call service or Terracon scope. All private utilities should be marked by others prior to the start of drilling. If underground utilities are known to exist within the site, Terracon should be notified so that we may review utility plans to help avoid the existing lines. Terracon cannot be responsible for damage to unmarked and/or unlocated utilities for which we are unaware or that are improperly located.

### 2.2 Environmental Considerations

In an effort to reduce the potential for cross-contamination of subsurface media and exposure of site workers to contaminants that might be present at the site, Terracon requests that prior to mobilization to the site, the client inform Terracon of known or suspected environmental conditions at or adjacent to the site. If adverse environmental conditions are present, additional

## Cost Estimate for Geotechnical Engineering Services

City of Alvin Pond ■ Alvin, Texas

May 2, 2016 ■ Terracon Document No. P91165039



expenses may be necessary to properly protect site workers and abandon boreholes that penetrate affected groundwater-bearing units.

If Terracon is not informed of potentially adverse environmental conditions prior to the geotechnical services, Terracon will not be responsible for cross-contamination of groundwater aquifers, soil contamination, or any modification to the environmental conditions to the site that may occur during our geotechnical services. The geotechnical scope of services described above is based on our assumption that the site does not pose environmental risks to the personnel conducting the geotechnical exploration services.

### 2.3 Laboratory Testing

The sample classifications will be reviewed and a laboratory testing program will be assigned which will be specific to the project requirements and the subsurface conditions observed. The testing program could include, but may not be limited to, moisture contents, dry unit weights, Atterberg limits, compressive strength tests, and grain size analyses.

### 2.4 Geotechnical Engineering Report

The results of our field and laboratory programs will be evaluated by a professional geotechnical engineer licensed in the State of Texas. Based on the results of our evaluation, an engineering report will be prepared which details the results of the testing performed and provides Boring Logs, Site Location Plan, and Boring Location Plan. The report will also address the following:

- Detention pond construction considerations;
- Sideslope configuration;
- Potential use of excavated soils; and
- Pavement design and reconstruction for an asphaltic concrete section.

### 2.5 Schedule

We can initiate our field operations within five to seven working days following authorization to proceed, if site access and weather conditions will permit. We anticipate completion of our services and submittal of our final report within three weeks after completion of our field services. In situations where information is needed prior to submittal of our report, we can provide verbal information or recommendations for specific project requirements directly after we have completed our field and laboratory programs.

## 3.0 COMPENSATION

For the scope of services outlined in this document, we estimate a cost of \$5,900 which includes a traffic control fee of \$1,000. The cost of our services will not exceed this amount without prior approval of the client.

**Cost Estimate for Geotechnical Engineering Services**

City of Alvin Pond ■ Alvin, Texas

May 2, 2016 ■ Terracon Document No. P91165039



Additional consultation (such as attendance on a project conference call, engineering analysis, review of project documents, etc.) requested will be performed on a time-and-materials basis. The fee to provide additional consultation services will be in excess of the above provided fee to complete the geotechnical services and will not be incurred without prior approval of the client.

**4.0 AUTHORIZATION**

We have included a copy of our "Agreement for Services." If you agree to the conditions set forth in this document, please sign and return a copy of the accompanying Agreement for Services and an Access Agreement, if applicable, to our office. If you have any questions regarding the terms and conditions in the agreement, or any other aspect of this document, please feel free to contact us.

We appreciate the opportunity to provide this document and look forward to the opportunity of working with you.

Sincerely,

**Terracon Consultants, Inc.**

(Texas Firm Registration No. F-3272)

A handwritten signature in blue ink that reads "Rehan Khan".

Rehan Khan, E.I.T.  
Staff Engineer (League City)

A handwritten signature in black ink that reads "Bobbie S. Hood".

Bobbie S. Hood, P.E.  
Department Manager (Conroe)

Attachments: Agreement For Services

## AGREEMENT FOR SERVICES

This **AGREEMENT** is between Dannenbaum Engineering Corp ("Client") and Terracon Consultants, Inc. ("Consultant") for Services to be provided by Consultant for Client on the City of Alvin Pond project ("Project"), as described in the Project Information section of Consultant's Proposal dated 05/02/2016 ("Proposal") unless the Project is otherwise described in Exhibit A to this Agreement (which section or Exhibit is incorporated into this Agreement).

