



CITY OF DECATUR PERSONNEL POLICY

TABLE OF CONTENTS

<u>1. POLICIES</u>	10
1.1 Amendment of Policies	10
1.2 Application of Policies	10
<u>2. MANAGEMENT AUTHORITY</u>	10
2.1 Management Authority	10
2.2 Departmental Policy and Procedural Requirements	10
2.3 Miscellaneous	11
<u>3. OBJECTIVES</u>	11
<u>4. AT-WILL EMPLOYMENT</u>	11
<u>5. EQUAL EMPLOYMENT OPPORTUNITY</u>	11
<u>6. RECRUITMENT AND SELECTION</u>	12
6.1 Applications	12
6.2 Hiring Process	12
6.3 Disqualification	12
<u>7. NEPOTISM</u>	13
7.1 Applicants	13
7.2 Promotion	13
7.3 Reorganization	13
7.4 Other Restrictions	13
7.5 Marriage, Co-habiting or Domestic Partnerships of Current Employees	14
7.6 Grandfather Clause	14
7.7 Periodic Review	14
7.8 Application of the Policy	14
<u>8. VALID TEXAS DRIVER LICENSE</u>	15
<u>9. AMERICANS WITH DISABILITIES ACT</u>	15
<u>10. EMPLOYMENT STATUS</u>	15
10.1 Orientation Period	15
10.2 Probation Period	15
10.3 Regular Full-time	16
10.4 Regular Part-time	16

10.5	Temporary/Seasonal	16
10.6	Exempt/Non-exempt	16
11.	<u>DRESS AND GROOMING STANDARDS</u>	16
11.1	General	16
11.2	Policy	16
11.3	Application	16
11.4	Formal Business Dress Policy	17
11.5	Business Casual Dress Policy	17
11.6	Uniformed Dress Policy	17
11.7	Department Directors Discretion	17
12.	<u>DRUG AND ALCOHOL USE POLICY</u>	18
12.1	Prohibition of Alcohol and Illegal and Unauthorized Drugs	18
12.2	Prohibition of Alcohol and Illegal and Unauthorized Drug-related Paraphernalia.....	18
12.3	Permissive Use of Prescribed and Over-the-counter Drugs	18
12.4	Fire and Police Department Employees	19
12.5	Mandatory Disclosure by Employees	19
12.6	On-call Employees	19
12.7	Mandatory Reporting of Arrests and Convictions	19
12.8	Off-duty Conduct	19
12.9	All Searches	19
12.10	Rehabilitation/Treatment	19
12.11	Policy Violations	20
12.12	Testing	21
13.	<u>EMPLOYEE ASSISTANCE PROGRAM (EAP)</u>	22
14.	<u>OUTSIDE EMPLOYMENT</u>	23
14.1	Written Authorization Required	23
14.2	Outside Jobs Coordinated through the Fire and Police Department	23
14.3	Prohibited Activities	23
14.4	Workers' Compensation Coverage	23
14.5	Outside Employment While on Leave Prohibited	23
15.	<u>ATTENDANCE AND WORK HOURS</u>	23
15.1	Regular Work Hours	23
15.2	Adjustment to Work Hours	23
15.3	Attendance Records	24
15.4	Attendance Punctuality	24
15.5	Breaks	24

15.6 Supervisor Responsibility	25
15.7 Practices Not Permitted	25
15.8 Telephone Contact	25
15.9 Inclement Weather/Emergency Closing	26
16. <u>ON-CALL & CALL BACK COMPENSATION</u>	26
16.1 Return to Work Provisions	26
16.2 Compensation	27
16.3 Departmental Policies	27
17. <u>PAID QUARANTINE LEAVE POLICY</u>	27
17.1 Definitions	27
17.2 Quarantine Leave	28
17.3 No Reduction in Compensation and Benefits	28
18. <u>FAMILY AND MEDICAL LEAVE</u>	28
18.1 Policy	28
18.2 Procedure	28
19. <u>BEREAVEMENT LEAVE</u>	32
20. <u>JURY DUTY</u>	33
21. <u>VOTING LEAVE</u>	33
22. <u>COMPENSATION PLAN</u>	33
22.1 Compensation for Classified Positions	33
22.2 Amendments to Plan	33
22.3 Overtime Compensatory time and Time Management	34
22.4 Non-exempt Employees	34
22.5 Compensatory Time	35
22.6 Payment of Compensatory Time	35
22.7 Flex-time Work Schedule	35
22.8 On-call and Call Back Provisions	36
22.9 Promotions	36
22.10 Certification Pay	37
22.11 Bilingual Pay	40
22.12 Longevity Pay	40
22.13 Exempt Employees	41
23. <u>PAYROLL DEDUCTIONS</u>	41
23.1 Authorized Payroll Deductions	41

<u>24. HOLIDAYS</u>	42
24.1 Holidays	42
24.2 Scheduling of Holiday	42
24.3 Employees required to work on a Holiday	42
24.4 Employees Scheduled "Off Duty" on a Holiday	43
24.5 Nonexempt Emergency Personnel Called Back on a Holiday	43
24.6 Ineligibility for Holiday Pay	43
24.7 Holiday Occurring During PTO Leave	43
24.8 Separating Employees	43
24.9 Paid Leave Status	43
24.10 Floating Holiday	43
24.11 Other Religious Holidays	43
24.12 Holiday Pay during Workers' Compensation Leave	43
<u>25. PTO LEAVE</u>	44
25.1 Use and Scheduling of PTO Leave	45
25.2 Maximum Accruals	45
25.3 Compensation for PTO Leave	46
25.4 Definitions	46
25.5 Eligibility	46
25.6 Authorized Use of PTO Leave	46
25.7 Minimum Increments	46
25.8 Failure to Report Absence/ Abuse of PTO Leave	46
25.9 Use of Other Leave	46
25.10 Documentation	47
25.11 Family and Medical Leave Act Leave	47
25.12 Payment for Unused PTO Leave	47
25.13 Donation of Leave	47
<u>26. SICK</u>	48
26.1 Eligibility	48
26.2 Authorized Use of Sick Leave	48
26.3 Minimum Increments	48
26.4 Failure to Report Absence/Abuse of Sick Leave	49
26.5 Other Employment during Sick Leave	49
26.6 Use of Other Leave	49
26.7 Documentation	49
26.8 Family and Medical Leave Act	50
26.9 Payment for Unused Sick Leave	50

<u>27. INSURANCE</u>	50
<u>28. CONFIDENTIALITY OF MEDICAL INFORMATION</u>	50
<u>29. HEALTH/MEDICAL EXAMINATIONS/FITNESS FOR DUTY</u>	51
29.1 Serious Health Condition/Disabilities	51
29.2 Medical Exams for Current Employees	51
29.3 Medical Information from an Employee's Doctor	51
29.4 Genetic Information	51
29.5 Medical Records	52
29.6 Return to Work/Fitness for Duty	52
29.7 Time Off From Work	52
<u>30. MODIFIED DUTY ASSIGNMENTS</u>	52
<u>31. COMMUNICABLE DISEASE POLICY</u>	53
31.1 Definition	53
31.2 Employee Guidelines	53
<u>32. GROUP HEALTH CONTINUATION COVERAGE</u>	54
<u>33. EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION</u>	54
33.1 Progressive Discipline	54
33.2 Documentation	55
33.3 Supervisory Responsibility	55
33.4 Appeal Rights	56
33.5 Prohibited Activities	56
33.6 Disciplinary Meeting	57
33.7 Administrative Leave	57
<u>34. TRAVEL</u>	57
34.1 Transportation	57
34.2 Travel Approval and Cash Advances	57
34.3 Lodging	58
34.4 Meal Allowance	58
34.5 Internet Expense	58
34.6 Request for Reimbursement and unexpended funds	58
34.7 Travel to Training	59
34.8 Expenses Not Covered in Policy	59
34.9 Mileage Reimbursement	59
34.10 Auto Allowance	59
34.11 Compliance	59

<u>35. HARASSMENT</u>	59
35.1 The City prohibits any form of "Harassment" as defined in this Policy	59
35.2 Mandatory Reporting	60
35.3 Investigation	60
35.4 Retaliation Prohibited	60
35.5 Responsive Action	60
<u>36. WHISTLEBLOWER</u>	61
<u>37. OFFICIAL COMPLAINTS</u>	61
<u>38. APPEALS</u>	62
3.1 Eligibility	62
38.2 Definitions	62
38.3 Unlawful Discrimination Complaint	62
38.4 Procedures	63
38.5. Rules of Appeal Processing	63
38.6 Freedom from Reprisal	64
<u>39. TECHNOLOGY</u>	64
39.1 Cell Phone Use in the Workplace	64
39.2 Public Information Act	64
39.3 Monitoring of Cell Phone Calls	65
<u>40. ACCEPTABLE USE POLICY</u>	65
40.1 Good Judgement	65
40.2 Personal Use of City Equipment	65
40.3 Cyber Training	65
40.4 Personal Responsibility for System Accounts	66
40.5 Computing Assets	66
40.6 Privacy Restrictions	66
40.7 Copyright Restrictions	67
40.8 Acceptable Uses	68
40.9 Unacceptable Uses	68
40.10 Electronic Communications Restrictions	68
<u>41. SOCIAL MEDIA</u>	69
41.1 Policy	69
41.2 Employee Guidelines	70
41.3 Employee Guidelines	70
<u>42. CONFLICT OF INTEREST, SOLICITATION AND ACCEPTANCE OF GIFTS</u>	71
42.1 Conflict of Interest	71

42.2 Solicitation and Acceptance of Gift	72
<u>43. CITY PROPERTY/EQUIPMENT USE</u>	<u>72</u>
43.1 Personal Use Prohibited	73
43.2 Tobacco Use Prohibited	73
43.3 Take Home Vehicles	73
43.4 Use of City Vehicles	73
43.5 Personal Property	74
<u>44. EMPLOYEE SAFETY</u>	<u>74</u>
44.1 Workplace Accident Reporting	76
44.2 Accidents Involving City Equipment or Vehicles	76
44.3 Occupational Disability or Injury Leave (Worker's Compensation)	77
<u>45. WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY</u>	<u>78</u>
45.1 Zero Tolerance	79
45.2 Weapons Banned	79
45.3 Mandatory Reporting	79
45.4 Protective Orders	79
45.5 Confidentiality	79
45.6 City Property	79
45.7 Documentation	80
45.8 Policy Violations	80
<u>46. ARRESTS, CONFINEMENTS AND INDICTMENTS</u>	<u>80</u>
46.1 Procedure	80
<u>47. POLITICAL ACTIVITY</u>	<u>81</u>
<u>48. PERFORMANCE EVALUATION SYSTEM</u>	<u>81</u>
48.1 Schedule	81
48.2 Supervisor Responsibilities	82
48.3 Director of Human Resources Responsibilities	82
48.4 Employee Responsibilities	82
<u>49. SEPARATIONS</u>	<u>83</u>
49.1 Resignations	83
49.2 Retirements	83
49.3 Dismissal/Terminations	83

<u>50. RETIREMENT</u>	84
<u>51. EXIT INTERVIEWS</u>	84
<u>52. TELECOMMUTING</u>	84
52.1 Eligibility for Short-term Telework	85
52.2 Successful Telework Program Guidelines	85
52.3 Roles and Responsibilities	85
52.4 Prohibitions	86
52.5 General Assertions	86
52.6 Requirements	87
52.7 Work Location and Hours	88
52.8 Secure Access and Compliance with Record Retention	88
52.9 Hardware, Software and Supplies	86
52.10 Continuous Workday Rule	89
52.11 Liability Disclosure	90
52.12 Enforcement	90

1. POLICIES

1.1 Amendment of Policies

Amendments to the Employee Handbook must be approved by the City Manager or resolution of the City Council. The City Manager is responsible for the implementation of the personnel policies.

This handbook has been approved by the City Council of the City of Decatur. Amendments of substance require approval by the City Council.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Decatur supervisor is authorized to modify this handbook for any employee or to enter into any employment agreement, oral or written.

1.2 Application of Policies

The Handbook policies shall apply 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. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time.

2. MANAGEMENT AUTHORITY

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

2.1 Management Authority. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations.

2.2 Departmental Policy and Procedural Requirements. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. All employment related department policies must be reviewed by the Director of Human Resources. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy. Policies and procedures that are operational and that do not relate to those in this handbook, or

other approved operational manuals, do not need to be reviewed and approved by the Director of Human Resources or other appropriate departments. All others, however, are subject to approval by the Human Resource Department.

2.3 Miscellaneous. These policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Council must be contained in an express written employment contract signed by both the City Manager and the affected employee.

3. OBJECTIVES

The objectives of the personnel policies are as follows:

To promote best practices and administration in managing the City's human resources;

To develop a program of recruitment, advancement and tenure, that makes municipal employment attractive as a career and encourage each employee to render the employee's best services to the citizens of the City;

To provide compensation based upon individual merit and the relative duties and responsibilities of positions in the service of the City; and

To promote high morale by the consistent administration of these policies.

4. AT-WILL EMPLOYMENT

Employment with the City has no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this Handbook is intended to alter the continuing at-will status of employment with the City. Nor is it intended to give specific guidelines for every conceivable personnel interaction, but rather to be a guide. These guidelines are sufficiently broad to provide a latitude of discretion which may be needed in individual situations.

5. EQUAL EMPLOYMENT OPPORTUNITY

The City of Decatur is an equal opportunity employer. The City does not discriminate against qualified applicants and its employees in its employment policies and its access to its services and programs on the basis of race, religion, sex, sexual orientation, age, national origin, disability, genetics or veteran status or any other characteristic protected by applicable law.

6. RECRUITMENT AND SELECTION

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, 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.

