

CITY OF DECATUR

Personnel Policy Manual

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1. POLICIES

1.1 OBJECTIVES

The City of Decatur has established the following objectives for the setting of City policies:

- A. To promote and increase efficiency and economy in the service of the City;
- B. To provide fair and equal opportunity to all qualified applicants on the basis of merit and fitness;
- C. To develop a program of positive recruitment and advancement, and to encourage each employee to render the employee's best service to the City;
- D. To promote and provide good working relationships, a uniform personnel policy, opportunity for advancement and consideration for employee needs and desires; and
- E. To establish and maintain plans for uniform classification and compensation based upon relative duties and responsibilities within the service of the City.

1.2 EQUAL OPPORTUNITY

Discrimination against any person in hiring, testing, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions, membership or non-membership in employee organizations, or because of race, color, national origin, marital status, veteran status, or other factors is prohibited.

Discrimination on the basis of age, sex or physical disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.

2. EMPLOYMENT, PLACEMENT, PROMOTIONS

2.1 BASIS OF EMPLOYMENT

Initial employment with the City will be based on merit, ability to perform job function, and moral fitness as evidenced by training and experience.

2.2 VACANCIES

When a vacancy occurs in a department, the hiring authority will make public notice of the vacancy and invite the filing of applications. The notice may be in the form of a news release to the press, classified advertisements, registration of the vacancy with employment agencies, and/or posting a notice at City Hall.

The hiring authority will be responsible for the establishment of interview and hiring procedures not herein stated.

2.3 PROBATION

- A. All appointed or reinstated employees in full-time positions will serve a probationary period of 90 days from the date of employment.
- B. All full-time employees who transfer from one classification to another will serve a probationary period of 90 days from date of transfer.
- D. A probationary employee may be separated from the City at any time during the probation period without right of appeal or hearing.
- E. The department will use the probation period to closely observe and evaluate the work of all employees and to encourage their effective adjustment to the position. Department Heads will retain only those employees who meet an acceptable standard of work during their probation period.

2.4 PERFORMANCE EVALUATIONS

- A. The work performance of employees will be evaluated at least annually.
- B. The evaluation methods will be so devised as to gain significant facts concerning the details of the quality and quantity of work performed, the conduct and work habits of the employee, and other factors having bearing on the employee's value to the organization.

2.5 FULL-TIME REGULAR EMPLOYEES

Full-time regular employees generally work 40 hours a week. They are paid a competitive salary and receive benefits.

2.6 PART-TIME REGULAR EMPLOYEES

Part-time regular employees work less than regular full-time employees (less than 40 hours a week). Generally, they work from 20-30 hours a week. They are paid a competitive salary and are exempt from benefits. They are hired by the City on a part-time basis to fill positions where the needs of the City do not warrant full-time employees. These employees are not eligible to become members of the retirement fund or to accumulate vacation, sick leave or other benefits allowed non-probationary employees.

2.7 TEMPORARY/SEASONAL EMPLOYEES

Temporary/seasonal employees work for a certain period of time, either full-time or part-time. All summer jobs for students fall in this category, as do jobs for a certain period of time as designated to complete a specific work project, such as cleaning up a construction site. These employees are appointed to fill vacancies created by the heavy work load placed on the City during the summer months, or other seasons of the year when additional facilities are made available to the public (i.e. park facilities). These employees are not eligible to become members of the retirement fund or to accumulate vacation, sick leave, or other benefits allowed non-probationary employees.

2.8 NEPOTISM

Relatives of employees may be employed but not under the direct or indirect supervision of any member of their immediate family. For the purpose of this rule, the immediate family includes, spouse, parent, stepparent, child, stepchild.

2.9 INCAPACITIES

- A. An employee may be terminated for medical reasons when the employee is no longer able to perform the essential job functions required for the position and there is no reasonable accommodation.
- B. Separation for incapacity will not be considered disciplinary action and will not be cause to deny an employee any accrued leave or benefits.

2.10 REINSTATEMENTS

An employee who resigns from the City in good standing will be eligible to be rehired in an open position if the employee remains qualified mentally and physically, and if the rehire is in the best interest of the City.

2.11 RESIGNATIONS

Any employee wishing to leave the City in good standing will file with the employee's Department Head a written resignation stating the effective date at least two (2) weeks before the resignation will become effective. Failing to comply with this procedure may be grounds for denial of future employment with the City.

2.12 TRANSFERS

A transfer not including promotion or demotion may be considered at any time for administrative convenience or upon request of the employee to the Department Head if the employee is qualified to perform the duties of the position requested. Transfers between departments become effective following the approval of the Department Heads.

2.13 PROMOTIONS

- A. Promotions must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of increasing compensation.
- B. Employees accepting a promotion will serve a 90-day probationary period. If the employee does not satisfactorily perform the duties of the new position by the end of the probationary period, the employee may be returned to the former position, if available, at the pay rate of the employee prior to the promotion.

2.14 RE-HIRING FORMER EMPLOYEES

Re-hiring a former employee depends upon the past employment record and the reasons for leaving the position. Special consideration will not be given except under extraneous circumstances. All re-hiring is at the discretion of the City Administrator and the related Department Head. Examples of extraneous circumstances include, but are not limited to, the following:

- Return to college for higher level of education;
- Health reasons;
- Military service;
- Part-time, seasonal or temporary work.