- 1. Scope of Services.** The scope of Consultant's services is described in the Scope of Services section of the Proposal ("Services"), unless Services are otherwise described in Exhibit B to this Agreement (which section or exhibit is incorporated into this Agreement). Portions of the Services may be subcontracted. When Consultant subcontracts to other individuals or companies, then consultant will collect from Client on the Subcontractors' behalf. Consultant's Services do not include the investigation or detection of, nor do recommendations in Consultant's reports address the presence or prevention of biological pollutants (e.g., mold, fungi, bacteria, viruses, or their byproducts) or occupant safety issues, such as vulnerability to natural disasters, terrorism, or violence. If Services include purchase of software, Client will execute a separate software license agreement. Consultant's findings, opinions, and recommendations are based solely upon data and information obtained by and furnished to Consultant at the time of the Services.
- 2. Acceptance/ Termination.** Client agrees that execution of this Agreement is a material element of the consideration Consultant requires to execute the Services, and if Services are initiated by Consultant prior to execution of this Agreement as an accommodation for Client at Client's request, both parties shall consider that commencement of Services constitutes formal acceptance of all terms and conditions of this Agreement. Additional terms and conditions may be added or changed only by written amendment to this Agreement signed by both parties. In the event Client uses a purchase order or other form to administer this Agreement, the use of such form shall be for convenience purposes only and any additional or conflicting terms it contains are stricken. This Agreement shall not be assigned by either party without prior written consent of the other party. Either party may terminate this Agreement or the Services upon written notice to the other. In such case, Consultant shall be paid costs incurred and fees earned to the date of termination plus reasonable costs of closing the project.
- 3. Change Orders.** Client may request changes to the scope of Services by altering or adding to the Services to be performed. If Client so requests, Consultant will return to Client a statement (or supplemental proposal) of the change setting forth an adjustment to the Services and fees for the requested changes. Following Client's review, Client shall provide written acceptance. If Client does not follow these procedures, but instead directs, authorizes, or permits Consultant to perform changed or additional work, the Services are changed accordingly and Consultant will be paid for this work according to the fees stated or its current fee schedule. If project conditions change materially from those observed at the site or described to Consultant at the time of proposal, Consultant is entitled to a change order equitably adjusting its Services and fee.
- 4. Compensation and Terms of Payment.** Client shall pay compensation for the Services performed at the fees stated in the Compensation section of the Proposal unless fees are otherwise stated in Exhibit C to this Agreement (which section or Exhibit is incorporated into this Agreement). If not stated in either, fees will be according to Consultant's current fee schedule. Fee schedules are valid for the calendar year in which they are issued. Fees do not include sales tax. Client will pay applicable sales tax as required by law. Consultant may invoice Client at least monthly and payment is due upon receipt of invoice. Client shall notify Consultant in writing, at the address below, within 15 days of the date of the invoice if Client objects to any portion of the charges on the invoice, and shall promptly pay the undisputed portion. Client shall pay a finance fee of 1.5% per month, but not exceeding the maximum rate allowed by law, for all unpaid amounts 30 days or older. Client agrees to pay all collection-related costs that Consultant incurs, including attorney fees. Consultant may suspend Services for lack of timely payment. It is the responsibility of Client to determine whether federal, state, or local prevailing wage requirements apply and to notify Consultant if prevailing wages apply. If it is later determined that prevailing wages apply, and Consultant was not previously notified by Client, Client agrees to pay the prevailing wage from that point forward, as well as a retroactive payment adjustment to bring previously paid amounts in line with prevailing wages. Client also agrees to defend, indemnify, and hold harmless Consultant from any alleged violations made by any governmental agency regulating prevailing wage activity for failing to pay prevailing wages, including the payment of any fines or penalties.
- 5. Third Party Reliance.** This Agreement and the Services provided are for Consultant and Client's sole benefit and exclusive use with no third party beneficiaries intended. Reliance upon the Services and any work product is limited to Client, and is not intended for third parties. For a limited time period not to exceed three months from the date of the report, Consultant will issue additional reports to others agreed upon with Client, however Client understands that such reliance will not be granted until those parties sign and return Consultant's reliance agreement and Consultant receives the agreed-upon reliance fee.
- 6. LIMITATION OF LIABILITY.** CLIENT AND CONSULTANT HAVE EVALUATED THE RISKS AND REWARDS ASSOCIATED WITH THIS PROJECT, INCLUDING CONSULTANT'S FEE RELATIVE TO THE RISKS ASSUMED, AND AGREE TO ALLOCATE CERTAIN OF THE ASSOCIATED RISKS. TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL AGGREGATE LIABILITY OF CONSULTANT (AND ITS RELATED CORPORATIONS AND EMPLOYEES) TO CLIENT AND THIRD PARTIES GRANTED RELIANCE IS LIMITED TO THE GREATER OF \$50,000 OR CONSULTANT'S FEE, FOR ANY AND ALL INJURIES, DAMAGES, CLAIMS, LOSSES, OR EXPENSES (INCLUDING ATTORNEY AND EXPERT FEES) ARISING OUT OF CONSULTANT'S SERVICES OR THIS AGREEMENT. PRIOR TO ACCEPTANCE OF THIS AGREEMENT AND UPON WRITTEN REQUEST FROM CLIENT, CONSULTANT MAY NEGOTIATE A HIGHER LIMITATION FOR ADDITIONAL CONSIDERATION. THIS LIMITATION SHALL APPLY REGARDLESS OF AVAILABLE PROFESSIONAL LIABILITY INSURANCE COVERAGE, CAUSE(S) OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY, OR OTHER RECOVERY. THIS LIMITATION SHALL NOT APPLY TO THE EXTENT THE DAMAGE IS PAID UNDER CONSULTANT'S COMMERCIAL GENERAL LIABILITY POLICY.
- 7. Indemnity/Statute of Limitations.** Consultant and Client shall indemnify and hold harmless the other and their respective employees from and against legal liability for claims, losses, damages, and expenses to the extent such claims, losses, damages, or expenses are legally determined to be caused by their negligent acts, errors, or omissions. In the event such claims, losses, damages, or expenses are legally determined to be caused by the joint or concurrent negligence of Consultant and Client, they shall be borne by each party in proportion to its own negligence under comparative fault principles. Neither party shall have a duty to defend the other party, and no duty to defend is hereby created by this indemnity provision and such duty is explicitly waived under this Agreement. Causes of action arising out of Consultant's services or this Agreement regardless of cause(s) or the theory of liability, including negligence, indemnity or other recovery shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of Consultant's substantial completion of services on the project.
- 8. Warranty.** Consultant will perform the Services in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions in the same locale. **EXCEPT FOR THE STANDARD OF CARE PREVIOUSLY STATED, CONSULTANT MAKES NO WARRANTIES OR GUARANTEES, EXPRESS OR IMPLIED, RELATING TO CONSULTANT'S SERVICES AND CONSULTANT DISCLAIMS ANY IMPLIED WARRANTIES OR WARRANTIES IMPOSED BY LAW, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**
- 9. Insurance.** Consultant represents that it now carries, and will continue to carry: (i) workers' compensation insurance in accordance with the laws of the states having jurisdiction over Consultant's employees who are engaged in the Services, and employer's liability insurance (\$1,000,000); (ii) commercial general liability insurance (\$1,000,000 occ / \$2,000,000 agg); (iii) automobile liability insurance (\$1,000,000 B.I. and P.D. combined single

limit); and (iv) professional liability insurance (\$1,000,000 claim / agg). Certificates of insurance will be provided upon request. Client and Consultant shall waive subrogation against the other party on all general liability and property coverage.