Recruitment Requirements. The recruitment process is initiated by a Department Director submitting a written request to fill a vacancy of a budgeted position to the Director of Human Resources.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Director of Human Resources, along with the applicable Hiring Request form located on the City of Decatur website: <https://decaturnt.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms. The Director of Human Resources will extend offers for City employment, upon receipt of the hiring recommendation and all related paperwork.

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

6.1 Applications. Anyone seeking employment, promotion, or reemployment with the City must complete and submit an official City application for the position desired. Current City employees must complete a Transfer form located on the City of Decatur website: <https://decaturnt.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms. 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 reviewed and considered by the Director of Human Resources and forwarded to the supervisor for the vacant position. Applications submitted without solicitation will be retained for 6 months.

6.2 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, which includes drug and alcohol screening and a background check. Certain positions, such as public safety positions may be required to submit to pre-employment testing and investigation.

6.3 Disqualification. Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and were involuntarily terminated, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;

- Failure to meet minimum age requirement depending on the department (for permanent, non-seasonal positions);
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug/alcohol testing and background check;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States; or
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation.

7. NEPOTISM

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that:

7.1 Applicants.

Under no circumstances will an applicant be employed in a department in which the employee may be directly supervised by a member of the employee's immediate family. Immediate family includes spouse, parents, children, brother or sister.

7.2 Promotion.

A promotion which results in the employee becoming the direct supervisor of an employed family member will require the subordinate employee to immediately tender written, conditional resignation. The candidate will not be formally considered for the proposed promotion until that occurs. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect. Every reasonable effort will be made to find another position within the organization to accommodate a transfer.

7.3 Reorganization.

A reorganization which results in the employee becoming the direct supervisor of an employed family member will require the subordinate employee to tender resignation. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect. Every reasonable effort will be made to find another position within the organization to accommodate a transfer.

7.4 Other Restrictions.

The following restrictions apply on the employment of any relative, including those defined as family members under this policy:

- No employee in the relationship will supervise, review or process the work of the other;

- The employees' relationship must not create a conflict between employees/ City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee). In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

7.5 Marriage, Co-habiting or Domestic Partnerships 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 section 7.1, 7.2, 7.3 and 7.4 of this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets all other requirements of section 7 of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

7.6 Grandfather Clause.

The City is aware that, as of the effective 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 policy, meaning they will be permitted to continue their employment with the City as long as they are not supervised by a family member and there is no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

The above "grandfathered" provision is limited to family relationships as they exist as of the effective date of this policy. 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 policy.

7.7 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 section 7 of this policy. 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 policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

7.8 Application of the Policy.

This policy applies to all full-time, part-time and temporary seasonal employees of the City.

8. VALID TEXAS DRIVER LICENSE

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City. Employees with a valid out-of-state driver license will have 90 days from the hire date to present a valid Texas Driver License.

Driving records will be checked prior to employment and periodically throughout the course of employment for cause. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. More than three (3) moving traffic violations in a 36-month period is considered excessive and will result in failure to hire in the case of prospective employees, and will likely result in removal from driving responsibilities which could result in loss of job, and/or disciplinary action, up to and including termination, of an active employee. In certain instances, two (2) moving traffic violations in a one (1) month period may also be considered excessive. The Police and Fire Departments may have stricter standards imposed.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license. Positions requiring a CDL require the employee to obtain the CDL within one year of employment. No employee may operate a vehicle or equipment without the appropriate licensing required by state law.

9. AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act (ADA), the City offers equal employment opportunities to, and strictly prohibits discrimination against, qualified individuals on the basis of disability.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form located on the City of Decatur website: <https://decaturntx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms. Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

10. EMPLOYMENT STATUS

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

10.1 Orientation Period. A full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. Newly hired employees are subject to progressive levels of discipline and are not eligible to use the City's Employee Appeals Policy during the Orientation Period.

10.2 Probation Period. Newly hired employees and employees promoted or transferred will complete a 90-day probation period.

10.3 Regular Full-time. An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Fire and Police shift personnel who have different work cycles), who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular employee classified as full-time are required to participate in the Texas Municipal Retirement System (TMRS).

10.4 Regular Part-time. An employee in a budgeted position, with an officially scheduled work week of 20 or more hours but less than 30 hours, who has successfully completed 6 months of active service with the City.

10.5 Temporary/Seasonal. An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Director of Human Resources. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits. Temporary/Seasonal part-time employees may be scheduled for work week(s) in excess of 30 hours.

10.6 Exempt/Non-exempt. In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written determination by the Director of Human Resources.

11. DRESS AND GROOMING STANDARDS

11.1 General. The City of Decatur desires to project a positive and professional image of employees, who after all, represent the City. Employees are expected to dress in a conservative, professional manner that is appropriate to their position and to observe good habits of grooming and personal hygiene. Presenting a professional image creates a favorable impression for the City, promotes confidence in the services it provides, promotes respect among co-workers, and encourages higher working standards. Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.

11.2 Policy. The Department Director shall determine which dress standard applies, to maintain acceptable dress and appearance. Employees may be held to different standards, depending upon their work assignment. This policy provides guidelines for appropriate appearance, uniform, and grooming of employees.

11.3 Application. This policy always applies to all employees. An employee who is in doubt as to which dress standard applies should contact his or her supervisor. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

11.4 Formal Business Dress Policy. Professional business attire shall be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel when:

- Duties involve constant contact with the public where more formal business dress is appropriate or desired;
- Representing the city during formal presentations, City Council, Board and Commission meetings, or attending community meetings;
- Representing the City in appointments outside the city offices; or
- At professional association meetings, when appropriate.

11.5 Business Casual Dress Policy. Business casual dress allows the employee to dress in a neat and professional appearance but is considered less formal than the formal business dress standard. Generally, staff who work indoors or in an office should wear business casual dress, unless the formal business dress is more appropriate or provided an exemption by the City Manager or designee. Department Directors and supervisors are responsible for ensuring the business casual dress standard is adhered to maintain acceptable dress and appearance. The following standards apply to employees subject to the business casual dress policy:

1. Neckties are not required. However, if an employee is conducting or attending meetings where they come into contact with other business professionals, the employee is expected to represent the City in a professional manner and dress appropriately for conducting such business and may be required to wear a necktie.
2. Items of apparel that are considered inappropriate business attire and which are not allowed during standard business hours, unless they are part of an approved uniform, include:
 - Provocative or revealing attire,
 - Wrinkled, ripped, torn, tattered or soiled clothing;
 - Sweats or apparel traditionally worn for exercise workouts;
 - Thong (or flip-flop) sandals or other casual footwear such as Crocs.
 - Employees may not have visible tattoos which could be deemed offensive. Also prohibited are nose rings/studs, eyebrow rings/studs, tongue studs or similar types of facial jewelry. These items should be concealed or removed during work days.

11.6 Uniformed Dress Policy. Department Directors shall determine which positions are required to wear uniforms and shall establish uniform standards for each.

11.7 Department Directors Discretion. This policy does not cover all potential appearances and grooming issues and any extreme clothes, hairstyles, facial hair or jewelry are not permitted. Department Directors are expected to use discretion in maintaining the professional image of the department. The Department Director should provide a copy of any departmental dress and grooming standards to each of its employees.

12. DRUG AND ALCOHOL USE POLICY

It is the desire of the City to provide an alcohol and 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.

12.1 Prohibition of Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other City 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 in 12.3 and 12.4), illegal drugs or inhalants, including drugs which are legally obtainable but which were not legally obtained, and/or prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

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. 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 use of alcohol. 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. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 Blood Alcohol Content (BAC) or higher) may be disciplined, up to and including termination.

12.2 Prohibition of Alcohol and 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.

12.3 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 so long as it does not impair an employee's ability to perform the essential functions of their job, including operating a vehicle, use of City property or equipment, effectively and in a safe manner that does not endanger the employee, citizens or other individuals. More stringent definitions and requirements apply to

the Fire and Police Departments. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, and/or disorientation.

12.4 Fire and 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 Fire and Police Department operating procedures.

12.5 Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the City 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 as described in 11.3.

12.6 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, and 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 alcohol or has a presence in the system of drugs, 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.

12.7 Mandatory Reporting of Arrests and Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of nolo contendere) or deferred adjudication, whether on or off-duty, no later than twenty-four (24) hours after the arrest and/or conviction.

12.8 Off-duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

12.9 Searches. All searches must be authorized and conducted under the direction of the Director of Human Resources and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination. The City may conduct unannounced searches for illegal drugs, and/or drug paraphernalia and/or alcohol in City facilities and/or on City property. Entering the City's property constitutes consent to searches. Employees are expected to cooperate in the conducting of such searches. The City will inform the employee that they may request objective oversight during a search (i.e., disinterested witness).

Searches of employees' personal property which includes, but is not limited to, briefcases, desks, work areas, lockers, and vehicles (while on City property) may be conducted when there is reasonable suspicion to believe that an employee is in violation of this Policy and/or when circumstances and/or workplace conditions justify them.

An employee's consent to a search of their work area is required as a condition of continued employment.

Drugs discovered on City property will be turned over to the appropriate law enforcement agency. Any action taken by law enforcement agencies will be completely independent of this Policy.

12.10 Rehabilitation/Treatment. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.

1. 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.
2. 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.
3. During time off for a City-approved rehabilitation or treatment program, the employee must use any available PTO leave, compensatory time off, or other accrued paid leave time.
4. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the 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:
 - Initial negative test for drugs and/or alcohol before returning to work;
 - A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - 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;
 - 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;
 - The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources

to discuss the terms of continued employment and sign a formal agreement before returning to work.

12.11 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 and Fire Departments 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 Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

12.12 Testing. 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 with the City.

Testing of Employees.

- 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. The City may conduct random testing on employees holding safety-sensitive positions.
- Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- For purposes of this policy, reasonable suspicion is a belief based on articulable observations including but not limited to (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).
- Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
- 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.
- 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.

Testing Procedures.

- All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with 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 the supervisor 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 observations.
- 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 the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing. Failure of the supervisor to ensure the employee completes a post-accident or "near miss" incident will result in disciplinary action up to and including termination of the supervisor.
- 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.
- 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 Director of Human Resources; 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.

13. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City's Employee Assistance Program (EAP) is available to provide assistance to employees who may be experiencing personal or family problems with alcohol or drug abuse, financial burdens, marital or other family problems. All employees who feel they may have an alcohol or drug problem are encouraged to utilize the program's resources before the problem adversely affects their performance or employment status. Participation in this program is typically voluntary and confidential. However, a supervisor may make a mandatory referral when some aspect of an employee's personal life negatively affects his or her performance on the job. Upon a mandatory referral, the employee may be required to sign a release authorizing the counselor to provide an update to the supervisor or Human Resources regarding the employee's progress.

14. OUTSIDE EMPLOYMENT

14.1 Written Authorization Required. City employees may engage in outside employment provided they receive prior written approval from their Department Director. The employee will also need to sign an outside employment agreement.

14.2 Outside Jobs Coordinated through the Fire and Police Department. Firefighters and Police officers authorized to work part-time jobs coordinated by and through the City's Fire and Police Department must perform the outside employment in accordance with applicable Fire and Police Department procedures.

14.3 Prohibited Activities. Employees will not be permitted to engage in outside employment (including self-employment) or other activities that might discredit the City, result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance.

14.4 Workers' Compensation Coverage. Employees are not covered by the City's workers' compensation insurance while working on location for another employer.

14.5 Outside Employment While on Leave Prohibited. Approval for outside employment as set out in this policy does not authorize an employee on FMLA leave, PTO leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence, or on restricted or light duty to engage in any outside employment. Any exceptions must be expressly authorized in writing by the Department Director and the Human Resources Department, or if applicable, by the City Manager.

15. ATTENDANCE AND WORK HOURS

15.1 Regular Work Hours.

Nonexempt employees of the City, except for the Fire Department and Police Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. The work week begins at 12:00 a.m. o'clock on Monday, and ends at 11:59 p.m. o'clock on Sunday. Departments may submit a request to the City Manager for approval to permanently change the weekly schedule. If approved, the change made to the department's work week will be that schedule until a subsequent change is approved. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. For example, most nonexempt Fire Department personnel work a 24-hour shift every third day, based on a 27 day, 204 hour work cycle. In times of disaster or emergency, working hours shall be determined by the City Manager and Emergency Management Coordinator.

15.2 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. Employees are expected to 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 indicates that the employee will be available to do such work.

15.3 Attendance Records.

Employees are expected to be at their work stations and ready to work at their scheduled start time. Employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day. These hours will be recorded on the employee's timesheet, signed and turned in to their immediate supervisor for payroll processing. The Department Head or assigned designee will complete the department's consolidated payroll form and turn it in for payroll processing. The Department Head will review and sign the department's consolidated payroll form to approve the recorded hours for payroll processing. Exempt employees must record their days worked and accrued benefit time but do not have to record specific hours for regular work days.

15.4 Attendance 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 the supervisor by phone, text or e-mail as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The supervisor will instruct their employee as to the preferred method of notification. The employee must disclose to the supervisor whether the absence or tardiness is approved Family Medical Leave, or PTO leave and the date and time of anticipated arrival. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement. An employee who does not personally reach the supervisor by phone must leave a detailed message with the information described above.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee that fails to notify the supervisor for a period of absence for 24 hours or more may result in disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

15.5 Breaks.

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue.

1. **Rest Periods.** Employees may take rest periods for bathroom breaks and to get refreshments as time permits. Time spent on rest breaks of 20 minutes or less will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness. All rest periods are subject to departmental policy.
2. **Meal Periods.** Full-time employees (excluding most Police and Fire 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 paid meal breaks. Employees may not extend meal breaks beyond their assigned period. Some departments may elect not to take a paid meal period. If the department elects not to take a paid meal period, the Department Head should notify the Human Resource Director in writing. Emergency personnel will be on call while taking their meal period and paid for that time.
3. **Lactation Break.** Nursing mothers will be provided with reasonable unpaid break times to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs additional time beyond the usual lunch and break times, the employee may use PTO time, compensatory time or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

15.6 Supervisor Responsibility.

Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. An employee needing lactation breaks should provide a schedule to their supervisor and the supervisor should support the schedule as is reasonable. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

15.7 Practices Not Permitted. The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" break time from day to day;
- saving break time to extend lunch periods or shorten the scheduled work day; or
- Requesting compensatory time off or overtime pay for work performed during break period time.