3. LEAVES AND ABSENCES

3.1 HOLIDAYS

- A. The following days are designated as official employee holidays:
- * January 1 New Year's Day
 - * 3rd Monday January Martin Luther King Day
 - * 3rd Monday February President's Day
 - * Last Monday in May Memorial Day
 - * July 4th Independence Day
 - * First Monday in September Labor Day
 - * November 11 Veteran's Day
 - * Fourth Thursday in November Thanksgiving Day
 - * Fourth Friday in November Day after Thanksgiving
 - * December 24 Christmas Eve
 - * December 25 Christmas Day
 - * One Floating Holiday to be determined by employee with the approval of his/her supervisor.
- B. If a holiday falls on a Saturday, the preceding Friday will be observed. If a holiday falls on Sunday, the following Monday will be observed.
- C. When an official holiday occurs on a scheduled workday, employees are entitled to the holiday and will receive pay for the number of hours normally worked provided they work the days preceding and following the holiday, at the Department Manager's discretion.
- D. A holiday that falls within an employee's vacation period will not be counted as a day of vacation.
- E. Employees desiring to observe religious holidays that do not coincide with official holidays may be given time off without pay or authorized to use accrued vacation leave or compensatory time with approval of his/her supervisor so long as it does not unreasonably interfere with the job.
- F. Each employee is entitled to 88 holiday hours annually.
- G. The Floating Holiday will amount to eight hours for each employee.
- H. If the hours needed to accommodate time off for a holiday or Floating Holiday falls short of the time available to an employee, they may use vacation time or take a partial day. If the hours needed to accommodate time off for a holiday or Floating Holiday exceeds the time needed, the employee may take this time on another day with the approval of their supervisor.

3.2 VACATION LEAVE

In order to be genuinely productive, it is widely recognized that employees occasionally need some time away from work. Because annual vacation leave is a benefit provided by the City for the purpose of rejuvenating City employees and permitting them leisure time, every employee is encouraged to properly request and use accrued vacation leave during the year.

- A. All full-time employees accrue vacation during their first year of employment, but vacation leave may not be used until six (6) months of continuous service is completed. Vacation leave is forfeited if employment is terminated before completion of twelve (12) months continuous service.
- B. After six (6) months of continuous employment, all full-time employees are eligible to use accrued vacation hours.
- C. Year 1 through year 10 will be accrued at the rate of (3.41) hours for the first pay period and (3.33) hours the remaining (23) pay periods.
- D. After completing ten (10) years of continuous employment one (1) additional vacation day (8 hours) is added for each additional year, beginning with the eleventh (11) year up to a maximum of twenty (20) years. The maximum number of vacation days will be twenty days for all employees with twenty or more year's service with the City. Accrued as follows;

11th year the rate of (3.82) hours for the first pay period and (3.66) hours the remaining (23) pay periods;

12th year the rate of (4.00) for (24) pay periods;

13th year the rate of (4.41) for the first pay period and (4.33) hours the remaining (23) pay periods;

14th year the rate of (4.82) for the first pay period and (4.66) hours the remaining (23) pay periods;

15th year the rate of (5.00) for (24) pay periods;

16th year the rate of (5.41) hours for the first pay period and (5.33) hours the remaining (23) pay periods;

17th year the rate of (5.82) hours for the first pay period and (5.66) hours the remaining (23) pay periods;

18th year the rate of (6.00) hours for (24) pay periods;

19th year the rate of (6.41) hours for the first pay period and (6.33) hours the remaining (23) pay periods;

20th year the rate of (6.82) hours for the first pay period and (6.66) hours the remaining (23) pay periods.

- E. All vacation leave shall be based upon the employee's anniversary date. The City Manager may implement special rules, consistent with state law, for personnel of the Police and Fire Departments.
- F. Temporary or part-time employees will not be eligible for vacation benefits.
- G. Generally, employees shall not be permitted to carry over more than twenty (20) days of vacation leave from year-to-year, based upon a calendar year. However, the City Manager may waive this limitation if the needs of the City preclude the taking of vacation leave which would otherwise be lost because of this limitation.
- H. Requests for vacation leave are subject to approval by an employee's department head prior to the request being granted. Vacation requests by department heads are subject to the approval of the City Manager. A department head shall schedule an employee's vacation giving consideration to the ability of the remaining staff to perform the work of the department. The employee has the responsibility to assure that the leave request is made within a reasonable length of time prior to the commencement of the leave.
- I. Upon termination of service, a full-time employee who has completed twelve (12) months of continuous employment will be paid for any unused vacation time, not to exceed a maximum of (160) hours.
- J. An official holiday occurring during an employee's vacation will not be considered as vacation leave.
- K. No cash advances will be issued for unused vacation leave.
- L. An employee on disciplinary suspension forfeits all claims to use or accrual of vacation leave for the duration of the disciplinary suspension. In no case shall vacation time be granted an employee during the course of a disciplinary suspension as a means to supplement pay lost as a result of the disciplinary suspension.
- M. Vacation leave shall not accrue during leave of absences without pay.

3.3 SICK LEAVE

- A. Sick leave will be used for absences during the regularly scheduled workweek due to disability resulting from illness or injury. Leave may be granted upon request because:
 - the birth of a child
 - the adoption of a child or the placement of a child for foster care
 - caring for a seriously ill spouse, child or parent
 - a serious condition that disables the employee, etc.

An employee's entitlement to leave for a birth or placement for adoption or foster care child expires at the end of the 12-month period beginning on the date of the birth or placement, unless state law allows, or the employer permits, leave to be taken for a longer period. Any such FMLA leave must be concluded within this one-year period.

- B. Sick leave will be accrued by all full-time employees on the basis of one half working day (4 hours) earned for each full month of employment (beginning with the first day of employment) or a total of six (6) days credit for each year of employment. Sick leave may be accumulated to a maximum of thirty (30) days.
- C. An employee who is unable to report to work due to illness or injury will notify the employee's Supervisor or Department Head prior to the employee's scheduled work time. Notification will continue on a day-to-day basis if the absence continues. On return from FMLA leave, an employee is entitled to return to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.
- D. After an employee's accumulated sick leave has been exhausted, unused vacation leave or compensatory time may be used as sick leave when requested. When absence due to illness exceeds the amount of paid leave earned and authorized, the employee may be placed on leave of absence without pay.
- E. Unused sick leave cannot be redeemed as a cash advance.