- 10. CONSEQUENTIAL DAMAGES. NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR LOSS OF PROFITS OR REVENUE; LOSS OF USE OR OPPORTUNITY; LOSS OF GOOD WILL; COST OF SUBSTITUTE FACILITIES, GOODS, OR SERVICES; COST OF CAPITAL; OR FOR ANY SPECIAL, CONSEQUENTIAL, INDIRECT, PUNITIVE, OR EXEMPLARY DAMAGES.**
- 11. Dispute Resolution.** Client shall not be entitled to assert a Claim against Consultant based on any theory of professional negligence unless and until Client has obtained the written opinion from a registered, independent, and reputable engineer, architect, or geologist that Consultant has violated the standard of care applicable to Consultant's performance of the Services. Client shall provide this opinion to Consultant and the parties shall endeavor to resolve the dispute within 30 days, after which Client may pursue its remedies at law. This Agreement shall be governed by and construed according to Kansas law.
- 12. Subsurface Explorations.** Subsurface conditions throughout the site may vary from those depicted on logs of discrete borings, test pits, or other exploratory services. Client understands Consultant's layout of boring and test locations is approximate and that Consultant may deviate a reasonable distance from those locations. Consultant will take reasonable precautions to reduce damage to the site when performing Services; however, Client accepts that invasive services such as drilling or sampling may damage or alter the site. Site restoration is not provided unless specifically included in the Services.
- 13. Testing and Observations.** Client understands that testing and observation are discrete sampling procedures, and that such procedures indicate conditions only at the depths, locations, and times the procedures were performed. Consultant will provide test results and opinions based on tests and field observations only for the work tested. Client understands that testing and observation are not continuous or exhaustive, and are conducted to reduce - not eliminate - project risk. Client agrees to the level or amount of testing performed and the associated risk. Client is responsible (even if delegated to contractor) for requesting services, and notifying and scheduling Consultant so Consultant can perform these Services. Consultant is not responsible for damages caused by services not performed due to a failure to request or schedule Consultant's services. Consultant shall not be responsible for the quality and completeness of Client's contractor's work or their adherence to the project documents, and Consultant's performance of testing and observation services shall not relieve Client's contractor in any way from its responsibility for defects discovered in its work, or create a warranty or guarantee. Consultant will not supervise or direct the work performed by Client's contractor or its subcontractors and is not responsible for their means and methods.
- 14. Sample Disposition, Affected Materials, and Indemnity.** Samples are consumed in testing or disposed of upon completion of tests (unless stated otherwise in the Services). Client shall furnish or cause to be furnished to Consultant all documents and information known or available to Client that relate to the identity, location, quantity, nature, or characteristic of any hazardous waste, toxic, radioactive, or contaminated materials ("Affected Materials") at or near the site, and shall immediately transmit new, updated, or revised information as it becomes available. Client agrees that Consultant is not responsible for the disposition of Affected Material unless specifically provided in the Services, and that Client is responsible for directing such disposition. In the event that test samples obtained during the performance of Services (i) contain substances hazardous to health, safety, or the environment, or (ii) equipment used during the Services cannot reasonably be decontaminated, Client shall sign documentation (if necessary) required to ensure the equipment and/or samples are transported and disposed of properly, and agrees to pay Consultant the fair market value of this equipment and reasonable disposal costs. In no event shall Consultant be required to sign a hazardous waste manifest or take title to any Affected Materials. Client shall have the obligation to make all spill or release notifications to appropriate governmental agencies. The Client agrees that Consultant neither created nor contributed to the creation or existence of any Affected Materials conditions at the site. Accordingly, Client waives any claim against Consultant and agrees to indemnify and save Consultant, its agents, employees, and related companies harmless from any claim, liability or defense cost, including attorney and expert fees, for injury or loss sustained by any party from such exposures allegedly arising out of Consultant's non-negligent performance of services hereunder, or for any claims against Consultant as a generator, disposer, or arranger of Affected Materials under federal, state, or local law or ordinance.
- 15. Ownership of Documents.** Work product, such as reports, logs, data, notes, or calculations, prepared by Consultant shall remain Consultant's property. Proprietary concepts, systems, and ideas developed during performance of the Services shall remain the sole property of Consultant. Files shall be maintained in general accordance with Consultant's document retention policies and practices.
- 16. Utilities.** Client shall provide the location and/or arrange for the marking of private utilities and subterranean structures. Consultant shall take reasonable precautions to avoid damage or injury to subterranean structures or utilities. Consultant shall not be responsible for damage to subterranean structures or utilities that are not called to Consultant's attention, are not correctly marked, including by a utility locate service, or are incorrectly shown on the plans furnished to Consultant.
- 17. Site Access and Safety.** Client shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Consultant will be responsible for supervision and site safety measures for its own employees, but shall not be responsible for the supervision or health and safety precautions for any other parties, including Client, Client's contractors, subcontractors, or other parties present at the site.

Consultant: Terracon Consultants, Inc.  
 By: *Bobbie Sue Hood* Date: 5/2/2016  
 Name/Title: Bobbie Sue Hood / Principal  
 Address: 11133 Interstate 45 S Ste T  
Conroe, TX 77302-5838  
 Phone: (936) 539-1384 Fax: (936) 539-9622  
 Email: Bobbie.Hood@terracon.com

Client: Dannenbaum Engineering Corp  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name/Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

Reference Number: P91165039



Consulting Engineers  
& Surveyors

10700 Richmond Ave, Suite 113  
Houston, TX 77042  
Tel: (713) 975-8769  
Fax: (713) 975-0920  
www.kuoassociates.com

July 16, 2015

Shannon Mack, P.E.  
Dannenbaum Engineering Corporation  
3100 West Alabama  
Houston, TX 77098

Re: Durant Pond, Alvin Texas

Dear Shannon:

Kuo & Associates, Inc. is pleased to submit this proposal to perform topographic surveying services for the above referenced project.

The scope of work and fee will be as follows:

#### **SCOPE OF WORK**

Topographic survey will be done for a proposed detention pond located at the northwest corner of intersection of Durant and W South Street. Surveying scope will also include survey cross sections along adjoining roads and as well survey cross sections along roadside ditches as shown in the attachment and as well as described below. The scope of work will be including the following:

- Horizontal and vertical controls will be established. The survey will be tied to the NGS monument and as well Texas State Plane Coordinate System, South Central Zone NAD 83 and datum NAVD 88.
- Survey will be tied to the City of Alvin Survey Monument and TSARP monument/current FEMA Firm map.
- Perform topographic survey of the detention pond site using a 100' grid.
- Provide cross sections of the M-1 ditch (shown in attached aerial) on the grid along the south side of the 5-acre tract.
- Provide cross sections of the roadside ditch (shown in attached aerial) along the east side of the 5-acre tract.
- Show visible utilities (including a one call marking) along the north, south, east, and west sides of the 5-acre tract.
- Show 3 cross sections of W South Street at three locations – the southwest corner, southeast corner, and midpoint of south line of 5-acre tract.
- Provide 4 sections for the M-1 ditch on the south side of the 5-acre tract.
- Provide 4 sections for the roadside ditch on the east side of the 5-acre tract.
- Show 3 cross-sections of S Durant St, from the east line of the 5-acre tract to the east line of the roadside ditch on the east side of S Durant St.
- Show full topography of M-1 ditch crossing of South St (shown in attached aerial), located ~400 feet west of the intersection of W South St and Johnson St. Show cross-sections ~50 feet upstream and 50 feet downstream of the culverts. Also show cross-section of pavement section at the crossing.
- Locating and surveying sufficient monumentation to establish approximate boundary lines
- Boreholes will be staked/surveyed in the field
- Prepare DTM/contour of survey
- Prepare a plan drawing of the site containing all existing topographic information, property lines and underground and overhead utility lines in AutoCAD format. Any Level A & B SUE work is beyond the scope of this project

July 16, 2015  
Proposal for Survey

Page No. 2

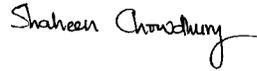
**FEE & SCHEDULE:**

Estimated fee for the above-described works will be \$9,940.00. Details on the estimated level of efforts are shown in the attached table.

We can complete the work within 40 calendar days upon notice to proceed for survey.

If you need further information, please do not hesitate to contact me.

Regards,



Shaheen Chowdhury, P.E., R.P.L.S.  
President

<b>Level of Efforts for Detention Pond Site Survey</b>							
ITEM	Principal \$150.00	RPLS \$125.00	SIT \$90.00	CADD \$75.00	Crew \$135.00	Hrs	Cost
Establish survey controls			1		8	9	\$1,170.00
One Call Coordination			1			1	\$90.00
Utility research including coordination with private utilities			4			4	\$360.00
Site topo survey					16	16	\$2,160.00
Road & ditch cross sections survey					12	12	\$1,620.00
Borehole survey			1		4	5	\$630.00
Estimated boundary/ROW		1	6	1		8	\$740.00
DTM			8	4		12	\$1,020.00
Topo and utility plan				20		20	\$1,500.00
QC/QA		4				4	\$500.00
Project Management	1					1	\$150.00
<b>Total Cost</b>							<b>\$9,940.00</b>





# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Legal

**Contact:** Bobbi Kacz, City Attorney

**Agenda Item:** Consider Resolution 16-R-15; authorizing the Alvin Museum Society to utilize and occupy the old Post Office building located at 302 W. Sealy Street.

**Type of Item:** Ordinance Resolution Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** This resolution will allow the Alvin Museum Society to use and occupy the old Post Office building, which is owned by the City. Certain provisions to occupy and use the building are:

- Museum Society is responsible for cleaning and maintaining after any event or function.
- Museum Society will be responsible for damage from their use of the building.
- Museum Society will indemnify and hold the city harmless from any claims from their use of the building.
- City will allow the Museum Society to serve alcohol during events and functions.
- Prior City Manager approval before any event or function.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required  **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Resolution 16-R-15

**Recommendation:** Move to approve Resolution 16-R-15; authorizing the Alvin Museum Society to utilize and occupy the old Post Office building located at 302 W. Sealy Street.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**RESOLUTION NO. 16-R-15**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, AUTHORIZING THE ALVIN MUSEUM SOCIETY TO OCCUPY AND UTILIZE THE OLD ALVIN POST OFFICE BUILDING.**

**WHEREAS**, the City of Alvin owns the old Alvin post office building;

**WHEREAS**, the City Council of the City of Alvin finds and determines that allowing the Alvin Museum Society (the “Society”) to utilize the old federal post office building (the “Building”) for office space, exhibits, storage, functions and other events would be in the best interest of the residents of Alvin; and

**WHEREAS**, the City Council of the City of Alvin therefore authorizes the Society to occupy and utilize the Building with certain conditions set forth in this Resolution; now therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** The facts and recitals set forth in the preamble of this resolution are hereby found to be true and correct.

**Section 2.** The City Council of the City of Alvin finds that allowing the Society to occupy and utilize the Building, with certain conditions and stipulations set forth below, is in the best interest of the citizens of Alvin.

**Section 3.** The Society’s use of the Building is subject to the following conditions:

1. The City Council of the City of Alvin may cancel the arrangement authorized by this Resolution at any time and for any reason;
2. The Society must notify the City Manager of the City of Alvin before any event or function, and if the City Manager determines that the proposed event or function would not be in the best interest of the citizens of Alvin, then she may

deny the Society the use of the Building for such purpose that is determined to be inconsistent with the purpose of this arrangement;

3. The Society will be responsible for maintaining the Building in good condition and cleaning the Building after all events and functions;
4. The Society will be responsible for any damage to the Building caused during its use of the Building;
5. As long as the Society is utilizing the Building in any capacity, it shall agree to indemnify and hold the City of Alvin harmless for any and all claims that arise during such time; and
6. The Society may serve alcohol during its events and functions, so long as the Society agrees to be the sole responsible party for patrons attending such event or function.

**Section 4.** The City Manager is hereby authorized to allow the Society to occupy and utilize the Building consistent with the conditions set forth in this Resolution.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

By: \_\_\_\_\_  
Paul A. Horn, Mayor



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** City Manager

**Contact:** Sereniah Breland, City Manager

**Agenda Item:** Consider request from the Alvin Historical Society for the authorization to install a LED scrolling sign on city property located in front of the Alvin Historical Museum (302 West Sealy).

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** The Alvin Historical Society will be in attendance to ask for permission to place a LED scrolling sign in front of the Alvin Historical Museum located at 302 West Sealy. This will take the place of the current sign in front of the building. The City is the owner of said property. The Museum Society will pay for the sign, installation, and maintenance. They are asking for City Council's approval for the placement of the sign and operation on city property.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A  Required \_\_\_ **Date Completed:** \_\_\_\_\_

**Supporting documents attached:** n/a

**Recommendation:** Motion to approve/deny request from the Alvin Historical Society for authorization to install and maintain a LED scrolling sign on city property located in front of the Alvin Historical Museum (302 West Sealy).