15.8 Telephone Contact.

1. All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.
2. No reimbursement shall be made to the employee in addition to the phone allowance provided for the City's use of such employee's private telephone to contact the employee regarding work-related matters.
3. All employees must immediately notify supervision and Human Resources of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

15.9 Inclement Weather/Emergency Closing.

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to PTO or compensatory time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued PTO or compensatory time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager and Emergency Management Coordinator.

When weather or other conditions are such that the Police Chief reports to the City Manager and the City Manager and Emergency Management Coordinator declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "paid administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed, due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form, located on the City of Decatur website: <https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms, that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment. The Department Head will designate which employees are essential, and which employees are non-essential for operation of their department.

16. ON-CALL & CALL BACK COMPENSATION

(Nonexempt Employees)

The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are

expected to respond to departmental after-hour service needs as required by procedures established by their Department.

16.1 Return to Work Provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

16.2 Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of 2 hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2 hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their timesheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

16.3 Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed such as Fire and Police services

17. PAID QUARANTINE LEAVE POLICY

Statement of Purpose/Applicability.

Pursuant to Texas Local Government Code Section 180.008, the City of Decatur hereby adopts this paid quarantine leave policy for firefighters, peace officers, detention officers, and emergency medical technicians* who are employed by, appointed by, or elected to the city and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty..

(Ref. Tex. Loc. Gov't Code 180.008(b).)

17.1 Definitions:

- 1) "Paid quarantine leave" means: (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the city; and (2) if

applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.

- 2) "Peace officer" means police officers licensed by the Texas Commission on Law Enforcement and employed by the City of Decatur.
- 3) Detention officer: an individual appointed or employed by the City of Decatur and whose job responsibilities include the care and custody of individuals incarcerated in the municipal jail.
- 4) Emergency Medical Technician: an individual who is employed by the city and certified as an emergency medical technician under Chapter 773, Health and Safety Code.
- 6) Fire Fighter: a paid employee of the city's fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Texas Local Government Code; and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (x) fire arson investigation.
- 7) Health Authority: a physician appointed by the county to administer state and local laws relating to public health within the city's jurisdiction.

17.2 Quarantine Leave. A City of Decatur fire fighter, peace officer, detention officer, or emergency medical technician who is ordered to quarantine or isolate by the person's supervisor or the city's Emergency Management Coordinator due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave.

17.3 No Reduction in Compensation and Benefits

The City of Decatur will not reduce a fire fighter's, peace officer's, detention officer's, or emergency medical technician's PTO leave balance, PTO leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

18. FAMILY AND MEDICAL LEAVE.

18.1 Policy. In accordance with the Family and Medical Leave Act of 1993, an eligible employee may be entitled to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and/or has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after the birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition. Employees who are granted approval should not work during the approved FMLA leave period.

18.2 Procedure.

1. **Twelve Month Period.** The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.
2. **Employee Notification.** An employee must give at least thirty (30) days' advance notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.
3. **Department Notification.** Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid PTO or personal leave, or is out due to a work related injury. An employee using PTO leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department employees, or once the employee exceeds three (3) days, or two (2) or more shifts for Fire employees of PTO leave use.
4. **Human Resource Responsibility.** Human Resources is responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.
5. **Approval.** An employee shall submit a request for family and medical leave through proper channels to the Human Resource Department for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.
6. **Substitution of Paid Leave.** An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued PTO and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, PTO leave and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, PTO leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional PTO leave if permitted in accordance with the PTO leave policy. Once all applicable PTO leave has been used, the employee shall be required to exhaust all accrued PTO, compensatory time, holiday leave and any other accrued paid leave, prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued PTO leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

7. **Maximum Time Allowed.** The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.
8. **Medical Certification.** The City requires medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required every 30 days. An employee will be notified if recertification is required. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and not use genetic information for any employment decision or action.
9. Employees on an extended FMLA leave must check in every week by phone or email with the Human Resources Department or supervisor. If the employee checks in weekly with the supervisor, it is the responsibility of the supervisor to inform the Human Resources Department.
10. Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. An employee may be required to perform a functional capacity exam after a serious illness or injury. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.
11. **Return to Work.** When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.
12. **Effect on Married Couples.** If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.
13. **Continuation of Insurance Benefits.** While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

14. Intermittent Leave. When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.
15. Holidays. Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.
16. PTO. PTO leave will not accrue during leave of absence.
17. 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 Director of Human Resources and completing the necessary paperwork.
18. Recordkeeping. Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.
19. Exempt Employees. 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.
20. Definitions.
 - 12-Month Period: A rolling 12-month period measured backward from the date leave is taken.
 - 12-Month Service member Period: A single 12-month period measured forward from the first day Service member Family Leave is taken.
 - Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.
 - Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.
 - Next of Kin: The nearest blood relative of a Covered Service member.
 - Parent: A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.
 - Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical

care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

- Spouse: A husband or wife as defined or recognized under state or federal law for purposes of marriage, including common law marriage.

21. Military Family Leave Entitlement. Military Exigency Leave - Employees who are otherwise eligible for FMLA and have a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.
22. Military Caregiver Leave - Employees who are the spouse, parent, child or next of kin of a service member who incurred a serious injury or illness while on active duty in the Armed Forces and is undergoing medical treatment, recuperation or therapy, may take up to 26 weeks of leave to care for the injured service member in one 12-month period. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render him/her medically unfit to perform his/her duties.

19. BEREAVEMENT LEAVE.

The City provides employees serving their initial orientation period and regular full-time employees paid time off, up to a maximum of 3 work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as current spouse, son, daughter, father, mother, brother, sister, stepchild, stepmother, stepfather, mother-in-law, father-in-law, grandchild, grandmother, and grandfather.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as PTO, comp time or, if no PTO or comp time is available, as authorized leave without pay upon approval of the Department Director. All bereavement leave

time taken must be requested on the City's Leave Form located on the City of Decatur website: <https://decaturnt.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms.

Employees who wish to attend funerals for other than immediate family must use PTO, compensatory time, or unpaid leave.

20. JURY DUTY

The City provides paid leave to regular full-time and regular part-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. However, court appearances for testimony, investigation, and court preparation as a result of normal official duties as a City employee (e.g., police, fire, inspections, code compliance, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave.

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.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit the notice of jury duty, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

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, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

21. VOTING LEAVE

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon 30 days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to PTO, accrued compensatory time, or leave without pay for the period of time missed.

22. COMPENSATION PLAN

22.1 Compensation.

The City Council, as part of its annual budget process, will consider the allocation of funds for pay plan adjustments.

The Council may also consider the allocation of funds for additional raises (for example, to employees who have already reached the maximum pay range). Employees at the top of a pay range may be eligible for a base or pay plan adjustment, if authorized by the City Council.

Probationary employees are not eligible for pay increases. Any pay increase proposed outside of the annual budget process must be approved by the City Manager.

22.2 Amendments to Plan.

The compensation plan may be amended, as circumstances require, through changes recommended by the City Manager and approved by the City Council.

22.3 Overtime Compensatory Time and Time Management.

Overtime. Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are generally not paid overtime compensation. The City Manager and Emergency Management Coordinator have the discretion in case of a declared disaster, to authorize overtime pay for exempt positions which they have also deemed emergency essential.

22.4 Non-exempt Employees.

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.

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. On the employee's timesheet, the appropriate supervisor must also approve any overtime before the timesheet 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.

Generally, except for Fire Department shift employees, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12:00 a.m. on Monday and ends

at 11:59 p.m. the following Sunday.) An employee's regular hourly rate includes all pay incentives. Some Police and Fire personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

Paid PTO and leave are not included as hours worked for purposes of determining eligibility for overtime pay. Additionally, PTO 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.

22.5 Compensatory Time. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. At the Department Director's discretion, the employee may be given the option of electing paid overtime or comp time. Public safety -- i.e., police officers and fire fighters are subject to a 480 hour cap on accrual of compensatory time. Other employees are subject to a cap of 240 hours. Department policies may further outline the details of compensatory accruals. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time records.

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

22.6 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, except as may be otherwise provided. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate.

NOTE: Exempt employees are not eligible to earn and accrue compensatory time.

22.7 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. Flextime is a mutual arrangement in which the employee and

supervisor agree upon a non-traditional work schedule. (Example: An employee traditionally works 8-5 with a 1-hour lunch Monday -Friday. A flextime schedule might mean the employee works 7-3 with no lunch hours or 8-6 with a 2-hour lunch.) Flexing must be completed within the same workweek (or work cycle, if under the 207(k) exemption of FLSA) that the overtime was worked, and must be accurately reflected on the affected employee's time record.

22.8 On-call and Call Back Provisions.

1. **Nonexempt Employees.** The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.
2. **Return to work provisions.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.
3. **Compensation.** On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of 2 hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2 hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their timesheets.
4. **Exempt Employees.** Employees exempt from overtime are not eligible for compensation under the provisions of this policy.
5. **Departmental Policies.** Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

22.9 Promotions.

1. Open positions 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.

2. Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.
3. Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.
4. A promotion should not be deemed completed until an orientation period of 3 months shall have elapsed. Should a promoted employee not successfully complete the orientation 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.

22.10 Certification Pay

In addition to regular pay, certification pay is available to all certified employees as authorized by the City Council as follows:

CITY SECRETARY CERTIFICATION PAY

License	Amount	Pay Frequency
TRMCA- Texas Registered Municipal Clerk	\$75 per month	Annually
CMC- Certified Municipal Clerk	\$75 per month	Annually
Certified Records Manager	\$75 per month	Annually
MMC- Master Municipal Clerk	\$100 per month	Annually
Certified Administrative Professional	\$100 per month	Annually
Certified Public Manager	\$100 per month	Annually

CONFERENCE CENTER CERTIFICATION PAY

License	Amount	Pay Frequency
Food Handling	\$25 per month	Annually
Food Manager	\$50 per month	Annually

FIRE CERTIFICATION/EDUCATION PAY

Assignment	Amount	Pay Frequency
Intermediate Structure Firefighter	\$50 per month	Annually
Advanced Structure Firefighter	\$75 per month	Annually
Master Structure Firefighter	\$100 per month	Annually

INFORMATION TECHNOLOGY

License	Amount	Pay Frequency
Comp TIA A+ Certification	\$25 per month	Annually
Comp TIA Security	\$25 per month	Annually
Comp TIA Network + Level I	\$25 per month	Annually
CEH – CEH - Certified Ethical Hacker	\$50 per month	Annually
CEH – Certified Network Defender	\$50 per month	Annually
CEH – Certified Network Defense Architect Level II	\$50 per month	Annually
SonicWALL Security Administrator	\$75 per month	Annually
NetMotion Administrator Level III	\$75 per month	Annually
Microsoft Certified Professional	\$100 per month	Annually
Microsoft Certified System Engineer Senior Level IV	\$100 per month	Annually

INSPECTIONS CERTIFICATION PAY

License	Amount	Pay Frequency
Customer Service Inspector	\$50 per month	Annually
State Plumbing Inspector	\$75 per month	Annually
Combination Building Official Mechanical Certification	\$ 75 per month	Annually
Combination Building Official Electrical Certification	\$ 75 per month	Annually
Combination Building Official Plumbing Certification	\$ 75 per month	Annually
Combination Building Official Energy Certification	\$ 75 per month	Annually
Code Enforcement Certification	\$75 per month	Annually
Permit Technician Certification	\$ 75 per month	Annually
Chief Building Official Certification	\$ 100 per month	Annually

MAIN STREET CERTIFICATION PAY

Certification	Amount	Pay Frequency
Certified Main Street Manager	\$100 per month	Annually

MUNICIPAL COURT CERTIFICATION PAY

Certification	Amount	Pay Frequency
Level I	\$25 per month	Annually
Level II	\$50 per month	Annually
Level III	\$75 per month	Annually
Bilingual Pay	\$25 per month	Annually

PLANNING CERTIFICATION PAY

License	Amount	Pay Frequency
Geographic Information Systems Professional (GISP)	\$ 75 per month	Annually
Planner Certification	\$ 100 per month	Annually

POLICE CERTIFICATION/EDUCATION PAY

Certification	Amount	Pay Frequency
Intermediate Peace Officer/Intermediate Telecommunicator Certificate	\$50 per month	Annually
Advanced Peace Officer/Advanced Telecommunicator Certificate	\$75 per month	Annually
Master Peace Officer/Master Telecommunicator Certificate	\$100 per month	Annually

PUBLIC WORKS CERTIFICATION PAY

Admin Certification Pay

Texas Certified Contract Developer	\$50 per month	Annually
------------------------------------	----------------	----------

Parks Certification Pay

Irrigation and Pesticide License	\$100 per month	Annually
----------------------------------	-----------------	----------

Streets Maintenance Certification Pay

Class A CDL	\$100 per month	Annually
-------------	-----------------	----------

Class B CDL	\$75 per month	Annually
-------------	----------------	----------

Waterworks Certification Pay

Certification	Amount	Pay Frequency
Class A	\$100 per month	Annually
Class B	\$75 per month	Annually
Class C	\$50 per month	Annually
Class A CDL	\$100 per month	Annually
Class B CDL	\$75 per month	Annually

Wastewater Treatment Certification Pay

Certification	Amount	Pay Frequency
Class A	\$100 per month	Annually
Class B	\$75 per month	Annually
Class C	\$50 per month	Annually
Class A CDL	\$100 per month	Annually
Class B CDL	\$75 per month	Annually

Utility Maintenance Certification Pay

Certification	Amount	Pay Frequency
Class III	\$100 per month	Annually
Class II	\$75 per month	Annually
Class I	\$50 per month	Annually
Class A CDL	\$100 per month	Annually
Class B CDL	\$75 per month	Annually

EDUCATION PAY

Degree	Amount	Pay Frequency
Bachelor's	\$125 per month	Annually
Master's	\$150 per month	Annually

An employee eligible for certification should be paid only for the highest level of certification and education required beyond the hiring qualifications for their assigned position. The amount paid will be for the highest level of certification earned, not cumulative. An employee assigned responsibilities to more than one department will receive the highest level of certification pay according to their work assignment. All employee responsibilities and required certifications are listed in the job description. Certification pay is paid annually on the date of the first pay period in November.