3.4 ABUSE OF SICK LEAVE

- A. Frequent claiming of benefits under this rule will constitute grounds for the assumption that the employee can no longer perform the essential job function. Evidence of malingering or abuse of this benefit will prove to be sufficient grounds for dismissal or disciplinary action.
- B. An employee that is absent due to illness may be required to furnish the employee's Department Manager with a physician's statement regarding the employee's health status.

3.5 OCCUPATIONAL DISABILITY OR INJURY LEAVE

An employee injured in the course of employment shall be granted occupational disability or injury leave, medical aid, and hospital services as prescribed by the Texas Worker's Compensation Act.

3.6 MILITARY LEAVE

- A. Any full-time employee who joins the Armed Forces is entitled to military leave of absence without pay. Within ninety (90) days following an honorable discharge, within 5 years from the date of enlistment or call to active duty, the employee will be eligible for reinstatement to the same position or to a position and salary classification level comparable to the position formerly held. The employee must be able to perform essential job functions.
- B. Any full-time employee that is a member of the National Guard, Official Military of Texas, or a member of any reserve component of the Armed Forces, will be entitled to a leave of absence from their respective duties without loss of time, efficiency rating, vacation time, or salary for fifteen (15) days per federal fiscal year that the employee is ordered to duty with troops, field exercise, training, or instruction. Such leave of absence for employees will not exceed fifteen (15) consecutive days in a federal fiscal year.
- C. Military leave is subject to the following conditions:
 - 1. All requests for active duty leave must be accompanied by a copy of the order, directive, notice, or other document requiring absence from scheduled work. All requests for inactive duty leave must be requested in advance and documented within five (5) working days after the absence.
 - 2. Travel time included in the orders and paid for or reimbursed by the service may be counted as military leave.
 - 3. Military leave will not be granted for time not under military orders for diagnosis or treatment of any service-connected sickness or disability, for obtaining or sustaining any disability rating, or for treatment in any government facility.
 - 4. Time required for physical examination for selection or admission to the military service, to determine or maintain a selective service rating, or to maintain a reserve status will be counted as military leave.
 - 5. Time required over and above the maximum allowed must be taken as vacation leave or as authorized leave without pay.
 - 6. Upon the end of military duty, the employee shall report to work on the employee's first scheduled work day as stated.
- D. Employees on an unpaid leave of absence for active military service do not accrue benefits during the leave but are credited with any accumulated unused benefits at the time of rehire. Upon return to work, the date of hire is recorded as the original date of hire.
- E. Military leave or other leave for military purposes will only be given in lieu of regularly scheduled work hours.

3.7 PREGNANCY LEAVE

- A. Accumulated sick leave as prescribed in Section 3.3 will be applied to pregnancy cases. An employee who is pregnant will report such condition to the employee's supervisor as soon as possible. A pregnant employee may continue to work until such time as the employee's physician deems it inappropriate.
- B. An employee that intends to return to work after pregnancy must inform the employee's Department Head and immediate supervisor of the employee's intent to return one month prior to the employee's pregnancy leave. After the birth of the child, an employee must furnish a statement from the employee's physician verifying that the employee's physical condition permits resumption of continuous employment, and that the employee is able to perform the essential job functions without endangering the employee's health. Failure to return to work within three (3) months from the birth date of the child will be considered voluntary termination unless the employee is classified medically disabled by the employee's physician.
- C. Upon reinstatement, employees will be placed in the same classification at which they were previously compensated.

3.8 LEAVE OF ABSENCE WITHOUT PAY

- A. A Leave Of Absence Without Pay may be granted upon written request at the discretion of a Department Head to full-time employees for a period not to exceed thirty (30) days.
- B. Leave of Absence Without Pay cannot guarantee that an employee will be placed on his/her previous job upon return from any leave. However, if there is no opening in the same position, that employee will be offered the highest paid job which is then open and for which he/she is qualified. An employee on a leave of absence without Pay will not continue to accrue vacation and sick leave at the employee's regular rate of pay. However, benefits already accrued prior to the Leave of Absence Without Pay, will remain the employee's property.
- C. A full-time employee who is unable to perform regular employment duties as specified by a physician due to illness or non-job related injury, may be granted a leave of absence for the purpose of continuing medical treatment or recovery. Leave of absence for medical reasons must be certified by a doctor's statement.
- D. Full-time employees may be granted a leave of absence for military, educational, or other legitimate purpose consistent with City practices, operational requirements, and government regulations.
 - 1. Upon completion of an approved leave of absence for military, education, or other purpose as provided in the section, an employee would be offered a comparable position for which the employee meets the qualifications.

2. If an employee fails to return to work at the time agreed upon or refuses the comparable position, the employee will be considered to be on unauthorized leave and may be subject to disciplinary action.

It is the responsibility of the employee to inform the department of the employee's intention to return to work.