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Police

**Contact:** Chief Robert E Lee

**Agenda Item:** Consider the purchase of eleven (11) replacement consolette radios through the Houston Galveston Area Council (HGAC) for Emergency Service Departments in an amount not to exceed \$132,986.22.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** The City currently has nine (9) Motorola XTL 5000 Consolettes that need to be replaced. Consolettes are the RF (radio frequency) control stations of our radio system; and the “heart” of the radio system. Motorola informed staff that as of April 2016 they will no longer manufacture or service our brand of consolettes. In addition, our current consolettes do not have the capacity to download time division multiple access (TDMA) software; which Harris County Radio (our provider) notified us as being required for continued radio service by year’s end 2017. TDMA is a channel access method for shared networks that allow several users to share the same frequency channel by dividing the signal into time slots. This allows more data to be sent/received without having to increase channel capacity. Without this upgrade our dispatch center will not be able to communicate with our mobile and handheld radios or with other agencies once Harris County’s service change becomes effective. Additional to the nine (9) consolettes are two (2) back up consolettes which will be available in case of failure of a primary consolette.

An additional dispatch console is also included in this project. The third console completes a partial work station and will allow for expanded operational coverage during major incidents. All current equipment is Motorola as is all the proposed replacement equipment. Since Motorola is a HGAC vendor it was not expected that a bid would have returned a lower purchase amount.

On April 7, 2016 City Council adopted Ordinance 16-G amending the Fiscal Year 15-16 mid-year budget which allocated funds for this purchase as a non-recurring capital expenditure.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A \_\_\_ **Budgeted Item:** Yes \_\_\_ No  X  N/A \_\_\_

**Account Number:** \_\_\_\_\_ **Amount:**  132,986.22  **1295 Form Required?** Yes  X  No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required \_\_\_ **Date Completed:**  May 12, 2016

**Supporting documents attached:**

- Motorola Project Bid
- Ordinance 16-G

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**Recommendation:** Move to approve the purchase of eleven (11) replacement consolette radios through the Houston Galveston Area Council (HGAC) for Emergency Service Departments in an amount not to exceed \$132,986.22.

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Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager



Quote Number: QU0000358560

Effective: 11 APR 2016

Effective To: 10 JUN 2016

**Bill-To:**

ALVIN, CITY OF  
216 W SEALY  
ALVIN, TX 77511  
United States

**Attention:**

**Name:** CRAIG DAEGER  
**Email:** CDAEGER@APD.CITYO

**Sales Contact:**

**Name:** Jeff Moser  
**Email:** jeff.moser@bearcom.com  
**Phone:** 7135458231

**Contract Number:** HGAC  
**Freight terms:** FOB Destination  
**Payment terms:** Net 30 Due

Item	Quantity	Nomenclature	Description	Your price	Extended Price
1	1	L3358A	CONSOLE ELECTRONIC SHELF (CES) II	\$8,075.00	\$8,075.00
2	1	DDN6918A	T3 CABLE 2 FEET	\$153.00	\$153.00
3	1	DDN6919A	T3 CABLE 5 FEET	\$170.00	\$170.00
4	1	L3359AC	MCC 5500 OP CAB II / PS CALIFORNIA COMPLIANT	\$7,168.05	\$7,168.05
4a	1	TT04083AA	ADD: 100' CAB/CES CABLE	\$272.00	\$272.00
4b	1	TT04218AA	ADD: CAB II RACK MOUNT KIT	\$80.75	\$80.75
5	4	TT2833A	COMPUTER, Z440 WORKSTATION WINDOWS 7 (NON RETURNABLE)	\$2,448.50	\$9,794.00
6	1	B1914A	MCC SERIES DESKTOP GOOSENECK MICROPHONE	\$200.00	\$200.00
7	2	B1913A	MCC SERIES HEADSET JACK	\$160.00	\$320.00
8	1	BLN6732B	FOOT, SWITCH TRADITIONAL	\$102.00	\$102.00
9	2	B1912A	MCC SERIES DESKTOP SPEAKER	\$360.00	\$720.00
10	4	T7885A	MCAFFEE WINDOWS AV CLIENT	\$136.95	\$547.80
11	1	DSEV191	TECH GLOBAL EVOLUTION SERIES 19INCH WITH TOUCH	\$1,326.34	\$1,326.34
12	1	L3550A	DAP II FOR ANALOG,SB9600,ASTRO INTERFACES,INCL 2 ANALOG LICENSES	\$1,955.00	\$1,955.00
12a	1	TT05249AA	ADD: 2 DIGITAL CHANNELS WITH LICENSE R2.5	\$2,125.00	\$2,125.00
13	1	DDN1244A	DUAL IRR SW USB HASP W LICENSE, SOUND CARD, & SPKRS (V45)	\$2,538.78	\$2,538.78
14	11	L30URS9PW1AN	APX7500 SINGLE BAND 7/800	\$3,284.25	\$36,126.75
14a	11	G90AC	ADD: NO MICROPHONE NEEDED	-	-
14b	11	L999AB	ADD: FULL FP W/05/KEYPAD/CLOCK/VU	\$591.75	\$6,509.25
14c	11	G78AR	ADD: 3 YEAR SERVICE FROM THE START LITE	\$158.00	\$1,738.00
14d	11	G298AS	ENH: ASTRO 25 OTAR W/ MULTIKEY	\$555.00	\$6,105.00
14e	11	GA00244AA	ADD: 7/800MHZ PRIMARY BAND	-	-
14f	11	G806BE	ADD: ASTRO DIGITAL CAI OPERATION	\$386.25	\$4,248.75
14g	11	CA01598AB	ADD: AC LINE CORD US	-	-
14h	11	G51AT	ENH: SMARTZONE OPERATION APX	\$1,125.00	\$12,375.00
14i	11	QA01648AA	ADD: ADVANCED SYSTEM KEY - HARDWARE KEY	\$3.75	\$41.25
14j	11	G361AH	ADD: P25 TRUNKING SOFTWARE	\$225.00	\$2,475.00

Item	Quantity	Nomenclature	Description	Your price	Extended Price
14k	11	G996AS	ENH: OVER THE AIR PROVISIONING	\$75.00	\$825.00
14l	11	GA00580AA	ADD: TDMA OPERATION	\$337.50	\$3,712.50
14m	11	GA01767AG	APX MOBILE RADIO AUTHENTICATION	\$75.00	\$825.00
15	22457	SVC03SVC0104D	INFRASTRUCTURE INSTALL	\$1.00	\$22,457.00