22.11 Bilingual Pay

To accommodate the needs of our non-English-speaking citizens, the City will offer bilingual pay in the amount of \$600 per year, paid on an annual basis. To qualify for bilingual pay, the employee

must test verbally and in writing to assess proficiency in translation from English to the other language and the other language to English.

22.12 Longevity Pay

The City provides regular full-time employee's longevity pay, at the rate of \$5 per month for each full year of service, up to a maximum of 25 years, paid on an annual basis. Longevity pay begins after a regular, full-time employee has completed one year of service by the end of each fiscal year. Longevity is paid when budget allows for it on the first pay period in November.

22.13 Exempt Employees

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not generally entitled to overtime compensation for work performed beyond 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.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the Director of Human Resources. 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.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

23. PAYROLL DEDUCTIONS

23.1 Authorized Payroll Deductions.

1. Social security contributions;
2. Income withholding taxes;
3. Contributions to the Texas Municipal Retirement System;
4. Presently authorized medical insurance premiums;
5. Presently authorized "other insurance" premiums;
6. Credit union share or loan payment amounts;
7. United Way contributions;
8. Deferred compensation plan;
9. Direct Deposit authorized deductions
10. Child Support Orders
11. Garnishments
12. Authorized A/R deductions to reimburse the City for employee expenses.

NOTE: No other payroll deduction privileges are authorized at this time and no future payroll education privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

24. HOLIDAYS

The City provides paid holidays to employees serving in the initial orientation period, regular full-time employees. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day.....	January 1
Martin Luther King Jr.'s Day.....	Third Monday in January
President's Day.....	Third Monday in February
Memorial Day.....	Last Monday in May
Juneteenth.....	June 19th
Independence Day.....	July 4
Labor Day.....	First Monday in September
Veteran's Day.....	November 11
Thanksgiving Day.....	Fourth Thursday in November
Thanksgiving Friday.....	Fourth Friday in November
Christmas Eve Day.....	December 24
Christmas Day.....	December 25

*** September 11th shall be designated as Patriot Day in recognition of Fire and Police personnel and those lives lost on September 11, 2001.

24.1 Holidays. A holiday is a period of 8 hours, paid at the employee's regular rate, except for the Police, Street, Parks (for a portion of the year), Water, Wastewater and Utility Maintenance Departments, where the holiday is one shift. Firefighter employees shall receive annual holiday accruals of 6 shifts or 144 hours. The Fire Chief, Assistant Fire Chief and Fire Administration shall receive 8 hours for each holiday.

24.2 Observance of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday. Police and Firefighters will be scheduled off on the holiday whenever possible but many times will observe the holiday on another date. The Police Chief and Fire Chief are responsible for scheduling the holidays on another day of the same calendar year. Holiday hours will not be rolled over to the next calendar year.

24.3 Employees required to work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours for the holiday (one shift for the Street Department, Water Department, Wastewater Department, Utility Maintenance Department, Police Department personnel and $\frac{1}{2}$ shift for Fire Department personnel) at their regular rate of pay, in addition to the hours worked, at the employee's request and subject to the approval of the City Manager.

24.4 Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will retain 8 hours of holiday leave (one shift for the Street Department, Water Department, Wastewater Department, Utility Maintenance Department, Police Department personnel and $\frac{1}{2}$ shift for Fire Department personnel) to be taken at a later date.

24.5 Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday (one shift for the Street Department, Water Department, Wastewater Department, Utility Maintenance Department, Police Department personnel and $\frac{1}{2}$ shift for Fire Department personnel).

24.6 Ineligibility for Holiday Pay. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

24.7 Holiday Occurring During PTO Leave. A holiday that falls within an employee's PTO period will be counted as holiday in lieu of a day of PTO.

24.8 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.

24.9 Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

24.10 Floating Holiday. Each employee will receive 8 hours for a floating holiday (one shift for the Street Department, Water Department, Wastewater Department, Utility Maintenance Department, Police Department personnel and $\frac{1}{2}$ shift for Fire Department personnel).

24.11 Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to their floating holiday, PTO, compensatory time, or an excused absence without pay.

24.12 Holiday Pay during Workers' Compensation Leave. An employee on worker's compensation leave will receive holiday pay.

25. PTO LEAVE

Regular full-time employees accrue PTO leave each pay period.

Paid Time Off. Paid time off or PTO refers to the allocation of time employees can take off work and still be paid regular wages. PTO is the combined accrued paid time off allocation that may be used for vacation time, sick time or personal time and is provided as an employee benefit.

Beginning April 25, 2022, each regular employee is eligible for PTO on a pro-rated calendar basis. PTO is earned January 1 through December 31 each calendar year and tenures are scheduled according to the employee's anniversary date. Scheduled PTO may be taken in increments of one hour or more.

Employees will be required to use any PTO prior to taking unpaid leave.

Employees will not earn PTO while on any type of leave of absence.

Employees that transfer from non-exempt to exempt positions or to a position with a different accrual rate will be paid out for their current PTO balance. The employee will then accrue PTO at the rate for the new position.

Terminated employees will be paid for PTO up to two times the amount of their current accrual rate.

In a calendar year employees will be granted PTO according to the chart below.

You must use PTO when taking off for any reason other than approved holidays, and can be taken for increments as little as one hour.

PTO requests must be submitted in advance, if possible, and may be submitted at any time subject to the approval of your supervisor.

You must record PTO hours according to your normal workday. For example, if your normal workday is eight hours and you want to take a full day off, you must request and record eight hours of PTO on your timesheet. If your shift is a different number of hours, you must record the number of hours that you were scheduled for that workday. If you use a partial day, record the number of hours used in 1-hour increments. PTO hours are paid at your regular rate of pay and not subject to

overtime. The maximum time paid out for PTO is at a rate of two times the employee's current maximum accrual rate.

Years of Tenure	40-hour Workweek Accrual Rate	40-hour Workweek Accrual Rate	12-hour shift accrual rate	12-hour shift accrual rate	24-hour shift accrual rate	24-hour shift accrual rate	Maximum 40-hour workweek Accrual	Maximum 12-hour shift Accrual	Maximum 24-hour Shift Accrual
	Annual hours	Pay Period hours	Annual hours	Pay Period hours	Annual hours	Pay Period hours	Annual	Annual	Annual
0-5	128	5.343	134	5.58	154	7.00	256 hours	268 hours	308 hours
6-10	168	7	177	7.38	207	9.50	346 hours	354 hours	414 hours
11-15	208	8.67	220	9.17	260	12.00	416 hours	440 hours	520 hours
16-20	248	10.34	263	10.96	313	14.50	496 hours	526 hours	626 hours
21+	288	12	306	12.75	366	17.00	576 hours	612 hours	732 hours

If PTO time in excess of the employee's current maximum accrual is not used by the end of the calendar year, it will be truncated through the end of year payroll process. PTO is typically only paid out up to the maximum accrual rate (according to tenure and shift) when the employee separates from employment with the City of Decatur.

Regular part-time employees do not earn PTO leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect PTO leave balances. Paid PTO leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as PTO days.

25.1 Use and Scheduling of PTO Leave. PTO leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. PTO leave may also be used for purposes of attending to personal business, inability to get to work because of inclement weather, or for other purposes, and may be taken in hourly increments. Employees must schedule their annual PTO leave in accordance with their Department's guidelines governing PTO scheduling and utilizing the Leave Form, located on the City of Decatur website: <https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms. Whenever possible, PTO time will be scheduled at the convenience of employees. However, Department Directors must be certain that PTOs do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred PTO schedule to the appropriate supervisor as

far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of PTO leave, employees must make sure they have an approved PTO request on file before leaving for PTO. No more than 10 consecutive PTO days may be taken off at one time, unless the City Manager grants an exception. At the discretion of the department director and where applicable, some positions will be required to take one week of PTO each year. The guidelines for the required use of PTO annually are detailed in the department policy.

25.2 Maximum Accruals. The maximum number of PTO days that may be accumulated is two times the employee's current annual accrual rate. All days in excess of the maximum are lost during the year end payroll closing process except as outlined in section 25.12 of this policy.

25.3 Compensation for PTO Leave. PTO is paid at the employee's base rate at the time of PTO. It does not include overtime or any special forms of compensation. PTO time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused PTO, except upon separation of employment, or if an employee is precluded from taking a scheduled PTO due to City and/or department needs as described in section 25.12 of this policy.

Upon termination, retirement, resignation, or death, an employee shall be paid for accrued PTO leave up to a maximum of two times the employee's current annual accrual rate at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed their initial orientation period of 90 days of employment with the City or completion of the probation period are entitled to this payout provision upon separation.

25.4 Definitions

Compensable Hours: The hours worked or taken in a month must equal 130 for full-time employees and 200 for 24-hour fire employees before PTO hours will be accrued.

PTO Day: A "PTO day" is defined as an 8-hour period for all employees, other than employees with shift differing from 8-hour shifts. For example, a "PTO day" for 24-hour fire shift personnel is defined as a 24-hour period. Employees are not required to take a full day of PTO; they may take PTO in 1-hour increments.

25.5 Eligibility. All full-time employees begin accruing paid PTO leave at the end of the first pay period. Part-time, temporary and seasonal employees do not accrue PTO leave.

25.6 Authorized Use of PTO Leave

PTO may be used at the employee's discretion with the approval of the supervisor. The supervisor should grant PTO as long as the absence does not create an undue hardship. While the City recognizes that there are emergencies and unforeseeable circumstances, PTO should typically be used as approved by the supervisor.

25.7 Minimum Increments. PTO leave must be taken at a minimum of one hour. PTO leave taken in increments of less than one hour should be made up within the same work week.

25.8 Failure to Report Absence/Abuse of PTO Leave. Employees should make every effort to obtain approval from their supervisor before use of PTO leave. Employees should only request time off without notice in the case of an emergency.

25.9 Use of Other Leave. If approved by the department director (and in the case of a department director, by the City Manager), employees may use accrued PTO leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued PTO leave. Official holidays observed by the City while an employee is on approved paid PTO leave will be treated as a paid holiday, rather than a day of PTO leave. Under certain circumstances and with the approval of the department director /manager/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable provided that work time is approved and accurately recorded on the timesheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek or work period.

25.10 Documentation. Employees requesting paid PTO leave must complete a leave form, located on the City of Decatur website: <https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms, and submit it to their supervisor for approval. Abuse of PTO leave may result in discipline up to and including termination of employment.

25.11 Family and Medical Leave Act Leave. Any absence that qualifies for both Family and Medical Leave Act leave and PTO leave will follow the guidelines set out in this policy and will typically be counted as both.

25.12 Payment for Unused PTO Leave. No employee shall be entitled to payment in lieu of using PTO leave time except when separating from employment with the City of Decatur and then only the amount of the maximum accrual. If the needs of the City and/or Department preclude the taking of scheduled PTO, Department Directors may submit a request for the employee to be paid up to 40 hours for PTO in excess of the maximum accrual. It is the responsibility of the Department Director to submit a request to payroll for payout of PTO in excess of up to 40 hours over the employee's maximum accrual rate before calendar year end. The request should provide justification for this payment using the PTO Payout Request Form, located on the City of Decatur website: <https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms. This form may be obtained from the Human Resources Department and is also found on the City of Decatur website.

To manage current excessive vacation balances as of April 25, 2022, all accrued time for each employee in excess of 240 hours will be paid out according to the employee's current rate of pay.

25.13 Donation of Leave.

1. Statement of Purpose: The purpose of this policy is to identify the rules and procedures regarding the donation of leave to city employees on unpaid leave. This policy will allow city employees to donate PTO and compensatory leave time to employees on continuous Family Medical Leave (FML) or continuous City Leave of Absence (City LOA) whose qualifying leave balances have been exhausted, including sick leave.

The City does not require donation of leave. Donation of leave is a voluntary choice by individual employee(s). In determining eligibility to request and receive donated leave, the City does not discriminate on the basis of membership in a protected class, whether gender, age, an employee's disability, if any, (as that term is defined by the Americans with Disabilities Act,), or any other class protected by statute.

2. Eligibility: Employees eligible to receive donations must:

- be on continuous FML or City LOA for their own condition, or be on continuous FML for an eligible dependent's condition;
- be eligible to accrue PTO leave; and have exhausted all available PTO, sick leave holiday and compensatory leave.

3. Employees eligible to donate PTO, holiday and compensatory leave must:

- be employed with the City for at least one year; and
- be eligible to use their accrued leave.

4. Donation Maximums:

- leave for an employee's own serious health condition is the lesser of 180 calendar days after accrued leave is exhausted, or the minimum required to cover the approved leave period under FML or City LOA; and
- leave for an eligible dependent is the lesser of 30 calendar days after accrued leave is exhausted, or the minimum required to cover the approved leave period under FML.

5. Procedures: All communication regarding an employee's eligibility and request for donations will come from Human Resources. Eligible employees requesting donations must contact Human Resources. Employees eligible to donate time must complete a Donation of Leave form, located on the City of Decatur website: <https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms, and submit the form to Human Resources. Donated PTO or compensatory leave will be subtracted from the donor's balance and transferred to the recipient in an hour-for-hour transfer regardless of accrual rate or hourly value of the donors leave. Processed donations are final and cannot be withdrawn. Unused donated leave will remain in the donor's leave balance and not the recipient's leave balance.