3. Requests for leave of absence must be in writing and submitted through an employee's supervisor to the Department Head for approval.
4. A leave of absence of more than thirty days must be approved by the Department Head.
5. An extension of a leave of absence for the same purpose as the leave was originally granted requires approval by the Department Head. A request for extension must be submitted in writing at least two calendar weeks prior to the effective day of the end of the original leave.
6. A leave of absence, including any extension, may not exceed six (6) months. After six (6) months, an employee is considered terminated, regardless of type. Provided, however, that a military leave of absence will be allowed for the period required for the employee to perform active or inactive duty or training.
7. Leave of absence is leave without pay. Service credit for all employment privileges and benefits will discontinue while an employee is on leave of absence except where otherwise provided by federal or state law. Health expense coverage must be continued during leave of absence at the employee's sole expense; and the employee should contact the Department Head to assure continuation of such coverage. The employee remains covered under the Group Term Life Insurance Program.
8. A leave of absence without pay for illness may be revoked by the Department Head upon evidence that the cause for sick leave is misrepresented or has ceased to exist.

3.9 UNAUTHORIZED ABSENCE WITHOUT PAY

Unauthorized absence or failure to return at the expiration of a leave of absence will be considered an automatic resignation. The Department Head may rescind such resignation if the employee shows satisfactory reason for the employee's absence within three (3) days of the date the resignation became effective.

3.10 ADMINISTRATIVE OR SPECIAL LEAVE

The Department Head may grant leave with pay, travel and expense allowances so that employees may attend professional conferences, conventions or short school sessions designed to improve efficiency.

3.11 EMERGENCY/BEREAVEMENT LEAVE

- A. In the event of death in the immediate family or the birth of an employee's child, each regular full-time employee will be allowed three (3) working days off. If more leave is necessary, a regular full-time employee may use accrued sick leave and/or vacation leave at the employee's regular rate of pay.
- B. For purpose of this rule, an immediate family includes husband, wife, son, daughter, father, mother, brother, sister, stepchild, stepmother, stepfather, mother-in-law, father-in-law, grandchild, grandmother, and grandfather. Emergency leave days taken off for serious illness of immediate family will be charged against an employee's accrued sick leave.

3.12 JURY AND SUBPOENA LEAVE

Employees who are required by due process of law to render jury service, or who comply with a valid subpoena to appear in a civil, criminal, legislative or administrative proceeding, will receive regular pay during such period. An employee that is on jury or subpoena leave must report to work on any day, or part of a day, that the employee is excused from such duty.

3.13 FAMILY AND MEDICAL LEAVE

- A. Employees who have been employed by the City for at least twelve (12) months and who have worked at least one thousand two hundred and fifty (1,250) hours of the previous twelve (12) months with the City are eligible to receive family and medical leave as provided by the Family and Medical Leave Act of 1993 (the "Act"). The provisions of the Act of 1993 shall govern the application of this Section except to the extent that the Act leaves certain provisions to the discretion of the employer.
- B. Employees are entitled to receive a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following:
 - 1. The birth and subsequent care of that child of the employee;
 - 2. The placement of a child with an employee for adoption or foster care;
 - 3. To care for a spouse, child or parent of the employee, if such person has a serious health condition; or
 - 4. A serious health condition, where the employee is unable to perform the functions of his/her position.

- C. Employees will be required to take all accrued paid vacation leave, personal leave, sick leave or family leave of the employee prior to taking unpaid leave required by the Act.
- D. In any case in which the necessity for leave is foreseeable based on an expected birth or placement, the employee will provide the City with not less than thirty (30) days notice, before the date the leave is to begin, of the employee's intent to take leave under this Section. If the date of birth or placement is not known for at least thirty (30) days, then the employee must provide whatever notice is practicable.
- E. If the City also employs the spouse, and both are entitled to leave under the Act, then they are only entitled to take off a total of twelve (12) weeks between them, unless the time needed off is for their own illness.
- F. Required certification for leave:
 - 1. The City can require a certification issued by the health care provider in order for this leave to be available. Such certificate is sufficient if it states the date on which the serious health condition commenced, the probable duration of the condition and the appropriate medical facts within the knowledge of the health care provider regarding the condition.
 - 2. If the City doubts the veracity of a certification, it can require, at the expense of the City, that the employee obtain a second certification from a health care provider designated or approved by the City. The designated health care provider cannot be employed on a regular basis by the City.
 - 3. If the employee's certification and the certification of the City's designated provider are different, the problem is resolved by the City and the employee agreeing to a third health care provider to do a certification at the City's expense. The third certification is final and binding on both the City and the employee.
- G. Any employee that takes this leave is eligible, upon return to work, to be restored by the City to the position of employment held by the employee when the leave commenced or to an equivalent position with equivalent benefits, pay, etc. Taking of leave shall not result in the loss of any employment benefit accrued prior to the date of the leave. While an employee is off, they will not earn accrual of seniority or employment benefits.
- H. An employee who is returning from a leave must receive certification from the health care provider of the employee that the employee is able to resume work.
- I. An employee whose salary is among the highest paid ten (10) percent of the employees employed by the City can be denied family and medical leave if the denial is necessary to prevent substantial and grievous economic injury to the operations of the City.

- J. The City shall continue to maintain coverage under any group health insurance plan for the employee during the employee's leave under this Act, but dependent coverage must be paid by the employee at the same rate the employee pays it every pay check. If an employee fails to return to work, the City can seek to recover the premiums paid for such continued coverage.
- K. The City Administrator or designee shall maintain records pertaining to compliance with the Act.

4. CONDITIONS OF EMPLOYMENT

4.1 WORK STANDARDS

It will be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in the employee's work for the City. If work habits, attitude, production, and/or personal conduct of an employee fall below appropriate standards, the employee's supervisor should point out these deficiencies at the time of observation. Therefore employees' conduct and personal appearance (including grooming and dress) must be such that a positive image of the employee and the City is presented at all times. While off duty, employees should conduct themselves so as not to bring distrust or discredit to the City of Decatur.