**Total Quote in USD**

\$132,986.22

HGAC CONTRACT RA05-15

PO Issued to Motorola Solutions Inc. must:

- >Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted
- >Have a PO Number/Contract Number & Date
- >Identify "Motorola Solutions Inc." as the Vendor
- >Have Payment Terms or Contract Number
- >Be issued in the Legal Entity's Name
- >Include a Bill-To Address with a Contact Name and Phone Number
- >Include a Ship-To Address with a Contact Name and Phone Number
- >Include an Ultimate Address (only if different than the Ship-To)
- >Be Greater than or Equal to the Value of the Order
- >Be in a Non-Editable Format
- >Identify Tax Exemption Status (where applicable)
- >Include a Signature (as Required)

ORDINANCE NO. 16-G

AN ORDINANCE AMENDING CITY OF ALVIN, ORDINANCE NO. 15-R, PASSED AND APPROVED SEPTEMBER 10, 2015, SAME BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY OF ALVIN'S BUDGET FOR FISCAL YEAR 2015-2016 FOR THE PURPOSE OF AMENDING THE 2015-16 BUDGET AND PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS;

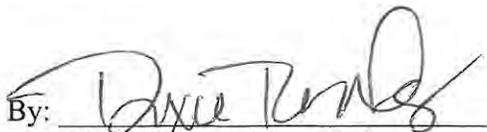
**Section 1.** That the City of Alvin 2015-2016 Fiscal Year Budget is hereby amended by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the individual budget accounts in all funds set forth in Exhibit "A" attached hereto and incorporated herein by reference.

**Section 2. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code*.

PASSED and APPROVED on first reading on the 7 day of April 2016.

ATTEST:

CITY OF ALVIN, TEXAS:

By:   
Dixie Roberts, City Clerk

By:   
Paul A. Horn, Mayor



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Public Services

**Contact:** Francesca Ramirez

**Agenda Item:** Consider bid award for Uniform Services to Unifirst for two (2) years with an option to continue for an additional two (2) years at the same price and conditions.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** Uniforms are provided for employees in Public Works, Parks and Recreation, Inspections, and Fleet Departments. The uniform services contract provides for eleven (11) uniforms per employee, the cleaning on a weekly basis and repair to damaged garments, yearly fittings, and a set of new uniforms annually. Each departmental uniform is color coded, making the departments more identifiable by staff and the community.

On March 15, 2016 bids were opened and Unifirst was the lowest bidder. Unifirst is the current vendor, and has provided these services for the past two years.

**Funding Expected:** Revenue \_\_\_ Expenditure x N/A \_\_\_ **Budgeted Item:** Yes x No \_\_\_ N/A \_\_\_  
312-5501-00-3320,  
211-6001-00-3220,  
211-6002-00-3220,  
211-6003-00-3220,  
211-6006-00-3220,  
611-8001-00-3320,  
111-5501-17-3320,  
**Account Number:** 111-7001-00-3320 **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A x Required \_\_\_ **Date Completed:** \_\_\_\_\_

**Supporting documents attached:**

- Bid Tabulation

**Recommendation:** Move to award bid for Uniform Services to Unifirst for two (2) years with an option to continue for an additional two (2) years at the same price and conditions

Reviewed by Department Head, if applicable   
Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable   
Reviewed by City Manager



## FY16 Mid-Year Proposed Budget Amendments

<b>GENERAL FUND</b>				
<b>Police Department</b>				
#1	111-3501-00-4150	Machinery and Equipment	\$	133,000 Replace Radio Consolettes & add dispatch station
<b>Parks Department</b>				
#2	111-7001-00-3100	Contract Services		50,000 Parks Master Plan
#3	111-7001-00-3100	Contract Services		35,000 Disc Golf Park
<b>City Hall Security</b>				
#4a	111-2502-00-4100	Building & Property		125,000 Security upgrades at City Hall
		<i>Decrease in Fund Balance</i>	\$	<u>343,000</u>
<b>MUNICIPAL COURT BUILDING SECURITY FUND</b>				
#4b	124-2502-00-4100	Building & Property	\$	10,000 Security upgrades at Municipal Court
		<i>Decrease in Fund Balance</i>	\$	<u>10,000</u>
<b>EMS FUND</b>				
<b>EMS Department</b>				
#5	213-3503-00-4150	Machinery and Equipment	\$	87,000 Powered stretchers and CPR Machines
		<i>Decrease in Fund Balance</i>	\$	<u>87,000</u>
<b>UTILITY FUND</b>				
<b>Utility Administration</b>				
#6	211-6004-00-3100	Contract Services	\$	40,000 Water & Sewer Rate Study
		<i>Decrease in Fund Balance</i>	\$	<u>40,000</u>

