RESOLUTION 17-R-29

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, AMENDING THE CITY'S PERSONNEL POLICY MANUAL UPDATING SECTION III (QUALIFICATIONS AND ELIGIBILITY FOR HIRE); SECTION IV (PAY AND BENEFITS); SECTION V (PAID TIME OFF BENEFITS); AND SECTION IX (PROHIBITED CONDUCT) AND PROVIDING FOR RELATED MATTERS THERETO; ESTABLISHING AN EFFECTIVE DATE; AND SETTING FORTH OTHER MATTERS

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;

WHEREAS, Resolution 16-R-10 adopted the Personnel Policy Manual; and

WHEREAS, the Personnel Policy Manual outlines procedures and guidelines for employees; and

WHEREAS, the City Council of the City of Alvin desires to amend the Alvin Personnel Policy Manual by amending Sections III, IV, V, and IX; NOW, THEREFORE,

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 resolved by the City Council of the City of Alvin, Texas and made a part hereof for all purposes and findings of fact.

Section 2. Proceedings. That the attached Exhibit A is hereby adopted and incorporated thereof.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is 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, *Chapter 551, Tex. Gov't Code.*

AND, IT IS SO RESOLVED.

PASSED AND APPROVED on this the _____day of _____, 2017.

CITY OF ALVIN, TEXAS **ATTEST:**

By: _____ By: _____

Paul A. Horn, Mayor Dixie Roberts, City Secretary

Style Definition: PPM 3

PERSONNEL POLICY MANUAL

For The

CITY OF ALVIN, TEXAS

Adopted by the City Council

On the

~~19th~~ 7th Day of ~~May,~~December ~~2016~~ 2017

& revised ~~?~~ ___day of ~~July~~November~~,~~ ~~2016~~2017

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"D" Vehicle Policy Certificate of Receipt

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 polices 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~~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 age, race, religion, sex, gender, color, national origin, citizenship, disability, veteran's status,~~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. As part of a comprehensive recruitment strategy, it is the policy of the City of Alvin to encourage its own employees to assist with the recruitment of new employees. All applicants shall receive equal consideration without regard to age, race, religion, sex, gender, color, national origin, citizenship, disability, veteran's status or any other characteristic protected by law.~~race, religion, sex, marital status or disability~~. To reward employees for referring qualified candidates who subsequently are hired and successfully complete their departmental probation, the City of Alvin will compensate the referring employee $250 (in accordance to IRS code) for each successful referral made in accordance with the following provisions:

1. For each qualified candidate referred, the referring employee must complete and submit an Employee Referral Form to Human Resources~~?~~. Referral forms will not be accepted after a candidate has been offered an interview.

2. Every City of Alvin employee is eligible to receive the $250 referral pay with the exception ~~of those~~of those actually involved in the hiring process, the City Manager, and the Human Resource department.

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3. The referring employee and the referred employee must still be employed by the City of Alvin at the time of payment.

4. Every City of Alvin employee is eligible to earn the bonus except those actually involved in the hiring process, Human Resource and the City Manager.

~~C.~~E. The recruitment method for vacant director level positions may be determined by the City Manager on a case by case basis.

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~~D.~~F. 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.

~~E.~~G. 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.

~~F.~~H. 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	2nd Degree	3rd Degree	First Degree	2nd Degree
Child or Parent	Grandparents Grandchildren Brother or Sister	Aunt Uncle Niece Nephew Great Grandparents Great Grandchildren	Spouse Mother-in-Law Father-in-Law Son-in-Law Daughter-in-Law Stepson Stepdaughter Stepmother Stepfather	Brother-in-Law Sister-in-Law Spouse's Grandparent Spouse's Grandchild Grandchild's Spouse Spouse of Grandparent

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:

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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.

1. 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.

2. 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.

3. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City.

4. 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).

5. 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 endorse~~s~~ 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. It is the endeavor of the City to promote and encourage the health and well-being of employees. As a result, each year ten (10) wellness hours will be granted to full-time employees for preventive care, including medical wellness checkups, annual medical exams, vision and dental exams. The following are general guidelines:

- Ten (10) wellness hours will be available to eligible employees on January 1 of each year.
- Unused wellness hours will be forfeited on December 31 of each year.
- Wellness hours are available for use upon date of hire of full-time employees.
- Employees will not receive payment or pay-out for unused wellness hours at termination or separation from employment with the City.
- Supporting documents attesting to the completion of the preventative wellness, vision and dental exams may be required at the discretion of the supervisor or Department Head.

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C. 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.

D. 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.

E. 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.

F. 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 may ~~or may not~~ be required to carry out their normal job duties or other preassigned emergency response tasks. In some ~~cases~~cases, City employees may be called into service to work jobs, locations, and/or hours other than normally assigned. 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 are focused on life-safety, incident stabilization, and property conservation ~~of critical service~~;~~s~~, and all regular City services ~~are~~ may be suspended. This period begins when the City is closed for normal business and ends when the City Manager declares the continuance of normal operations. ~~forty-eight (48) hours after impact of the known disaster.~~

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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 a~~n~~ emergency, Department Heads~~Directors~~ shall designate "emergency essential" and "emergency non-essential" personnel. All personnel shall be advised of their status as of May 1st of each year. An individual employee's status may change, as the needs of the City change during the emergency, or at the discretion of the Department Head.~~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 Directors 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 or respond in the event of emergency conditions and be available immediately before (Pre-Impact), during (Emergency Period), ~~the forty-eight (48) hour emergency period,~~ and/or after the disaster or emergency condition (Post Impact/Recovery), ~~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. All City employees are to return to work after the Mayor or designee declares it safe to do so. 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.