4.2 OUTSIDE EMPLOYMENT

- A. Outside employment consists of all salaried, hourly and contract employment, including consulting work, self-employment and all for-profit ventures. No employee will engage in outside employment, including self-employment, where such employment would create a conflict of interest, or would adversely affect the employee's performance or the interest of the City or the public, resulting in the misuse of City property or funds for personal gain.
- B. Outside employment may be subject to approval of the employee's Department Head and subject to departmental rules.

4.3 POLITICAL ACTIVITY

- A. No City employee shall, while on or off duty, participate, work actively or passively for or against, or attempt to influence the election or defeat of any candidate for elective office of the City of Decatur. This shall not interfere with an employee's right to vote. Any person who violates this provision may be discharged.
- B. For the purposes of this section, a person engages in a political activity if the person:
 - 1. Makes a public political speech supporting or opposing a candidate;

2. Distributes a card or other political literature relating to the campaign of a candidate;
3. Wears a campaign button;
4. Circulates or signs a petition for a candidate;
5. Solicits votes for a candidate; or
6. Solicits campaign contributions for a candidate.

4.4 ATTENDANCE

Employees will be at their assigned work place in accordance with departmental regulations. All Department Heads shall maintain accurate daily attendance records.

4.5 PHYSICAL FITNESS

It shall be the responsibility of each employee to maintain the standards of physical fitness required by the employee's job classification.

4.6 ABUSE OF AUTHORITY

No employee will use or permit the use of such employee's position, uniform, insignia, vehicle, or other City identification for any reason other than the regular performance of the employee's official duties. No employee of the City shall accept any gifts or favor from a person that might reasonably influence him/her in the discharge of his/her official duties or business, or grant in the discharge of that employee's official duties any improper favor, service or thing of value.

4.7 SEXUAL HARASSMENT

The City of Decatur is committed to an environment where people are valued as individuals and treated with respect and dignity. Consistent with this commitment, conduct of a sexually harassing nature is inappropriate and unacceptable at the City of Decatur. Also, the City will not tolerate retaliation against anyone who alleges that they have been subjected to sexually harassing conduct.

This policy applies to all City Employees, whether on City premises or in a location where City work or business is conducted, at any time during work hours or thereafter. All City employees subjected to sexual harassment by contractors, service employees, and customers should use the City's reporting procedures.

A. DEFINITIONS

As defined in Equal Employment Opportunity guidelines, sexual harassment is any unwelcome sexual advance; request for sexual favors; or any verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is a specific or implied term or condition of employment, or

2. Submission or rejection of the conduct is used as the basis for employment or tangible benefit decisions, or
3. Such conduct has the purpose and/or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

B. RESPONSIBILITIES

All City Employees are responsible for promoting a positive work environment by:

- Respecting the individual rights of others,
- Conducting themselves in a professional and businesslike manner,
- Promoting an environment where people feel responsible for and are free to address unwelcome or offensive conduct,
- Refraining from inappropriate or sexually harassing conduct, and
- Initiating actions to correct conduct of a sexually harassing nature.

Managers and supervisors are responsible for:

- Promoting awareness through training within their organizations,
- Addressing issues of inappropriate behavior, and
- Actively endorsing an environment free from unwelcome and offensive conduct.
- Coordinating and assisting in education and awareness programs,
- Administering the application of corrective action, and
- Ensuring consistent administration of this policy.

Sexual harassment is unwelcome behavior that is intimidating and offensive to the recipient and may occur in the following forms.

1. Authority or status is improperly used to request or demand sexual favors in exchange for continued employment or work-related benefits. This is defined as quid-pro-quo or this for that sexual harassment.
2. Hostile environment harassment occurs when verbal or physical conduct by a supervisor or co-worker creates an intimidating, hostile, or offensive work environment. Hostile environment may take the form of, but is not limited to:

- Verbal expressions such as sexual propositions, sexual innuendoes, suggestive comments, sexually oriented “kidding” or “teasing”, and jokes of sexual nature or about gender-specific traits;
- Nonverbal expressions such as obscene or indecent gestures, and displays of offensive printed or visual material; and
- Physical conduct such as touching, patting, pinching, or brushing against another’s body or any physical contact considered unacceptable by the recipient.

Normal social interaction does not usually constitute sexual harassment. However, sexual comments or physical actions including overt displays of affection or familiarity are not appropriate or acceptable in the City work environment, whether welcome or unwelcome.

C. SUPERVISOR/SUBORDINATE RELATIONSHIPS

A proper supervisor relationship cannot be maintained when there is a sexual relationship between a supervisor and a subordinate. Therefore, relationships of this nature are inappropriate and unacceptable at the City of Decatur.

D. ELIMINATING UNWELCOME BEHAVIOR

Promptly stopping unwelcome conduct is of utmost importance. If a City employee feels that they have been subjected to inappropriate behavior, they may choose to inform the person that their behavior is unwelcome and inappropriate. A City employee may seek counsel from their Supervisor or Department Head concerning ways to request that the inappropriate behavior cease.

If, as relates to the subject of inappropriate behavior, the employee feels uncomfortable in personally asking that certain behavior be discontinued, or if their personal efforts to stop any unwelcome behavior were unsuccessful, they are expected to report the conduct and work with the Supervisor or Department Head to eliminate it.

In seeking counsel or requesting assistance in starting a solution process, you should contact the Department Head or City Administrator.

E. CORRECTIVE ACTION

Any City Employee who the City determines has engaged in sexual harassment, whether quid-pro-quo or hostile environment will be disciplined. Corrective action may range from a discussion up to and including immediate termination of employment, depending on the severity of the conduct, impact on the employee, and the best interests of the City.

Corrective action up to and including termination will also be applied in those cases where managers or supervisors become aware of, but fail to address, incidents of a sexually harassing nature.