26. SICK LEAVE

Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

26.1 Eligibility. As of April 25, 2022, employees with accrued sick leave balances may use their accrued sick leave for the reasons listed in section **26.2** of the Sick Leave Policy. **No additional sick leave will accrue.**

26.2 Authorized Use of Sick Leave

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

Sick Leave may also be used for the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

26.3 Minimum Increments. Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

26.4 Failure to Report Absence/Abuse of Sick Leave. Supervisors should closely monitor use of sick leave. It is anticipated that employees using paid sick leave for their own illness/injury or that of a family member, will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointments as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence. Employees should seek guidance from their supervisor, manager or department director (employee's most immediate superior) regarding the proper reporting procedures for their department.

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

26.6 Use of Other Leave. If approved by the department director (and in the case of department director, by the City Manager), employees may use accrued PTO leave, compensatory time, other accrued paid leave, or leave of absence without pay (but only if an employee has no accrued leave). Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the department director/manager/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work period in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work period.

26.7 Documentation. Employees requesting paid sick leave must complete a leave form, located on the City of Decatur website: <https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms, and submit it to their supervisor for approval. Absence for illness/injury of 3 or more consecutive work days requires verification of the illness/injury by the attending physician. Supervisors may request the employee provided verification of illness/injury by the attending physician as needed. An employee must provide verification of an absence any time requested by the City. An employee may also be required to present satisfactory proof of their illness/injury, 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. If the employee fails to present such proof in a timely manner, use of sick leave will not be permitted and no other paid leave may be used for the absence. Abuse of sick leave may result in disciplinary action up to and including termination of employment.

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

26.9 Payment for Unused Sick Leave. No employee shall be entitled to payment for unused accrued sick leave time.

27. INSURANCE

The City shall furnish medical, disability and life insurance for each full-time employee. Employees are eligible to participate in a Cafeteria Benefit Plan. For details of coverage, see City's Benefits Summary. This insurance is effective so long as the employee is enrolled in a plan and remains on the full-time payroll.

Additional supplemental insurance coverage for employees and members of their families, beyond those amounts provided by the City, shall be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job related injuries, provisions and benefits available under workers' compensation are activated. The city provides salary continuation for an employee on Workers Comp which pays 70% of gross earnings, and the employee may use PTO and compensatory leave to be paid for the remaining 30%.

The City offers employees retiring or separating from the City the option to purchase continued health benefits coverage as provided for under COBRA.

28. CONFIDENTIALITY OF MEDICAL INFORMATION

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to justify an absence;

- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for PTO pay or disability benefits;
- insurance records;
- workers' compensation records
- medical history records;
- FMLA Certifications and re-certifications;
- Insurance election forms

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider.

It is important that employees understand that their medical records are confidential and that the records containing medical information should only be shared with the Director of Human Resources. When an employee provides information, it will only be shared on an "as needed" basis with other members of management. Comments regarding this personal information will be limited to the employee's return to work status, light duty instructions and accommodation instructions.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

29. HEALTH/MEDICAL EXAMINATIONS/FITNESS FOR DUTY

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

29.1 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 on other employees, 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.

29.2 Medical Exams for Current Employees. The Director of Human Resources, or an employee's Department Director, in coordination with the Human Resources Director may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws. The

Fire and Police Department may have more stringent definitions and requirements due to the nature of their duties.

29.3 Medical Information from an Employee's Doctor. Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

29.4 Genetic Information. In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

29.5 Medical Records. Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

29.6 Return to Work/Fitness for Duty. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work. The Fire and Police Department may have more stringent definitions and requirements due to the nature of their duties. ***Please reference the City of Decatur Return to Work memo for guidance. This memo is located on the City of Decatur website: <https://decaturntx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms.

29.7 Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to PTO leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

30. MODIFIED DUTY ASSIGNMENTS

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the

illness or injury occurred on or off duty, and the length of the job modification. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond 30 calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Director of Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated PTO leave, Family Medical Leave Act (FMLA) or PTO benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid PTO leave benefits under the City's PTO Leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment. Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the essential functions of the actual position after a period of 7 days will returned to off duty status

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Director of Human Resources. The Fire and Police Department may have more stringent definitions and requirements due to the nature of their duties.

31. COMMUNICABLE DISEASES

31.1 Definition: Communicable diseases include, but are not limited to infectious respiratory diseases, such as Severe Acute Respiratory Syndrome (SARS), including the SARS-CoV-2 (coronavirus), pneumonia, measles, influenza, chickenpox and tuberculosis.

31.2 Employee Guidelines Employees are encouraged to reduce the spread of communicable diseases in the workplace by the following minimum actions:

- Stay home if you have or suspect you have a communicable disease. If you become ill due to a communicable disease, return to work only after 72 hours of being symptom free.
- Employees who are well but who have an ill family member with a communicable disease must contact their Department Director before they continue to report to the workplace. If there is any question about an employee safely returning to the workplace, the Department Head should contact the Human Resource Director or Emergency Management Coordinator. The employee may be required to quarantine and monitor their health on a daily basis to ensure they remain free of the communicable disease.
- Employees must practice proper hygiene in the workplace by covering their mouth and nose when coughing or sneezing with a tissue or handkerchief. If this is not possible, then the elbow or hand can be used for coughs and sneezes, with immediate hand washing or sanitizing of hands.
- Employees should avoid touching their eyes, nose or mouth. If not possible, wash hands frequently. Alcohol-based hand sanitizers are also effective if soap and water are not available.
- Employees using PTO for illness should avoid close contact with people encountered in the workplace when possible.
- If unavoidable due to job responsibilities, employees may - but are not required to- wear proper personal protective equipment and use immediate hand washing or other proactive actions as necessary.

Sworn personnel should consult the department's policy, Human Resources or Emergency Management Coordinator regarding Quarantine Leave. In general, the City of Decatur employees should follow the current CDC Guidelines regarding communicable disease.

32. GROUP HEALTH CONTINUATION COVERAGE

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 2% administration fee.

Under COBRA, employees may elect COBRA continuation coverage for up to 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 36 months following a qualifying event. Employees must notify the City within 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.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete

information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resources office.

33. EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

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.

33.1 Progressive Discipline.

The City generally observes progressive discipline, whenever possible. The City is not obligated to use all of the progressive disciplinary steps available, 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 and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the use of the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- Verbal warning
- Letter of counseling
- Written reprimand
- Probation
- Suspension (without pay)
- Demotion
- Final Written Warning
- Discharge

33.2 Documentation.

All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the Director of Human Resources for review prior to taking the action, 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.

33.3 Supervisory Responsibility

All employees with the responsibility and authority to supervise and direct employees under their control shall 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 at least annually; 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 a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level. More stringent definitions and requirements apply to the Fire and Police Departments and are provided in their department policy.

Review by Director of Human Resources: Supervisors are encouraged to consider the Human Resources Department as a resource in any issues addressing employee misconduct or performance deficiencies. Any proposed disciplinary action involving termination of an employee must be reviewed by the Director of Human Resources or their designee prior to termination. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may discipline and/or suspend the employee pending the results of an investigation. All documented disciplinary action will be reviewed by the Director of Human Resources before being placed in the employee's permanent file. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period. Human Resources should be advised of all disciplinary action imposed at the time of the action or once complete and should be provided a copy of the documentation.

33.4 Inclusion of Employee's Account.

Where a disciplinary action involves a suspension of 1 day (or 1 shift) 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, as part of any investigation of the matter giving rise to the suspension, demotion or termination.

33.5 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 reputation of the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also 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 misconduct that may likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee;
- Falsification of timekeeping or other government records;
- Possession of drugs or reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs ;
- Harassment;
- Misuse of City telephones, computers, mail systems, internet, etc.;
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval;
- Breaks in excess of the allotted time allowed;
- Violation of smoking policy;
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident;

- Unauthorized disclosure of confidential information;
- Violation of any provision of the City Charter;
- Violation of City or departmental policies, codes of conduct, rules and procedures;
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others;
- Unsatisfactory performance or conduct;
- Neglect of duty;
- Disruptive activity in the workplace;
- Conduct which results in waste or damage of a coworker's, City, or citizen-owned property;
- Insubordination or other disrespectful or unprofessional conduct;
- Discourteous treatment of the public;
- Possession of weapons on City time, City premises (except for licensed peace officers or as law allows for first responders allowed to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle);
- Violation of local, state or federal law;
- Conviction of a any crime other than fine-only offenses;
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension, failure to report for duty for 1 shift or more without contacting the supervisor or the failure to notify the immediate supervisor in the event of illness or arriving late;
- Outside employment that conflicts with, or potentially conflicts with, City interests;
- Acceptance of payment of any kind for activities related to City Employment;
- Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations);and
- Dishonesty, including misrepresentation during the hiring process

33.6 Disciplinary Meeting.

A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, the affected employee, the Director of Human Resources and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

33.7 Administrative Leave. During an investigation into alleged offenses or violations of City policies, the City may, at 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, where authorized by the Department Director.

Administrative Leave may be granted with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.

Department Directors may designate Administrative Leave with pay only pending a disciplinary decision or drug/alcohol screening results, or during an internal investigation.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to the Director of Human Resources for proper payroll processing.

34. TRAVEL

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

34.1 Transportation.

The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted-fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile equivalent to the current IRS standard mileage rate or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved personal vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The employee must obtain prior approval from the Finance Director to pay for rental vehicles for City of Decatur business travel.

34.2 Travel Approval and Cash Advances. All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. In addition, any travel out-of-state must be approved by the City Manager as set out in sections **33.3-33.9**.

34.3 Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/ reimbursed by the City.

34.4 Meal Allowance. The City shall pay actual necessary food expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. Even if supported by a receipt, reimbursement shall not exceed the per diem rate for any one meal. Only qualifying meals are reimbursed, that is, travel must include an overnight stay. See <https://www.irs.gov/pub/irs-pdf/p5137.pdf> .

34.5 Internet Expense. Only reasonable and necessary computer related expenses for City business reasons will be reimbursed.

Non-Allowable Expenses. Personal expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies
- Dry cleaning and laundry;
- Health club and spas;

- Non-employee children, partners, parents, friends or family member
- Alcoholic beverages;
- Tips in excess of 15% and
- Other items of a personal nature.

34.6 Request for Reimbursement and unexpended funds.

Upon return to the City, a complete accounting of all business expenditures of City funds is to be filed within three days on the City's Travel Expenditure Report form located in the Shared Area\Finance\Finance Forms. Receipts for all expenses, including hotel bills and registration fees, must be attached to the Travel Expenditures Form. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

34.7 Travel to Training. The current IRS standard mileage rate will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

34.8 Expenses Not Covered in Policy. The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

34.9 Mileage Reimbursement. Mileage that is incurred during the course of business will be reimbursed at the current IRS standard mileage rate. An employee must submit a Mileage Reimbursement Form, Shared Area\Finance\Finance Forms, which includes the purpose of the trip, the location of the trip, the beginning mileage and the ending mileage to be reimbursed.

34.10 Auto Allowance. The City of Decatur will no longer pay auto allowances to newly hired employee as of the effective date of this policy. All employees must use the mileage reimbursement form to be reimbursed for use of their automobile for city business.

34.11 Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

35. HARASSMENT

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in unlawful harassment of other employees, citizens, vendors, and all other third parties.

35.1 The City prohibits any form of "Harassment" as defined in this Policy.

The term "harassment" includes but is not limited to unwelcome slurs, jokes, verbal, graphic or physical conduct relating to an individual's race, religion, sex, sexual orientation, age, national origin, disability, veteran status or any other characteristic protected by applicable law.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is an explicit or implicit term or condition of employment;
- Employment decisions are based on an employee's submission to or rejection of such conduct; or,
- Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

To rise to the level of a "hostile work environment", behavior must be severe, pervasive and directed toward a protected class.

This policy covers all employees, as well as vendors, City residents, and/or others who enter our workplace. Employees who feel they have been discriminated against or harassed, or who have observed others being discriminated against or harassed, must follow the steps outlined in 34.2 of this policy.

35.2 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 harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- The Department Director;
- The Director of Human Resources;
- The City Manager.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and/or the Director of Human Resources. A formal Complaint Form is available at the City of Decatur website: <https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms.

Under this policy, an employee may report to and/or contact the Director of Human Resources directly, without regard to the employee's normal chain of command. Voice messages or e-mails may be left at any time.

35.3 Investigation.

All reports of prohibited conduct will be investigated promptly and 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 and to maintain confidentiality.

35.4 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.

35.5 Responsive Action.

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including termination 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 untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

36. WHISTLEBLOWER

The City complies with the Texas Government Code, section 554.002, whereby the City may not suspend or terminate the employment of, or take other adverse personnel action against a public employee, who, in good faith, reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

An appropriate law enforcement authority is defined as part of a state or local governmental entity or of the federal government that, the employee in good faith believes, is authorized to investigate or prosecute a violation of criminal law.

37. EEO COMPLAINTS

The City is committed to a workplace environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities (EEO) and prohibits unlawful discriminatory practices, including harassment, to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or genetics. Therefore, the City expects that all interactions in the workplace will be business-like and free of bias, prejudice and harassment.

The City has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with their supervisor, the Director of Human Resources or their Department Director.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristics, from participating in business or work-related social activities or discussions. State and federal law and City policies prohibit disparate treatment on the basis of sex or any other legally protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Any employee found in violation of the City's equal employment opportunity (EEO), anti-harassment and/or violence protection policies will be subject to disciplinary action up to and including termination of employment. This policy covers all employees, as well as vendors, City residents and/or others who enter our workplace as well.