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

1. During declared emergency status, the City will pay "emergency essential" employees who work during the declared emergency at their overtime rate (1.5x) for all hours worked during the declared emergency. Once the City Manager declares it safe for all employees to return to work, the employees will be paid according to the normal pay policy. Being on call or off shift is not considered time worked. Nothing herein shall be confused to affect the exempt status of such employees. 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.~~

3. ~~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.~~

3. The City Manager may authorize "emergency essential" exempt employees to be compensated for hours worked assisting other jurisdictions or agencies in accordance with a signed Memorandum of Agreement (MOA).~~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 Directors

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 director'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 supervisor**s** 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.

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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:

1. 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.

2. 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).

3. 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:

1. 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.

2. Any employee who remains absent from work after exhausting his/her FMLA time, may request an extension of leave or other reasonable accommodation. This request shall include appropriate documentation of the employee's need for accommodation. The City may terminate an individual's employment if no reasonable accommodation allows their return to the performance of the essential functions of their job within a reasonable period of time. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

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:

New Year's Day	January 1
New Year's Day Holiday	Day before or after Jan. 1
Martin L. King Birthday	Third Monday in January
Presidents' Day	Third Monday in February
Good Friday	Thursday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Holiday	Wednesday before Thanksgiving
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25th
Christmas Day Holiday	Day before or after Christmas only

Floating Holiday	Date is at the 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 6th, 15th and 20th years of service.

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

Anniversary Date in Calendar Year	**Vacation Benefit as of Anniversary Date of Calendar Year**
1st through 5th years	80 hours (2 weeks)
6th through 14th years	120 hours (3 weeks)
15th through 19th years	160 hours (4 weeks)
20th 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 30th 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~~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 Manger's decision will be final.

RULE 26. BEREAVEMENT LEAVE

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~~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 Director will notify the City Manager within thirty (30) days of the anticipated retirement. Said Department Director 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). 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~~publicly accessible third-party sites should notify their Departmental Director and/or Public Information Officer.

3. When responding to information posted on a ~~publically~~publicly 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

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 Directors shall confirm that an employee or applicant has demonstrated the ability to operate vehicles and special equipment in a safe and competent manner by requiring the employee to operate the equipment to the satisfaction of his/her supervisor. Training will be conducted for those individuals who cannot satisfactorily operate such equipment. Under no circumstances shall an unsupervised employee be allowed to operate a vehicle or piece of equipment for which he or she is untrained or unqualified.

2. Employees who are required to operate vehicles as part of their job descriptions or normal duties shall attend a Defensive Driving Course (DDC) as soon as possible after employment and every three (3) years thereafter. Each department will maintain driver records and budget for completion of DDC courses.

3. All City drivers shall wear safety belts when any vehicle is in motion and require all occupants (including back seat passengers) of the vehicle to do likewise. This Section applies to motor vehicles, other than motorcycles, as those terms are defined by 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 Directors 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 Director 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 Director prior to the employee being allowed to take a City vehicle home. The Department Director 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. 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.

D. 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 Director or his/her designee.

E. Long Term Assignments

1. 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 Director or designee.

F. Call Out Status Groupings. Employees/volunteers shall be grouped into one of the following categories:

1. Administrative Call Status

a. Fire Chief

b. E.M.S. Director

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

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c. On-Duty E.M.S. Personnel

d. Police K-9 Officers

e. Police Victim Liaison Officer

f. Police Crime Prevention Officer

g. Police Tactical Officer

G. 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 were 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~~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.

H. 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.

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

J. Ten (10) and Five (5) Mile Map for Authorized Take Home Vehicles

RULE 41. 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 42. 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 43. 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 44. 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 45. 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 46. 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 47. 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.

~~1.~~**L.** Smoking and Tobacco Use. Smoking and tobacco use is defined as the smoking, vaping or use of any tobacco products, including but not limited to cigarettes, cigars, spit, ~~and~~ smokeless tobacco, chew, snuff, ~~snus,~~ electronic cigarettes, and other non-FDA approved nicotine delivery devices.

~~2.~~**1.** Smoking and other tobacco use by employees is prohibited in all City owned and operated vehicles~~.~~, and only allowed in designated areas near city buildings.

2. In addition to the above prohibitions, smoking and tobacco use is also prohibited in the following areas:

a. Within 25 feet from any doorway, entryway or window of any City building.

b. Within 25 feet of a fuel storage facility.

~~L.~~**M.** 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.

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RULE 48. DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES

A. Employees/Applicants Subject ~~To~~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. 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. Use Following ~~An~~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~~another 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 49. 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 50. 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 51. 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~~shift day) 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. Fraternization. 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 52. 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 53. DEFINITIONS

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

HRM – refers to the 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:

Public Access Election	**"Yes"**	**"No"**
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 39 – 43, 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