The City will undertake all necessary corrective action on behalf of City employees subjected to sexual harassment by contractors, service employees, and customers. Corrective action will be undertaken within the bounds of the City's legal relationship with these entities, but in any event, all actions will be undertaken for the purpose of protecting the employee from sexual harassment.

4.8 DRUG FREE WORKPLACE POLICY

- A. The objective of this policy is to develop a drug and alcohol-free workplace that will help insure a safe and productive workplace. In order to further this objective, the following rules regarding alcohol and illegal drugs in the workplace have been established.
 - 1. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on City of Decatur premises or while representing the City of Decatur off-premises is prohibited.
 - 2. Being under the influence of alcohol or other drugs on City of Decatur premises or while representing the City of Decatur off-premises is prohibited. The unauthorized use or possession of alcoholic beverages and abuse of prescription drugs or over-the-counter drugs on City of Decatur premises or while representing the City of Decatur off-premises is prohibited.
 - 3. Employees who violate the substance abuse policy are subject to appropriate disciplinary action up to and including termination.
 - 4. The City of Decatur shall implement a comprehensive drug and alcohol abuse education program. As part of that program, information will be provided on the availability of employee assistance program services.
 - 5. Alcoholism and other drug addiction are recognized as diseases responsive to proper treatment. Employee assistance services will be made available to assist employees.
 - 6. The policy applies to all employees regardless of rank or position within the City of Decatur.
- B. Any employee convicted of a criminal drug statute infraction occurring in the workplace shall notify the City of Decatur in writing no later than five days after such conviction. The City of Decatur will take one of the following actions within 30 days of receiving notice with respect to the convicted employee:

1. Take appropriate disciplinary action against such employee, up to and including job termination.
 2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by the City of Decatur.
- C. The City of Decatur promotes the Employee Assistance Program (EAP) through the Wise County Council on Alcoholism and Drug Abuse for help in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. The cost of treatment, counseling or rehabilitation resulting from the referral will be the responsibility of the employee.

When documented job impairment has been observed and identified, a supervisor may recommend participation in the EAP. Any action taken by the supervisor, however, will be based on job performance.

Supervisor referrals to the EAP will include employee's release of information consent form to be returned to the City of Decatur supervisor by the EAP. Refusal to participate in or failure to complete the EAP-directed program will be documented. Should job performance not improve after a reasonable amount of time, the employee is subject to progressive corrective action up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself, does not preclude the City of Decatur's use of corrective actions, participation in an EAP-directed program may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions.

EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regards to use of sick or comp leave. Sick leave may be taken as needed, while comp time must be pre-approved.

- D. The City of Decatur will establish a drug-free awareness program for employees in order to educate them about the dangers of drug abuse in the workplace. The City of Decatur will provide employees with literature and audio-visual materials to warn about the dangers of drug abuse. It will provide each employee a copy of the City of Decatur's drug-free workplace policy as well as penalties for violating said policy. The City of Decatur will also provide each employee with information regarding the employee assistance program available to employees.

4.9 CONDUCT RELATING TO SUBSTANCE ABUSE AND TESTING

- A. Current Employee Testing: General Standard

Supervisory personnel have the responsibility to be aware of substance abuse and to take appropriate action as outlined in this policy. A supervisor may require a current City employee to undergo controlled substance and alcohol testing if there is reasonable suspicion that the employee is under the influence of controlled substances or alcohol during work hours. "Reasonable suspicion" means a belief that an employee is under the influence of controlled substances or alcohol that can be articulated based on specific facts and reasonable inferences drawn from those facts. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
 2. A work-related accident;
 3. Direct observation of controlled substance or alcohol possession or use; or
 4. Presence of the physical symptoms of controlled substance or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- B. Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee, including the length of its occurrence, and an explanation of how it differs from the individual's behavior. The documentation must be signed and completed within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier
- C. All persons covered by this policy should be aware that violations of the policy on the use and possession of alcohol or other controlled substances will result in discipline, up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions.
- D. An employee will not bring or store alcoholic beverages and/or controlled substances into any City premise or vehicle. Police personnel may bring and/or store intoxicating beverages and/or drugs into a City premise or vehicle when necessary in the performance of police activity for the City.
- E. All testing will be conducted in accordance with the applicable federal, state and/or local laws of testing and reporting requirements.

4.10 CITY PROPERTY SUBJECT TO INSPECTION

Lockers, vehicles, offices and other city property used by employees are subject to inspection by authorized city personnel at any time. Employees will not have any expectation of privacy in lockers, vehicles, offices and other city property.

5. DISCIPLINE AND APPEALS

5.1 DISCIPLINARY ACTION AND REPRIMANDS

Proper conduct on the part of everyone working at this facility is more important than in most other organizations. The responsibility we have to others and ourselves demands we adhere to certain rules and regulations. Any acts of misconduct may lead to disciplinary action, which may range from a reprimand up to, and including discharge. Such a reprimand will be written by the department head, countersigned by the employee and placed in his or her personnel file.

Examples of misconduct include, but are not limited to, the following:

1. Failure to perform duties as instructed.
2. Neglect of duties.
3. Discourtesy to others; within the facility and the public in general.
4. Disregard of established procedures.
5. Violation of any facility safety rule.
6. Creation of excessive noise.
7. Frequent lateness or absenteeism.
8. Disregard of personal appearance.
9. Sleeping on the job, except when on call.
10. Possession of any weapon of any type, while on facility property.
11. Insubordination - refusing to accept job assignments or any other reasonable request of the supervisor.
12. Unexcused absence.