Complaint Procedure

The City provides its employees with several methods for reporting incidents of discrimination or harassment, including sexual harassment. Any employee who feels that they have been or are being harassed, or discriminated against, is encouraged to immediately inform the alleged harasser that the behavior is unwelcome. In most instances, the person is unaware that their conduct is offensive and when so advised can easily and willingly correct the conduct so that it does not reoccur. If the informal discussion with the alleged harasser is unsuccessful in remedying the problem, or if such an approach is not possible, the employee should immediately report the complained-of conduct to their immediate supervisor, manager, or if preferable, to Human Resources. Employees may also report such conduct to the City Manager. The report should include all facts available to the employee regarding the harassment. The City encourages the prompt reporting of complaints or concerns so that prompt, remedial action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Confidentiality

All reports of harassment will be treated seriously. However, absolute confidentiality is not promised nor can it be assured. The City will conduct an investigation of any complaint which will require limited disclosure of pertinent information to certain parties, including the alleged harasser.

38. APPEALS

In the interest of employee efficiency and morale, City employees shall have the opportunity to discuss appeals with his or her employer and to find, whenever possible, mutually satisfactory solutions to problems which arise. It is the intent of this policy to settle matters on the lowest administrative level as possible within the time frame outlined herein to facilitate an expeditious resolution of an employee's concerns. This policy does not provide, nor guarantee, an employee any rights that would change his or her "AT-WILL" employment status.

38.1 Eligibility.

Applies to all employees that have successfully completed his or her New Hire Probationary Period.

38.2 Definitions.

- **Appealable Action:** an allegation that benefits or rights specifically provided by, law, policy, and/or personnel rule, have been denied or misapplied.
- **Chain of Command:** Supervisory structure within each department up to the department director.

38.3 Unlawful Discrimination Complaint.

Any employee who feels that he or she has been unlawfully discriminated against in matters relating to working conditions or other conditions of employment, because of the employee's age, sex, sexual orientation, color, race, religion, national origin, genetics, veteran's preference or disability shall have the right to file a discrimination complaint with their supervisor or directly with Human Resources. All other complaints should be filed as outlined herein.

38.4 Procedures.

Any appeal filed shall refer to the provision or provisions of the Personnel Policies alleged to have been violated, and such appeal shall be limited to an application or non-application of the Personnel Policies. The Appeal Procedure shall follow the process as outlined:

Step 1: The employee shall present his or her appeal in writing to his or her Chain of Command. Discussions will be informal for the purpose of resolving differences in the simplest and most direct manner. The supervisor shall reach a decision and communicate it in writing to the employee within five (5) working days from the date the appeal was received. The Supervisor shall also send a copy of the appeal and decision made to Human Resources for the purpose of record keeping.

In presenting the written appeal the following information must be provided:

- A complete statement of the appeal and facts upon which it is based; and
 - The section or sections of the Personnel Policies claimed to have been violated; and
 - The date of the act or acts of commission or omission; and
 - The remedy or correction requested; and
 - Date and signature of the employee.
1. If the appeal is not resolved, the employee will follow the above procedure for each level of supervision. At each level, the supervisor has five (5) working days from receipt of the appeal to respond and the employee then has five (5) working days from receipt of the response to appeal to the next level on up to the Department Director.
 2. A copy of each response shall be forwarded up through the chain of command to the Department Director and Human Resources.
 3. If Step 1 was addressed with the Department Director or pertains to the Department Director or the employee's Chain of Command, then the aggrieved may proceed to Step 2.

Step 2: If the appeal is not resolved at Step 1, the employee shall, within five (5) working days of receiving the response, forward the written appeal to the Human Resources Director. The Human Resources Director shall obtain the facts and forward a recommendation to the City Manager. The City Manager or designee shall have five (5) working days to consult with any parties involved and render a decision in writing to the employee.

Step 3: The decision of the City Manager shall be final and binding on the parties without further appeal. In complaints made against the City Manager by a direct report, complaints should go back to Human Resources and the City attorneys would be contacted by Human Resources.

38.5. Rules of Appeal Processing.

1. Forms/Formats - Forms to submit an appeal are available through Human Resources.
2. Timely Initiation - An appeal must be brought forward within fifteen (15) working days of the date the employee knew or should have known of the event or series of events giving rise to his or her appeal.
3. Right to Representative - An employee who chooses to exercise the appeal procedure may have one representative assist, accompany, or provide representation at any step during the process.
4. Extensions of Time Limit - The time limit at any stage of the appeal procedure may be extended by mutual agreement of the parties involved in the step. Extensions may be approved by the Department Director or the Human Resources Director.
5. Withdrawn Appeal - An appeal not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Without an approved extension, failure on the part of the City's representative to answer within the time limit established will entitle the employee to proceed to the next step.

38.6 Freedom from Retaliation.

Employees wishing to file a complaint or appeal under this procedure shall be assured of freedom from restraint, interference, or retaliation from his or her supervisors or other employees.

39. TECHNOLOGY

39.1 Cell Phone Use in the Workplace.

Use of personal cell phones during work hours is strictly limited to minimal use. The City is not responsible for any loss or damage to an employee's personal cell phone. All employees are restricted from making non-business long distance telephone calls via the City's long distance provider, except in emergency situations.

Employees should use the hands-free option for cell phones while operating City vehicles or any City machinery, including both making and receiving phone calls. Phone calls should only be made or received for business while operating a City vehicle or operating any City machinery. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records used for City business purposes. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

39.2 Public Information Act.

All records related to City business, which are made and received on City-owned or on personally owned cell phones, are considered public information and employees are responsible for ensuring that they are preserved or stored. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances. All employees must, when asked by the City, provide the City access to all cell phone and text messages used for City business. Employees using City-issued cell phones therefore should have no expectation of privacy when using a City-issued cell phone (for call records, contacts, pictures, or text messages).

39.3 Monitoring of Cell Phone Calls.

Employees should be aware that cell phone calls are not secure. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is however possible. Caution should be used whenever confidential or sensitive City business information is being discussed on cell phones.

40. ACCEPTABLE USE POLICY

The purpose of this policy is to establish acceptable and unacceptable use of electronic devices and network resources owned or leased by the City of Decatur in conjunction with its established culture of ethical and lawful behavior, openness, trust, and integrity.

The City of Decatur provides computer devices, networks, and other electronic information systems to meet missions, goals, and initiatives, and must manage them responsibly to maintain the confidentiality, integrity, and availability of its information assets. This policy requires the users of information assets to comply with company policies and protects the City against damaging legal issues. This acceptable use policy applies to all employees, contractors, consultants, temporary and other workers at the City of Decatur, including all personnel affiliated with third parties. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. A violation of this policy by a temporary worker, contractor, or vendor may result in the termination of their contract or assignment with the City of Decatur.

40.1 Good Judgment

Employees are responsible for exercising good judgement regarding appropriate use of City resources in accordance with City policies, standards and guidelines. City resources may not be used for any unlawful, unethical or otherwise prohibited purposes. Furthermore, the restrictions outlined

in this policy are not to be considered an exhaustive list of all possible infractions of this policy. Common sense should be used for any activity not strictly prohibited in this policy.

40.2 Personal Use of City Equipment

The City's information assets and resources are made available to help employees perform their job duties, and are not intended for personal use. However, the City recognizes that under certain circumstances the employee's occasional use of City telephones, computers, facsimile, e-mail, copiers, Internet service, and similar resources for personal use may be necessary or beneficial to the City. The City may establish separate policies governing the use of specific equipment. An employee that demonstrates excessive use of City equipment for personal use shall be subject to disciplinary action up to termination.

40.3 Cybersecurity Training

All employees who are given access to the City of Decatur's technology resources are required to complete an annual cybersecurity training program that has been certified by the Texas Department of Information Resources (DIR), as mandated by the State of Texas. Failure to complete the course by its due date may result in disciplinary action.

40.4 Personal Responsibility for System Accounts

Employees are responsible for the security of data, accounts, and systems under their control. An employee should keep passwords secure and should not under any circumstances share account or password information with anyone, including other personnel, family, or friends. Providing access to an individual's account to another individual, either deliberately or through failure to secure its access, is a violation of this policy.

The storage of credentials such as passwords and door codes on City computers or servers, or on paper that is kept at the employee's desk is strictly prohibited. Users should memorize their passwords, write their passwords on paper and keep that paper in a locked drawer or cabinet, or use a password manager that encrypts their entries to store their passwords. Passwords stored on computers in clear text or written in insecure areas such as in a shared office space are susceptible to misuse by unauthorized people. Improper storage of network credentials may result in disciplinary action up to, and including termination. This also applies to the storage of account credentials for third party services that are used for City business.

40.5 Computing Assets

Employees are responsible for ensuring the protection of assigned City assets. Employees should promptly report any theft of City assets to Information Technology.

All PCs, laptops, workstations, tablets and other devices must be secured with a password-protected screensaver with an automatic activation feature of 10 minutes or less. An employee must lock the screen or log off when the device is unattended.

Employees are strictly prohibited from interfering with any device management or security system software, including but not limited to, antivirus, content filtering, or remote access software.

Employees should be aware that in the case of equipment failure, Information Technology does not perform data recovery. All users are encouraged to use network storage drives for critical files. Network drives are backed up on a daily basis to ensure reliability.

40.6 Privacy Restrictions

All activities performed on any City-owned or leased device, or personal device connected to the City's network, are logged as they are performed. Email correspondence, website visits, downloads, and all other actions carried out using City resources can be viewed by authorized personnel with or without notice to an employee for purposes such as maintenance, security hardening, and auditing. Such logs are considered the property of the City and are not subject to consent from the end user.

Emails sent or received on the City's email server and their attachments, files stored on machines, and logs generated by end users on network resources or City-owned or leased equipment are also considered the property of the City of Decatur. Their contents can be accessed and read by authorized personnel for purposes including, but not limited to, the following:

- Access by the Information Technology staff during the course of system maintenance or administration;
- Access approved by the employee, the employee's supervisor, or senior staff (City Manager, Fire Chief, Asst. City Managers), when there is a business reason to access the employee's files or mailbox - for example, if an employee is absent from the office and the supervisor has reason to believe that information relevant to the City's business is located in the employee's mailbox;
- Access approved by the employee's supervisor, the City's Human Resources department, Information Technology, or senior staff when there is reason to believe the employee is using resources in violation of the City's policies;
- Access approved by the City's Human Resources department in response to the City's receipt of a court order or request from law enforcement officials for disclosure of an employee's email messages or stored files.

40.7 Copyright Restrictions

An employee found to be engaging in theft, corruption or alteration of any of the City's computer data or programs is subject to discipline, discharge or criminal prosecution. There may be occasions where employees use City laptops or software at home. This usage must be approved by the employee's supervisor in advance, and must be coordinated and approved by the City's Information Technology staff. Use of City equipment and/or software off premises is still covered by this policy.

The City prohibits illegal duplication of software and its related documentation. The unauthorized use, copying or distribution of copyrighted software is a violation of the Digital Millennium Copyright Act (DMCA). Examples of violations include, but are not limited to, the following:

- Making extra copies of software for use on other computers unless specifically allowed through a licensing agreement

- Making copies of software available so that they may be used by others
- Obtaining copies of software from others without paying the appropriate licensing fees, and
- Unauthorized distribution of software by e-mail

Employees are to be provided, by the City Information Technology staff, appropriately licensed copies of computer software necessary to perform their assigned tasks. To ensure adherence to the DMCA, regular audits will be conducted to search for unauthorized software installed on machines and network servers. Users may be held responsible for any such software found on their machines or in their possession.

The unauthorized use of city-owned license keys for license-protected software on personal devices is considered theft (Such as installing Microsoft Office on a personal device using the City's license key without written authorization).

40.8 Acceptable Uses

Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network functions.

40.9 Unacceptable Uses

Unacceptable uses of City-owned or leased electronic communication systems include but are not limited to:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties
- Violating copyright law, including, but not limited to, illegally duplicating or transmitting copyrighted pictures, music, video, and software
- Use of City devices for financial gain or business unrelated to the city of Decatur
- Using systems or installing software/hardware on systems in such a manner as to create a breach of the security of the City's network
- Seeking employment opportunities outside the City of Decatur
- Expressing opinions or personal views that could be misconstrued as being those of the City
- Expressing opinions or personal views regarding management of the City or other political views
- Accessing, playing, downloading or distributing confidential information for which access has not been granted, or distribution not approved
- Causing a disruption of service to either the City or its network resources
- Introducing "rogue devices" on the network (devices for which installation has not been approved by Information Technology)
- Port scanning or security scanning on a production network unless authorized in advance by Information Technology

- Using the City of Decatur network for personal use cases, including, but not limited to, entertainment, social networking (except as required by job function), playing games, and accessing adult content

40.10 Electronic Communications Restrictions

The following are strictly prohibited:

- Inappropriate use of communication vehicles and equipment, including, but not limited to, supporting illegal activities, and procuring or transmitting material that violates the City of Decatur policies against harassment or the safeguarding of confidential or proprietary information
- Sending spam via email, text messages, pages, instant messages, voice mail, or other forms of electronic communication
- Forging, misrepresenting, obscuring, suppressing, or replacing a user identity on any electronic communication to mislead the recipient about the sender
- Posting the same or similar non-business-related images to large numbers of distribution groups (newsgroup spam)
- Use of a City of Decatur email or IP address to engage in conduct that violates the City of Decatur policies or guidelines. Posting to a public newsgroup, bulletin board, or listserv with a City of Decatur email or IP address represents the City to the public; therefore, an employee must exercise good judgement to avoid misrepresenting or exceeding their authority in representing the opinions of the company.
Using a city-provided email address for personal use, such as personal subscriptions, social media, or other non-business-related accounts.