**CITY OF ALVIN BID TABULATION**

**UNIFORM SERVICES**

**B-16-09**

	UNIFIRST	ADMIRAL	ARAMARK	ACE IMAGE
<b>WEEKLY UNIFORM CHARGES</b>				
<b>I. UNIFORMS-Per Employee</b>				
Shirts (11 count, 100% cotton, long or short sleeve)	\$1.87	\$3.15	\$3.08	\$2.45
MicroCheck Shirts	\$2.64	\$3.75	\$3.08	\$2.80
Polos Shirts (11 count, 60/40 blend, long or short sleeve)	\$1.76	\$3.95	\$3.74	\$3.00
Slacks/pants (11 counts, regular or western cut)	\$2.53	\$3.50	\$3.41	\$2.55
<b>II. WIPING TOWELS-Per Bundle</b>				
Towels (50 count, 18" x18", 100% cotton)	\$4.55	\$3.65	\$5.00	\$3.00
<b>III. ENTRANCE MATS-Per Mat</b>				
3' x 5' regular (rubber back)	\$1.53	\$1.95	N/A	N/A
3' x 4' regular (rubber back)	\$1.53	\$1.75	\$2.60	\$2.11
3' x 10' regular (rubber back)	\$3.06	\$3.95	\$4.90	\$3.52
4' x 6' regular (rubber back)	\$2.45	\$2.95	\$3.90	\$2.93
<b>GRAND TOTAL</b>	<b>\$21.92</b>	<b>\$28.60</b>	<b>\$29.71</b>	<b>\$22.36</b>
<b>PRICE PER EMPLOYEE - SHIRT/PANTS</b>	<b>\$4.40</b>	<b>\$6.65</b>	<b>\$6.49</b>	<b>\$46.25</b>
<b>PRICE PER EMPLOYEE-MICROCHECK/PANTS</b>	<b>\$5.17</b>	<b>\$7.25</b>	<b>\$6.49</b>	<b>\$46.60</b>
<b>PRICE PER EMPLOYEE-POLO/SLACKS</b>	<b>\$4.29</b>	<b>\$7.45</b>	<b>\$7.15</b>	<b>\$46.75</b>
<b>UNRETURNED INVENTORY CHARGES</b>				
<b>UNIFORMS (per item)</b>				
Shirt (short or long sleeve)	\$10.74	\$17.00	\$20.00	\$18.00
MicroCheck Shirt	\$15.68	\$19.00	\$20.00	\$20.00
Dress Shirt	\$13.89	\$19.00	\$24.50	\$21.00
Slack/Pant	\$14.69	\$19.00	\$22.00	\$19.00
<b>TOWELS</b>				
Per Towel	\$0.55	\$0.35	\$0.80	\$0.45
Per Bundle	\$27.50	\$17.50	\$5.00	\$22.50
<b>ENTRANCE MAT per mat</b>				
3' x 5' regular (rubber back)	\$35.00	\$35.00	N/A	N/A
3' x 4' regular (rubber back)	\$30.00	\$30.00	\$65.00	\$35.00
3' x 10' regular (rubber back)	\$75.00	\$75.00	\$165.00	\$65.00
4' x 6' regular (rubber back)	\$60.00	\$60.00	\$120.00	\$38.00
<b>ADDITIONAL CHARGES</b>				
<b>New Employees AFTER Initial Start up</b>				\$0.75
Prep Charges per garment (upgrades)				
Name Emblem per garment				\$1.00
Company Emblem per garment				\$2.00



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** Police

**Contact:** Chief Robert E. Lee

**Agenda Item:** Consider Resolution 16-R-13; adopting a Hiring Incentive Program for the City of Alvin Police Department.

**Type of Item:** Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

**Summary:** In a concerted effort to attract qualified TCOLE (Texas Commission on Law Enforcement) certified police applicants the City proposes implementing a Hiring Incentive Program. It is anticipated that such an incentive would attract qualified certified officers as a lateral transfer or as certified but not yet employed candidate. These types of candidates, once they pass an extensive background check and intensive field training program, would shorten the time from hire to independent officer by a minimum of 6-months. The proposed hiring incentive encompasses two phases, the hiring incentive and the additional hiring incentive. The hiring incentive of \$3,000 would be paid to qualified employees who have successfully completed the field training program and who agree not to voluntarily terminate their employment prior to completing the 1-year probationary period. The additional hiring incentive of \$3,000 would be paid to the employee after completion of the 1-year probationary period on condition that they do not voluntarily terminate their employment for 2 additional years from the date of completion of probation. If the employee voluntarily terminates their employment prior to the end of either period, it results in a requirement of a prorated repayment of the hiring incentive or the additional hiring incentive as outlined in the attached Hiring Incentive Agreement. The attached Hiring Incentive Agreement also outlines the City's recourse if an employee voluntarily terminates employment then defaults on repayment.

Departmental savings from personnel vacancies will cover the cost of the implementation of this program for the current fiscal year.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A \_\_\_ **Budgeted Item:** Yes \_\_\_ No x N/A \_\_\_

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required x **Date Completed:** May 12, 2016

**Supporting documents attached:**

- Resolution 16-R-13
- Hiring Incentive Agreement
- City of Alvin Police Officer Recruitment Hiring Incentive Policy

**Recommendation:** Move to approve Resolution 16-R-13; adopting a Hiring Incentive Program for the City of Alvin Police Department.

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Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

**RESOLUTION 16-R-13**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, ADOPTING AN EMPLOYMENT INCENTIVE POLICY TO BE ADMINISTERED BY THE CHIEF OF POLICE; ESTABLISHING AN EFFECTIVE DATE; AND SETTING FORTH OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City of Alvin Police Department protects and serves the interest of the City of Alvin; and

**WHEREAS**, this employment incentive policy will assist in the hiring of highly qualified and trained police officers; and

**WHEREAS**, this employment incentive will benefit the City by attracting newly certified police officers and also certified officers who have previously served with other departments, and desire to accept employment with the Alvin Police Department; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Proceedings.** That the City of Alvin Police Department Incentive Policy, attached hereto as Exhibit "A", is hereby adopted.

**Section 3. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code*.

**Section 4. Effective Date.** This Policy shall take effect upon the passage of this resolution.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

By: \_\_\_\_\_  
Paul A. Horn, Mayor

## HIRING INCENTIVE AGREEMENT

This agreement made this \_\_\_\_\_, day of \_\_\_\_\_, between City of Alvin, Texas hereafter called the City, and \_\_\_\_\_, hereafter called the Employee.

The City agrees to pay the employee upon the successful completion of Field Training a probationary hiring incentive of \$3,000. Upon acceptance of the probation hiring incentive the employee agrees to complete the probationary period with the City. If the employee voluntarily terminates their employment with the City during the probationary period the employee agrees to refund to the City a pro rata amount of the probation hiring incentive. This refund shall be calculated on a prorated period of 365 days, from the date of hire through the date of termination. A refund shall not be required if separation of employment is due to injury or is involuntary on the part of the employee.

At the end of the probationary period the City shall pay the employee a hiring incentive of \$3,000. Upon acceptance of the hiring incentive the employee agrees to remain employed with the City for a period of two years from the date of completion of probation. If the employee voluntarily terminates their employment with the City during the two-year period the employee agrees to refund to the City a pro rata amount of the hiring incentive. This refund shall be calculated on a prorated period of 730 days, from the date of completion of probation through the date of termination. A refund shall not be required if separation of employment is due to injury or is involuntary on the part of the employee. Approved leave of absence (military, FMLA) will not be considered as part of the agreement period and will be excluded from calculations.

The Employee authorizes the City to make any deductions necessary from his/her final wages owing at the time of termination as partial payment toward refund. The balance owed will be prorated and repaid by the Employee over a period not to exceed twelve (12) months, beginning thirty (30) days after separation.