5.2 DISCHARGE

A Department Head or supervisor may recommend that an employee be immediately terminated for gross misconduct. Examples of gross misconduct include, but are not limited to, the following:

1. Reporting for duty under the influence of intoxicants or bringing alcoholic beverages on facility property.
2. Stealing or embezzling.
3. Using habit-forming drugs without physician direction.
4. Gambling on property.
5. Giving out information of a confidential nature to unauthorized people.
6. Fighting on job.
7. Soliciting tips or found to be receiving other funds.
8. Falsifying time records for himself or another employee.
9. Soliciting for any purpose on facility premises.
10. Making false statements on employment application or withholding information that should have been set forth.
11. Unexcused absence for twenty-four (24) hours scheduled working hours.
12. Committing any criminal act during working hours or any time while on facility premises.

5.2 GRIEVANCE AND APPEAL PROCEDURES

Employees may take any job-related complaints, problems, or grievances to City

Administrator in order to resolve them. Following discussion of the grievance with the Administrator, if an employee still remains dissatisfied with a working condition, he or she may submit a written grievance to the City Council within five (5) working days after the cause of the grievance arises or becomes known to the employee.

It shall be the responsibility of the City Administrator to study the grievance and attempt to resolve it within ten (10) working days. Further discussions with the aggrieved party shall be encouraged. If the grievance cannot satisfactorily be resolved within ten (10) working days the Administrator shall refer it with comments and/or recommendations to the City Council for resolution. Supervisors and employees should make every effort to resolve grievances at the lowest level possible. Employees shall be kept informed of the status of their grievances. If a person in the supervisory chain fails to resolve or refer a grievance within ten (10) working days, the employee may present the grievance directly to the next higher level of supervision. Punitive action shall not be taken against an employee for submitting a grievance in accordance with these guidelines.

The employee should always keep in mind the responsibility of the City to its citizens and to the public. It is the responsibility of the employee to assist in discharging this responsibility by contributing to a good working relationship among employees in City government.

6. COMPENSATION PROVISIONS

6.1 WORK WEEK

- A. Regular working hours for City employees are forty (40) hours per week. All employees are paid two (2) times per month or for twenty-four (24) pay periods annually. Employees are paid on the 15th and on the last day of the month.
- B. Each department plans its own work schedules that are posted in the department. The work shifts will be assigned and may be rotated at the discretion of the Department Head. Saturday, Sunday and holiday work will be rotated among employees, whenever feasible.
- C. In order to avoid undue hardships on the employees, advance notice of a change in work schedules will be given, whenever possible. Employees are expected to be at their assigned job punctually at the starting time and remain until proper quitting time.
- D. A lunch period of up to one hour will be assigned by each supervisor. Lunch periods may be staggered to provide adequate coverage in the department.

6.2 OVERTIME

Because of the nature of the facility's services and its duty to have the services available at all times for any condition that may arise, it may be necessary to call employees for work at any time outside of regular work hours. Supervisors will try to plan work so that

it can be completed during regular working hours. However, employees are expected to comply with a request to work overtime in any emergency situation or when given a reasonable advance notice of the need for extra work.

The FLSA (Fair Labor Standards Act) requires that employees be paid time and a half (one and one-half times their rate of pay) for every hour actually worked in excess of forty hours.

A. HOURS WORKED

Hours Worked includes all the time you are required or allowed to work or to be on duty at the workplace. This includes approved holidays.

B. CALCULATING OVERTIME

1. Calculate hours worked plus approved holidays to equal forty (40) hours. FLSA Law does not require vacation, sick leave and/or compensatory time to be used in calculating the forty (40) hours of work or in calculating overtime compensation for hours in excess of forty (40) hours.

Employees are expected to comply with requests to work overtime if:

- (a) The City's business requires overtime work
- (b) The request to work overtime is reasonable
- (c) The employee has no compelling reason not to comply with a request to work overtime; and/or
- (d) An emergency situation exists within the service area that supersedes other considerations

2. Hours compensated at the overtime rate will be defined as the hours actually worked in excess of 40 hours a week.

6.3 COMPENSATORY TIME

- A. Overtime is generally compensated by compensatory time at a rate of 1-1/2 times. Employees who work their regular shift on a holiday receive a day off at another time.

- B. Accrual of Compensatory time

Compensatory time will be credited at the rate of one and one-half (1-1/2) hour credit per one (1) hour worked in excess of forty (40) hours per week provided the employee has been present on all scheduled work days.

6.4 COURT PAY

Off-duty employees required to attend court settings on behalf of the City will be compensated at the employee's regular or overtime rate of pay, depending on the number of hours worked by the employee in the work week, for each hour worked.

6.5 PAY RULES

When you think there is an error in your paycheck, or if you have questions concerning deductions, etc., you should contact the payroll office immediately. Paychecks should be cashed or deposited as soon as convenient after they are received. The facility cannot cash your paycheck. An employee may not draw money in advance of the regular pay.

6.6 PAYROLL DEDUCTIONS

Federal Income taxes and Social Security taxes are required to be withheld from each paycheck in an amount that is determined by Federal Government schedules to be turned over to the Federal Treasury. The amount withheld for income tax is determined by the number of exemptions claimed on the Form W-4. It is the responsibility of the employee to furnish the supervisor with notice of any of the following changes in status for Federal Income tax purposes:

- Changes in marital status
- Changes in dependents
- Reaching your 65th birthday.

Social Security taxes provide certain old age and survivor benefits for wage earners. The funds necessary for the program are collected one-half from the employer and one-half from the employee. The employer is required to deduct the worker's share from his paycheck, match this with an equal amount, and pay the total into the Federal treasury.

7. INSURANCE AND BENEFITS

7.1 PROVISION OF INSURANCE BY THE CITY

The general description of the insurance programs stated herein is not a contract. The necessary detailed provisions are stated in other contracts available to the employee upon appointment or eligibility.