41. SOCIAL MEDIA

41.1 Definition.

Social media are interactive technologies and digital channels that facilitate the creation and sharing of information, ideas, interests, and other forms of expression through virtual communities and networks. While challenges to the definition of *social media* arise due to the variety of stand-alone and built-in social media services currently available, there are some common features:

1. Social media are interactive Web 2.0 Internet-based applications.
2. User-generated content—such as text posts or comments, digital photos or videos, and data generated through all online interactions — is the lifeblood of social media.
3. Users create service-specific profiles for the website or app that are designed and maintained by the social media organization.
4. Social media helps the development of online social networks by connecting a user's profile with those of other individuals or groups.

Scope

All employees of The City of Decatur.

Policy Administration

1. Official City presences on social media sites or services are considered an extension of the City's information networks and shall conform to all City policies, including: (i) its policies with respect to computer and Internet usage; (ii) its policies, any signed agreements, regarding the protection and nondisclosure of the City's confidential and proprietary information or trade secrets; (iii) its policies prohibiting harassment in the workplace and (iv) its policies regarding corporate image and/or communications with the public.
2. A department's decision to embrace social media shall be a risk-based business decision that is reviewed by the City Manager's Office. The decisions shall be supported by a strong work plan that considers the department's mission and goals, audience, legal risks, technical capabilities and potential benefits.
3. Department Heads, or designees, are responsible for determining who is authorized to use social media on behalf of the agency/department, and for designating appropriate access levels. If designated employees' job duties change or an employee leaves, the Human Resources Department must be notified immediately to ensure that City accounts are protected.
4. The same standards, principles and guidelines that apply to The City of Decatur employees in the performance of their assigned duties apply to employee social media technology use. Employees representing the City via social media outlets must conduct themselves at all times as representatives of The City of Decatur.
5. Departments that use social media are responsible for complying with applicable federal, state and local laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), First Amendment, privacy laws, Health Insurance Portability and Accountability Act (HIPPA) and information security policies established by the City.

41.2 Employee Rules.

1. Use of City's Social Media on Work Time: Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done:
 - Blogging, or posting information of a personal nature on City social media sites is prohibited during work hours, unless it is part of their authorized job responsibilities. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.
 - Any use of social media made during work time on City equipment, using on City-operated networks may not be considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time. The Information Technology Director or their designee is responsible for monitoring this information.
 - Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state

law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet. Individual supervisors do not have the authority to make exceptions to these guidelines.

41.3 Employee Guidelines.

Use of Personal Social Media While not on Work Time: The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below:

- Employees should not use a City email address when using social media in personal capacities. For example, employees should avoid creating a personal Facebook or Twitter account using their City-provided email address.
- If the employee's social networking includes any information related to the City, the employee should make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Employees should recognize that postings on their social media site, even if done off premises and while off duty, may have an adverse effect on the City's legitimate business interests.
- Employees should respect coworkers and the City. Employees should refrain from putting anything on their personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Employees should refrain from putting anything on their personal social media site that may constitute violation of the City's Anti-Harassment policy.
- Employees shall not post, distribute or publicize on social networking sites, personal websites or the Internet any of the City's logos, trademarks, copyrighted documents or other intellectual property; nor should they post, distribute or publicize photographs/images of the City's employees, customers, suppliers or contractors, except those pictures that may be taken at a City-sponsored event or activity open to the public. Employees may post or share photographic images of themselves in uniform or while on duty that show City logos so long as the following criteria are met:
 - 1) Images are in good taste
 - 2) Images do not reflect badly on the City or its employees
 - 3) Images do not compromise the privacy rights of other individuals in the image
 - 4) Images are not posted or distributed in a context or location with criminal or otherwise inappropriate connotations
 - 5) Images are not used for financial gain.
- Employees should avoid posting information on their personal social media site that could adversely impact the City and/or an employee of the City.

- Employees should remove postings violating this policy, even when placed by others on their social media site.

42. CONFLICT OF INTEREST, SOLICITATION AND ACCEPTANCE OF GIFTS

42.1 Conflict of Interest.

No employee of the City may:

- Accept any business or professional opportunity when the employee knows or should know that there is a reasonable likelihood that the opportunity is being afforded him to influence the employee in the performance of his official duties;
- Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgement in the performance of duties to the City; or
- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

42.2 Solicitation and Acceptance of Gift.

1. 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 employment according to the employee's response to a solicitation.
2. No employee shall accept or solicit any money property, service, or other thing of value in excess of \$20 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.
3. 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 the supervisor and the City Manager.
4. No employee shall accept or solicit any money, property, service or other thing of value in excess of \$20 for the benefit of the City, or any employee, or department of the City, unless approved in advance by the City Council.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

43. CITY PROPERTY/EQUIPMENT USE

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

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, uniforms, cell phones, computers, and computer-related equipment. 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. At the time of issuance, 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. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, 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, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

43.1 Personal Use Prohibited.

City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

43.2 Tobacco Use Prohibited.

The use of all tobacco products of any kind, including smokeless electronic cigarettes is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. Employees are welcome to smoke on their rest breaks outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

43.3 Take Home Vehicles.

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

assigned a take-home car may incur additional income-tax withholding. An exception to this policy includes contract employees, Fire and Police personnel serving the community in an on-call status.

43.4 Use of City Vehicles.

City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

1. Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
2. Always observe all posted laws and speed limits.
3. Always wear seat belts when the vehicle is in operation.
4. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
5. No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
6. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
7. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
8. All drivers must be eligible for coverage under the City's insurance policy.
9. Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
10. **AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ILLEGAL DRUGS DRIVE WHILE CONDUCTING CITY BUSINESS. EMPLOYEES INVOLVED IN AN ACCIDENT ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT DIRECTOR, AND HUMAN RESOURCES. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE DIRECTOR OF HUMAN RESOURCES. THE EMPLOYEE OPERATING THE VEHICLE OR OTHER CITY-OWNED PROPERTY THAT IS INVOLVED IN AN ACCIDENT MUST IMMEDIATELY SUBMIT TO A CITY ALCOHOL AND DRUG SCREEN.**

The City may, at any time, check the driving record of a City employee who drives as part of their job duties to determine that the necessary qualifications are maintained as a City driver.

Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

The City requires that a drug and alcohol screen be performed at any time that a City employee is involved in an accident while operating City-owned equipment or operating a motor vehicle while on City business.

43.5 Personal Property. All employees shall be solely responsible for their personal property at all times. The City is not responsible for any employee property that is lost or stolen while on City property.

44. EMPLOYEE SAFETY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to comply with all 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 prevent accidents and injuries by following the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management at once.

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. Employees should:

- 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.
- Smoke and vape only during designated times in authorized outside areas.
- Walk, do not run unless it is to avoid injury. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.

Material Safety Data Sheets (MSDS Sheets) - Employees will be shown the location of the City's Material Safety Data Sheets, as needed. MSDS sheets provide valuable information about various chemicals and other agents that may be encountered in the work. MSDS explain possible reactions to exposure, and steps that employees should take if it occurs. Employees should review this information from time to time.

Fire - Employees should:

- 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.

Additionally, employees should:

- Keep fingers, hands, feet or clothing away from moving machinery.
- Ensure their vision is not obscured when carrying items.
- Avoid blocking access to fire extinguishers.
- Avoid touching open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Refrain from wearing rings or jewelry while operating machinery.
- Ensure equipment is turned off before performing maintenance or repair work.
- Ensure that equipment retains its warning tags or safety devices.
- Avoid leaving nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Use compressed air for cleaning only as directed avoiding cleaning clothing or floors.
- Avoid distractions such as cellular calls or texting while performing other work.

44.1 Workplace Accident Reporting.

All workplace accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor and the Human Resources Director. Failure to report any accident or injury within 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. Rules applying to reporting of vehicle accidents are reported as below.

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.

44.2 Accidents Involving City Equipment or Vehicles.

Any employee involved in an accident while operating City equipment or vehicles or while operating a motor vehicle on City business shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit it to the supervisor and to the Human Resources Director. The employee must undergo a City-required drug and alcohol test for any accident that occurs while on duty for the City.

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 18 may operate a City vehicle. Wearing of seat belts is mandatory.

- Any traffic citation given to a City employee while operating a City vehicle or equipment or while driving a personal vehicle while on City business must be immediately reported to Human Resources before disposition of the ticket. 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. Employees are prohibited from signing or making any statements regarding their responsibility or fault for a traffic accident that occurs while they are driving a City owned vehicle. Employees should avoid explaining or describing the accident

to anyone except to law enforcement personnel, their supervisor, or the claims adjuster or attorney for the City's insurance carrier. Employees must obtain names, addresses, phone numbers, and license numbers of the other drivers involved or the property owners affected, in case of one car accidents. Employees also must collect insurance information and the address and phone number of the police department where the accident report will be prepared.

Personal Car Guidelines. It is the responsibility of the owner of the vehicle being used for business purposes to carry adequate insurance coverage (state mandatory insurance requirement at minimum) for their protection and the protection of any passengers. When using a personal car for City business, an employee's personal car insurance carrier is the sole insurance carrier.

Employees will be reimbursed for business usage of personal cars at the Federal government's prevailing rate per mile. A new rate is issued each January and notification is sent to all departments by the Finance Department. The automobile mileage reimbursement assumes coverage of all transportation and operating costs including gas, oil, towing charges, repairs, auto insurance and damages. Tolls and parking will be reimbursed in addition to the allowance.

Employees will not be reimbursed for any of the following, even if these costs were incurred during business travel:

- Car repairs
- Rental car costs during repair of personal car
- Tickets, fines or traffic violations
- Damage to personal vehicle
- Theft of personal vehicle or vehicle content

44.3 Occupational Disability or Injury Leave (Worker's Compensation).

The City of Decatur carries workers compensation Insurance for all employees for job-related injuries or occupational illnesses suffered by the employee while acting in the course and scope of their position.

Worker's compensation is a complicated system and you can feel free to contact Human Resources or the City's insurance carrier at any time with any questions.

Occupational Disability or Injury Leave: An employee who is disabled as a result of an injury on the job that is covered by workers compensation, will be granted injury leave and may use PTO and PTO time to supplement pay until the eighth day of such leave.

- Beginning on the eighth day, the workers comp carrier will pay 70% of the employee's current rate of pay and the employer will pay 30% of the employee's current rate of pay. Any such leave will count towards FMLA leave. After this 8 days, the employee will be paid the difference between his/her regular salary and any worker's compensation payments received for such injury for 12 weeks.
- After this initial 12 week period, the injured employee will be reviewed and at this time may only receive workers compensation payments, depending upon the outcome of the review. The employee may be replaced after 12 weeks and may receive no further compensation or benefits from the City.

- This injured leave status is subject to review and medical opinion at any time. Status may be changed subject to the decision of the City Manager.

An employee on occupational disability injury leave will continue to earn PTO leave at the regular rate for six months. Thereafter, the employee will no longer earn PTO leave and after six months of such leave, will be required to return to work with the approval of the attending physician or be terminated.

An employee will report injuries incurred in the line of duty immediately to his immediate supervisor or director or to Human Resources and file an accident report with Human Resources within 24 hours.

When an employee suffers injury or death on the job, Human Resources will complete an accident report immediately on forms provided by workers compensation, submit it to workers compensation carrier as directed and retain one copy in the workers compensation claim file.

Any exceptions to the policy of this section must be approved by the City Manager.

Examination and Treatment: As a condition of receiving or continuing to receive salary supplementation payments, Human Resources may require an injured employee to submit to examination and treatment, at the City's expense, by a physician approved by Human Resources or the workers compensation insurance carrier. An injured employee forfeits all rights to salary supplementation payments if he or she refuses to submit to an examination or to any diagnostic test, x-ray, surgical procedure, or other treatment prescribed or recommended by the City designated physician as medically necessary or indicated to diagnose, treat, or cure the employee's injured condition.

An injured employee forfeits all rights to any salary supplementation payments to which they would normally have been entitled, if they:

- engage in work that could aggravate their injury or extend leave, whether part time or full time, for pay or as a volunteer, for themselves or for any other person, firm or corporation, while receiving salary supplementation payments;
- terminate employment for any reason while receiving salary supplementation payments;
- fail or refuse to comply with the treating physician's instructions or advice regarding treatment of the injured condition;
- fail to act in a manner which is conducive to being off work convalescing;
- refuse to perform light, partial or part time duty when authorized by the treating physician;
- refuse to accept or perform a different job with the City that, in the opinion of the treating physician, is within the employee's physical capacity and for which the employee is qualified or will be trained;
- represent their injured condition, physical incapacity, or disability as worse than it is while receiving salary supplementation payments; or
- Refuse to return to regular duty after being released for regular duty without restrictions by the treating physician.

45. WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY

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.

45.1 Zero Tolerance.

This policy prohibits harassment, intimidation, threats, and violent behavior by or towards anyone in the workplace, that occurs on City-property, or that has a reasonable nexus with the employee's municipal employment, whether the conduct occurs on-duty or off-duty. The City has a zero tolerance policy for this type of misconduct.

45.2 Weapons Banned.

Unless specifically authorized by the Department Director, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business.

Employees with the proper state license may only have a weapon in the City parking lot where it is secured and locked in the employee's vehicle.

45.3 Mandatory Reporting.

Each City employee must immediately notify his/her supervisor, Department Director, the Director of Human Resources and/or the Police Department and complete an incident report for 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 reasonably 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 Director of Human Resources.

45.4 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 Director of Human Resources 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 and the Director of Human Resources of any protective or restraining order issued against them.

45.5 Confidentiality.

All reports of harassment will be treated seriously. However, absolute confidentiality is not promised nor can it be assured. The City will conduct an investigation of any complaint which will require limited disclosure of pertinent information to certain parties, including the alleged harasser.

45.6 City Property.

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

45.7 Documentation.

When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/or the Police Department.

45.8 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.

46. ARRESTS, CONFINEMENTS AND INDICTMENTS

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, result in arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in further criminal proceedings.