In the event of default on refunds herein agreed to by the Employee, City may seek judgment against such default in a court of competent jurisdiction. If City is awarded a judgment, any and all efforts will be made to collect. This may include, but is not limited to, costs of associated legal fees incurred during suit.

**THIS IS NOT A CONTRACT OF EMPLOYMENT.** The City of Alvin is an at-will employer. Employee understands this Agreement is a condition of his/her being hired as a Police Employee with the City. Employee understands that nothing in this Agreement provides contractual rights to employment for a specified period of time.

This Agreement contains the entire agreement between the parties on this subject and supersedes all prior agreements or understandings on this subject. This Agreement can be modified only in writing signed by both parties.

This Agreement shall be effective the date first mentioned above.

\_\_\_\_\_  
Robert E. Lee, Chief of Police/Date

\_\_\_\_\_  
, Employee/Date

\_\_\_\_\_  
Sereniah Breland, City Manager/Date

# CITY OF ALVIN

## POLICE OFFICER RECRUITMENT HIRING INCENTIVE AGREEMENT

### Certified Officer Incentive Program Agreement

In an effort to attract certified officers, The City of Alvin Police Department has created a certified officer incentive program. The following program policies apply:

1. Upon successful completion of his/her field training an applicant who qualifies for hire as a lateral certified officer shall be paid a hiring incentive of \$3,000. The hiring incentive shall be applied as compensation during the first full pay period following successful completion of field training. Compensation is subject to all applicable taxes, withholdings and deductions as provided with current laws and benefit program policies.
  - a. Upon acceptance of the probation hiring incentive the Police Officer agrees to complete the probationary period with the City of Alvin. Further, if the Police Officer voluntarily terminates his/her employment with the city during the probationary period, the Police Officer agrees to refund to the City a pro-rata amount of the probation hiring incentive, prorated over a 365-day period from date of hire through date of voluntary termination. The requirement for a refund of the probation hiring incentive shall not be applicable upon separation from service due to injury or involuntary termination.
  
2. Upon successful completion of his/her probationary period, an applicant who qualifies for hire as a lateral certified officer shall be paid an additional hiring incentive of \$3,000. The hiring incentive shall be applied as compensation during the next full pay period following completion of the probationary period. Compensation is subject to all applicable taxes, withholdings and deductions as provided with current laws and benefit program policies.
  - a. Upon acceptance of the additional hiring incentive, the Police Officer agrees to remain employed with the City of Alvin for a period of two years from the date of completion of probation. In the event the Police Officer is granted a Leave of Absence, the two-year time span will not be calculated to include any time out of service due to the approved Leave of Absence. Further, if the Police Officer voluntarily terminates his/her employment with the city during the two (2) year period following completion of probation, the Police Officer agrees to refund to the City a prorated amount of the hiring incentive, prorated over a 730-day period from date of completion of probation through date of voluntary termination. The requirement for a refund of the hiring incentive shall not be applicable upon separation from service due to injury or involuntary termination.



# AGENDA COMMENTARY

**Meeting Date:** 5/19/2016

**Department:** City Clerk

**Contact:** Dixie Roberts, City Clerk

**Agenda Item:** Consider appointment to the Parks and Recreation Board to fill the unexpired term of Chris Sanger.

**Type of Item:**  Ordinance  Resolution  Contract/Agreement  Public Hearing  Discussion & Direction

**Summary:** Council member elect Sanger resigned from the Parks and Recreation Board. His resignation will leave one seat vacant on the board. City Council appointed Mr. Sanger in December 2015 to serve a 2-year term. The Charter says that this board is to have 7 members. These members shall reside within the Alvin city limits for at least 6 months, be a registered voter and be interested in leisure time of the citizens. The individual selected by City Council to fill this unexpired term will serve out the remainder of Mr. Sanger's term through December 2017.

Current board members are: Dwight Rhodes, Cindy DeJongh, Shala Rios, Terrie Beasley, Debra Palin and Jeanette Stuksa.

Parks and Recreation Board applications on file: Dale Jones, Jimmy Kitchens, Michelle Moore, Milton Morgan, and Brenda Smith.

Please see the spreadsheet for more information on each applicant.

The next Parks Board meeting is scheduled for Tuesday June 7, 2016.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A  Required \_\_\_ **Date Completed:** \_\_\_\_\_

## Supporting documents attached:

- Applicant Information

**Recommendation:** Move to appoint \_\_\_\_\_ to the Parks and Recreation Board to fill the unexpired term of Chris Sanger.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

## Parks & Recreation Board Applicant Information 5/19/16

First Name	Last Name	Employment	Occupation	Resident of Alvin	Past Boards Served on	Notes Provided on Consent and Willingness to Serve Form
Dale	Jones	City of Alvin	Electrician	8 years	Seniors	<i>Applied 05/09/16</i> - Parks are our biggest asset. Have served on multiple boards - Lions, Chamber, Dance, Business.
Jimmy	Kitchens	Comfort Systems USA	Account Executive	15 years		<i>Applied 05/10/16</i> - I am someone that is looking to help the community that I live in and I want to help in making Alvin the best community it can be. Currently served on Alvin Little League Board - TAFC Board. My family and I are very active in the community and in my children's extracurricular activities. We volunteer at school, church and anything else we are involved with. Both my children play youth sports, in which we are also very active. My wife and her family have been long time residents of Alvin.
Michelle	Moore	Property Manager	Tri-County Storage	14 years		<i>Applied 12/07/15</i> - "I love being a part of the park activities as do my children; I helped lead and plan feeding the volunteers for the Kaboom Playground build". Civic or Community Endeavors: Cub Scout Pack 405 and City Parks Department Kaboom Playground.
Milton	Morgan	Sales	Halliburton	34 years		<i>Applied 04/08/16</i> - I have been working with our parks in Alvin for 9 years and want to become more involved. Member of the Alvin Little League Board.
Brenda	Smith	Retired		30 years		<i>Applied 03/02/16</i> - Applied to serve on all boards - wherever needed. I am retired and would like to volunteer to help my city in any position. I like helping our seniors. I am a people person. I was in the dental profession for 30 years and patients trusted me to help them. Activity director for nursing home clients, habitat for humanity, meals on wheels, support group for interstitial cystitis patients, training dental assistance, manger of dental offices.