7.2 MEDICAL INSURANCE

Comprehensive Medical benefits are provided for all eligible full-time employees at the City's expense. The group policy may cover such items as hospitalization, surgery, other hospital expenses, physician fees, and major medical. Refer to your Medical Insurance Manual for specific details. Comprehensive Medical is also available for eligible dependents of employees. Employee contribution is required for dependent insurance coverage and such deductions are payroll deductions.

7.3 WORKERS' COMPENSATION PLAN

- A. Employees injured in the course and scope of their employment with the City shall be eligible for Workers' Compensation benefits pursuant to state law.
- B. Injured employees are paid compensation benefits as provided by the Workers' Compensation Act. Such compensation begins the eighth day after the first day off work. If the disability continues for four (4) weeks or more, the initial week of compensation will be paid retroactively.
- C. During such injury leave, the City will pay the employee benefits as prescribed by the Workers' Compensation Act.
 - 1. An injured employee is entitled to medical aid and hospital services which are reasonably required at the time of injury and at any time thereafter as may be necessary to recover. All medical expenses incurred as a result of the occupational injury will be paid by the City in accordance with the provisions of the Workers' Compensation Act.
 - 2. When an employee is injured on the job, the job foreman or supervisor shall complete the accident reports required by the Workers' Compensation Act within the time limit established. Subsequent reports must be filed according to the Act. When an accident causes serious bodily injury or death to an employee, the Department Head and the City Administrator should be notified immediately.
- D. Injury to an employee while off the job will not be compensated by the City; however, the employee may take normal sick leave.
- E. The City of Decatur's Workers' Compensation pay covers work-related physical injuries and certain work-related occupational diseases.
- F. Workers' Compensation law in Texas does not provide payment during a waiting period unless the absence exceeds a specified length of time. Texas has a 7 calendar-day waiting period during which an employee will not be eligible for Workers' Compensation benefits unless the absence exceeds 28 days. When the absence exceeds the specified period of time, Workers' Compensation makes payment for the waiting period retroactively. As a result, an employee in Texas may be absent up to twenty-eight (28) days for a work-related injury or illness and receive no compensation for the first five (5) days missed. In this case the employee may use sick leave or vacation leave if available.
- G. Supervisor's primary responsibilities in the case of work-related injury or illness are to:
 - 1. Get first aid or medical treatment for the injured employee through first aid or a medical service or hospital if necessary;
 - 2. Complete a first report of injury or illness on all work-related injuries/illnesses that are serious enough to:

- Need treatment under direct supervision of a medical doctor and
 - Cause the employee to lose a full shift of work;
3. Maintain contact with the employee during any absence caused by any work-related injury or illness;
 4. Make arrangements for the employee to return to work and consider possible changes in work assignment in case of any restrictions imposed by the doctor;
 5. Inform all employees that their benefits will continue to accrue at the regular rate;
 6. Notify immediately the City Administrator or designee in case of an employee's serious bodily injury or death while on the job; and

7.4 RETIREMENT

All eligible full-time employees of the City will become a part of the Texas Municipal Retirement System. Refer to the Retirement Plan Manual for specific details.

7.5 LIFE INSURANCE

The City of Decatur provides life insurance.

7.6 DEFERRED COMPENSATION

Under the Deferred Compensation Program (DCP), an eligible employee may enter, voluntarily, into an agreement with the City to reduce current earnings and to apply the proceeds of such earnings-reduction to purchase of life insurance, fixed and/or variable annuities, mutual funds, or investment contracts with banks, savings and loan associations, or credit unions. The employee is allowed to defer the payment of federal income tax on the portion of current salary contributed under this program, subject to the limitations established in Section 457 of the Internal Revenue Code.

This program is strictly voluntary, and does not obligate the employee to participate. Additionally, employees who voluntarily participate in the Publication 457 Deferred Compensation Program may also cease their agreement to participate at any time by properly notifying the City's Human Resources Department.

Refer to the Department Head for more information about the DCP.

7.7 SECTION 125 – MEDICAL INSURANCE

Under the Flex 125 Medical Insurance Program, an eligible employee may enter, voluntarily, into an agreement with the City to reduce current earnings and to apply the proceeds of such earnings-reduction to pay for medical expenses tax-free.

This program is strictly voluntary, and does not obligate the employee to participate. Additionally, employees who voluntarily participate in the Flex 125 Medical Insurance

Program may also cease their agreement to participate at any time by properly notifying the City's Human Resources Department.

Refer to the Department Head for more information about the Flex 125 Program.

AT-WILL EMPLOYMENT

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/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.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason.

ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK

This manual has been prepared to help you understand the City of Decatur's policies, procedures, and benefits. Terms and conditions of employment are as summarized in this manual.

The contents of this manual are presented as a matter of information only. While the City generally follows the policies and procedures described herein, they are not a contract. The City reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, any time, with or without notice.

Only the City Council has the authority to enter into an employment contract. All such contracts must be in writing and signed by both the mayor and the employee. Otherwise, employment may be terminated at any time by either the employee or the City.

* * * * *

This is to acknowledge that I have received and read the City of Decatur Personnel Policy Manual completely. Any rules I did not understand were explained to me.

It is my understanding that any violation of the City's rules and regulations can make me subject to immediate termination.

I understand that I am to, and will, observe and abide by all amended and additional rules and regulations that may be given to me in writing.

I ACKNOWLEDGE THAT THIS IS NOT A CONTRACT.

I acknowledge receipt and retention of the City of Decatur Personnel Policy Manual and a signed copy of the Acknowledgment of Receipt.

EMPLOYEE NAME: _____

DEPARTMENT: _____

EMPLOYEE SIGNATURE: _____ DATE: _____

WITNESS: _____ DATE: _____