46.1 Procedure.

1. **Employee Notice of Felony and Misdemeanor Charges:** Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor (other than a fine-only offense) 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. Failure to report these events in a timely manner may result in immediate termination.
2. **Employee Status after Alleged Violation of Law:** At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:
 - allowing the employee to return to regular duty with pay;
 - allowing the employee to return to restricted duty with pay;
 - placing the employee on paid administrative leave;
 - placing the employee on unpaid administrative leave; or
 - Terminating the employee.

3. **Employee Status after Adjudication:** Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are completed, the Department Director will determine, in conjunction with Human Resources Director, the status of the employee. An employee on administrative leave may, at the discretion of the City Manager or designee, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.
4. **Disciplinary Action:** Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action. Employees that fail to disclose criminal arrests or convictions, and/or fail to provide accurate details regarding criminal convictions, will be subject to corrective action up to and including termination.
5. **Other Policies:** This policy should not be construed to limit disciplinary action that may be taken in accordance with other personnel policies and procedures, department policies, or other city-wide policies.

47. POLITICAL ACTIVITY

City employees will not be appointed 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. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office.
- Use the employee's position or office to solicit political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- 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 rights of an employee to seek office himself/herself, express his or her opinions and to cast his or her vote.
- 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.
- Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- 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 Decatur City Council, Decatur ISD and Wise County. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.
- Wearing a campaign button while working or on City premises.

48. PERFORMANCE EVALUATION SYSTEM

The City uses a thorough performance evaluation system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee

achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance evaluation system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

48.1 Schedule.

Regular full and part-time employees hired are eligible for:

- A performance review after 90 days of their initial orientation period;
- Annual performance evaluation on or before the end of each fiscal year; or
- At the discretion of their supervisor or department directors.

Newly transferred or promoted employees shall serve a 90-day probationary period and during their initial orientation period shall also receive periodic evaluations. Employees are only eligible to transfer after 1-year of employment.

The City Manager's office establishes a performance evaluation system for Director-level positions and will conduct performance evaluations annually for management-level positions.

48.2 Supervisor Responsibilities.

All performance evaluation information must be written when required and forwarded to the Director of Human Resources for retention in the employee's personnel file. An evaluation must be performed annually and is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

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. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the Director of Human Resources for filing in the employee's personnel file and provide the employee a copy.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias.

48.3 Director of Human Resources Responsibilities.

The Director of Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Director of Human Resources is responsible for maintaining original evaluation documents in official personnel files, and for timely processing of evaluations for any compensation due.

48.4 Employee Responsibilities.

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 performance evaluation with their evaluating supervisor. If the employee is unable to resolve 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 concerns. In complaints made against the City Manager by a direct report, complaints should go back to Human Resources and the City's attorneys would be contacted by Human Resources.

49. SEPARATIONS

All employee separations are designated as one of the following types:

49.1 Resignations.

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

49.2 Retirements.

An employee who intends to retire is requested to notify the Department Director, supervisor and the Director of Human Resources, in writing at least 2 weeks prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date. Director-level positions are encouraged to give a 30-day notice to ensure a smooth transition.

49.3 Dismissal/Terminations.

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 the orientation period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and/or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

- **Job Abandonment.** Job abandonment occurs **when an employee does not report to work as scheduled and has no intention of returning to the job** but does not notify the City of his or her intention to quit. Three or more days of no-call/no-show from work will be considered job abandonment.
- **Long-Term Absence.** Attendance is an essential function of any City position. The City has a no fault absence policy. Employees absent from work for more than 180 days in a year for whatever reason, are subject to termination. The City may elect to end the employee's employment before the expiration of 180 days if it is unlikely that the employee will be able

to return to full-time active duty at the end of the leave. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend the leave using any available paid leave balance, or be terminated and paid for accrued leave balances.

- Reductions-in-Force/Reorganization. An employee may be separated from City service based on a reduction in force and/or reorganization, resulting in abolishing 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.
- Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

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

50. RETIREMENT

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Decatur currently contributes matching funds 2 for 1, pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or directly from TMRS.

51. EXIT INTERVIEWS

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Director of Human Resources shall complete an Exit Interview Form, located on the City of Decatur website:

<https://decaturtx.org/639/Misc-Forms-and-Documents> or B:\Human Resources\Personnel Policy Forms, and the supervisor also completes a termination checklist form also located in this area.

Exit interviews are conducted by the Director of Human Resources. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Director of Human Resources of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Failure to timely return all City-issued property may result in delay of final paycheck. The cost of assigned property which is not returned at the time of termination may be deducted from the final check, so long as pay is not reduced below the federal minimum wage.

52. TELECOMMUTING

To allow a telework option for those existing employees whose positions and work assignments can be completed at home or an alternate work location for all or part of their work week.

Temporary telework arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on intermittent family or medical leave to the extent practical for the employee and the organization, with the consent of the employee's health care provider, as appropriate. Employees may not telework while on FMLA leave, except for intermittent FMLA leave. All informal telework arrangements are made on a case-by-case basis, focusing first on the business needs of the department.

52.1 Eligibility for short-term or hybrid telework

Employees are eligible to telecommute if approved by their department director and when it is in the best interest of the City to do so. Not every job or every employee is well suited for telecommuting. Employees must meet the requirements listed below in order to be eligible to participate.

- Full-time or Part-time regular position
- Employee's job description includes the teleworking option
- Successfully completed six (6) month probationary period
- Current Performance Evaluation rating of meeting or exceeding expectations
- Not currently on a Performance Improvement Plan

52.2 Successful Telework Program Guidelines:

- Establish an alternate work location schedule
- Provide remote access to work server and telephones
- Maintain teamwork within the department
- Maintain quality customer service

City telework schedules are only to be used on a temporary basis. No telework schedule may continue beyond 90-days without approval of the City Manager.

52.3 Roles and Responsibilities

1. Department Directors, Managers and/or Supervisors:

- Monitoring the quality of work and make adjustments that are in the best interest of productivity
- Coordinate schedules with the needs of internal and external customers
- Coordinate schedules effectively with other City departments
- Provide necessary means of communication between employees and supervisors

- Provide for adequate supervision and support for employees who telework
- Ensure that criteria for work schedule decisions are consistently applied to employees in similar circumstances
- Comply with the City's overtime policies
- Avoid additional hiring or operating cost
- Ensure adequate department and divisional coverage is maintained
- Ensure that adequate department supervision is maintained

2. Employees:

- Receiving proper approval before starting a telework schedule
- Abiding by all City standards and policies as defined in the Human Resources Policies and Procedures manual
- Providing a residential high-speed internet connection, at the employee's cost, to facilitate remote connectivity to the workplace
- Connectivity problems from the remote work location will require the employee to report to the office until the issue is resolved and connectivity is restored
- Must respond to all emails, phone calls, and electronic messaging\IM\chat messages promptly
- Must attend in office meetings as required, regardless, of the telework status
- Remain in close communication with department directors, managers, supervisors and other staff members

52.4 Prohibitions

Telework privileges may be taken away at the City Manager's discretion for any reason including:

- Failure to properly manage work schedule and adhere to designated scheduled work hours
- Not responding to emails, phone calls and electronic messaging\IM\chat messages in a timely manner
- Changing meeting schedules to accommodate a telework schedule
- Failure to meet deadlines
- Failure to provide satisfactory customer service
- Violations of any City policies and/or IT security policies, standards, or procedures

52.5 General Assertions

1. Teleworking is not appropriate for all positions and no employee is entitled to or guaranteed the opportunity to Teleworking. At any time, individuals who are currently teleworking may have that privilege revoked. Additionally, positions/job descriptions previously approved for Teleworking may be converted to only being performed within a designated City of Decatur facility.
2. City expectations of a teleworking employee are the same as expectations of employees who work within a designated City facility. These expectations include, but are not limited to:

- a. Continued satisfactory performance.
 - b. Timely accessibility/reachability and responsiveness.
 - c. Putting in a full workday, consistent with the standard work hours for the position - not just working the hours expected for the position, but maintaining the same work schedule as if were working in person, rather than creating a unique workday schedule based upon personal preference. (For example, if the position's standard, in-facility work schedule is 8:00 am to 5:00 pm, Monday through Friday, then the teleworking employee in this position is expected to work this schedule and, accordingly, be accessible and responsive during this time.)
 - d. Following City procedures for requesting time off from the manager, including notifying the manager when the employee will be late to begin the work day, early to end it, or be otherwise inaccessible during any part of the normally scheduled work day.
 - e. Satisfactorily meeting all deadlines for work product, timely responses to emails and voicemails, and participation in all required meetings/teleconferences, as identified by the position's responsibilities and by the manager.
 - f. At the manager's sole discretion, in-person attendance at meetings, etc., may be required. Remote teleworking employees will not normally attend in-person work meetings.
- 3. Teleworking cannot be used as a substitute for child/dependent care, elder care, home health care, or pet care. Employees who telework are expected to make child and dependent care arrangements during normal work hours, exactly as if the employee was working at a designated City worksite.
 - 4. The employee's teleworking arrangement must not violate any condominium or homeowners' association bylaws or local ordinances/zoning restrictions that may affect the ability of the employee to perform work out of his/her home. The employee must notify their manager immediately if any such restriction applies.

52.6 Requirements

Employees must meet the following minimum requirements to be eligible for telework in:

- 1. Completion of all necessary pre-telework screening.
- 2. Successful completion of all necessary job and department training including mandatory compliance education.
- 3. Completion of all mandatory compliance education, including but not limited to Cyber Awareness Training.
- 4. It is the employee's responsibility to adhere to all requirements within this policy as well as City of Decatur employment policies. Unless noted elsewhere in this policy, the employee, at their own expense, must have a safe work environment and all primary materials needed to Telework, including but not limited to:
 - a. A sufficient space that provides the employee ability to be successful in

performing day to day assignments meeting all access and, security requirements,

- b. The recommended office furniture should include a dedicated work area
- c. Prior to beginning a Teleworking arrangement:
 - i. The signed receipt of City Equipment (if any), the Telecommute Equipment and Supplies Inventory List will be completed.
 - ii. The employee's required equipment must be in place (e.g., necessary internet speed/bandwidth, phone, desktop/laptop, scanner, software, VOIP access).
5. Characteristics of the Teleworking employee must include a demonstrated conscientiousness about work time and productivity, work quality, self-motivation, and the ability to work well alone.
6. The employee must communicate and respond in a timely manner, consistently and effectively, with supervisors, co-workers, customers, peers, and support staff, during the scheduled work hours, or as otherwise required with manager's prior written approval.
7. The employee must operate computer and/or other position-required equipment efficiently and independently to the degree required to effectively work from their location.
8. Quality and production standards must be met consistently.
9. The employee must sign and comply with the City's Teleworking Acknowledgement and Agreement.

52.7 Work Location and Hours

1. Employees who Telework are expected to work during their agreed time schedule as approved by their supervisor, unless alternative arrangements have been pre-approved with their supervisor.
2. All agreements and modifications to the work schedule must be approved in writing, in advance, by the supervisor.
3. The employee must be available by electronic communication, phone, or email during normal business hours.
4. In keeping with the City of Decatur Personnel Policy, teleworking employees are required to follow the notification process if they are unable to perform their regularly scheduled work duties due to an illness or any other circumstances, just as if they were working in a City facility. Failure to comply with the City notification policies may result in corrective action, up to and including termination.
5. Time Keeping - refer to the City time and PTO Policy
6. The employee will be required to report to the designated worksite for in-person meetings when directed to do so. Additionally, the employee may also be required to attend departmental meetings and/or go to a designated meeting location or worksite, in person at management discretion.

52.8 Secure access and compliance with Records Retention

1. The employee will maintain the security of any compute being used, to prevent unauthorized access to any City system or information and shall comply with the Public Information Act and follow the City's record retention policies
2. The employee will apply approved safeguards to protect records from unauthorized disclosure or damage.
 - a. Work done at the teleworking location is considered official City business.
 - b. All records must be safeguarded for their return to the office, if not maintained in electronic form.
 - c. Release or destruction of any records should only be done in accordance with the City of Decatur's record retention policies
 - d. Electronic files are considered records and shall be similarly protected.

52.9 Hardware and Software

1. Employees are expected to provide their own equipment, internet access, cabling and phone. However, approval for any hardware and/or software must come from the immediate manager using the work ticket request system located at <http://helpdesk.decaturntx.org/>
 - a. City Information Technology staff will determine the appropriate equipment needs for hardware and software required for the position.
 - b. Any City-provided equipment provided will remain the sole property of the City, shall only be used for conducting City business. Employees who telework are subject to the same internal City of Decatur policies regarding the use of company-provided equipment, including hardware, software, and technical support services.
 - c. Employees who telework must not allow anyone, except City Information Technology (IT) staff, and authorized employees, to use City -provided equipment or including hardware or software..
 - d. City of Decatur will provide routine maintenance and repairs for any City equipment.
 - e. For any problems with the hardware or software, the employee will contact the City IT department for troubleshooting. This contact must be made immediately, or as soon as possible, after the issue is identified.
 - f. If City IT staff cannot repair/correct the problem remotely, the employee will need to coordinate scheduling a time for consultation with the assigned City IT Technician .
 - g. City will not purchase or reimburse employees for the cost of an internet service provider, upgrade or for any increased cost assessed for internet use.
 - h. In addition, any City equipment must be presented upon management request, at City facilities. .
 - i. The teleworking employee must sign an inventory of any City property received and agree to take appropriate action to protect the items from

damage or theft.

52.10 Continuous Workday Rule

To the extent that employees work hybrid schedules that involve working part of the work day remotely and part of the workday at a City facility, the employee should schedule their lunch period for any commute and end of work day for any commute time. If, however, an employer is required to return to a City facility from a remote work location, the City will comply with all Department of Labor Fair Labor Standards Act (FLSA) provisions regarding pay for the workday.

52.11 Liability Disclosure

City will not be responsible for damages to the employee's owned or leased property, which may result from telework.

52.12 Enforcement

Employees who violate any portion of this or any other City policy may be ineligible to continue to telework and/or may be subject to corrective action, up to and including termination from employment.

