

# *City of Wills Point*



## *Personnel Policy & Procedure Manual*

*Adopted May 13, 2008*

*Revised July 14, 2009 (Resolution 09-12)*

"Notice to Employees"; Chapter 1, "Introduction" specifically, "About this Manual", Scope of Manual", and "Modifications to Manual"; Chapter 2, "Purpose and Responsibilities" specifically, "Clarification of Personnel Policies", "Applicability", Dissemination", and "Definitions"; Policy 310, 401, 402, 403, 406, 408, 409, 410, 412, 500, 501, 502, 503, 504, 601, 606, 607, 608, 700, 701, 707, 708, 1100, 1101, 1200, 1201, 1202, 1204, 1300, 1301, 1302, 1303, 1304, 1307, 1308, 1310, 1313 and the "Employee Acknowledgement Statement of Receipt of Personnel Policies and Procedure Manual.

*Revised February 8, 2011 (Resolution 11-05)*

Policy 1205- Social Networking established.

*Revised April 12, 2011 (Resolution 11-09)*

Policy 1204 Cell Phone use & Pager use.

*Revised August 9, 2011 (Resolution 11-14)*

Chapter 2, "Definitions"- Full-Time Employee- remove references to the City EMS/Fire Department; Policy 601 "Employment Categories" remove references to the City EMS/Fire Department; Policy 803 "Compensatory Time", Policy 904 "Vacation" and Policy 905 "Sick Leave".

*Revised January 24, 2012 (Resolution 12-03)*

Policy 610 "Outside/Secondary Employment", Policy 807 "Holiday Compensation", Policy 904 "Vacation", Policy 905 "Sick Leave", Policy 1005 "Emergency Leave" was rescinded and entirely removed.

*Revised February 14, 2012 (Resolution 12-06)*

Revise Policy 301 “Equal Employment Opportunity”, Policy 309 “Disability Accommodations”, Policy 310 “HIPAA Privacy Regulations” and Policy 605 “Recruitment/Selection Process to comply with the settlement agreement between the City and the Department of Justice (Americans with Disabilities Act requirements).

*Revised March 13, 2012 (Resolution 12-13)*

Revise Policy 903 “Holiday Pay”

*Revised July 10, 2012 (Resolution 12-21)*

Revise Policy 1305 “Procedures to Appeal a Written Reprimand”

*Revised June 11, 2013 (Resolution 13-07)*

Revise Policy 801 “Pay Procedures/Advance Pay”.

*Revised October 8, 2013 (Passed Verbally by City Council)*

Revise Policy 903 “Holidays Observed” Add Veterans Day to Holidays Observed.

*Revised November 12, 2013 (Resolution 13-36)*

Revise Policy 808 “Travel”

*Revised February 11, 2014 (Resolution 14-02)*

Revise Policy 1001 “Family & Medical Leave Act (FMLA)”, Policy 1004 “Maternity Leave” and add Policy 1005 “Medical Leave-Non-FMLA”.

*Revised April 14, 2015 (Resolution 15-05)*

Revise Policy 404 “Customer Service”

*Revised August 11, 2015 (Resolution 15-15)*

Revise Policy 810 “Separation Pay” and abolish Policy 1005 “Medical Leave” (Non-FMLA)

*Revised May 10, 2016 (Resolution 16-14)*

Revise Policy 501 “Physical Fitness”

*Revised February 14, 2017 (Resolution 17-04)*

Revise Policy 807- “Holiday Compensation”- Specifically regarding Police Officers by adding a Holiday Time Bank.

*Revised May 9, 2017 (Resolution 17-11)*

Revise Policy 406- “Personal Appearance of Employees and City Volunteers” Specifically reimbursement costs related to uniforms, shirts, pants, boots, caps, raincoat/jackets vests and/or reflective vests purchased by the City if employee leaves within a 12-month period. Revise Policy 905- “Sick Leave” Specifically regarding calling in sick after denial of vacation/comp leave. Revise Policy 907 “Tuition Reimbursement/Employee Training” Specifically reimbursement to the City for cost of training/testing if an employee leaves within a 12-month period of City paying for such costs.

*Revised July 11, 2017 (Resolution 17-15)*

Add New Policy #811 “Wage Overpayment/Underpayment Policy”

## **NOTICE TO EMPLOYEES and VOLUNTEERS:**

**This Personnel Policy and Procedure Manual does not supersede any state or federal laws, or any other City policies regarding confidentiality, information dissemination, or standards of conduct. This Manual is not a contract nor does it guarantee continued employment between the City and any of its employees and/or volunteers. The policies contained within this Manual are intended as guidelines for personnel administration. The City reserves the right to make changes to this Manual and its policies at any time. Further, these policies do not alter any employee's employment-at-will status nor do these policies create a property interest in City employment. Nothing contained in this Manual shall be construed to limit the City of Wills Point's right to terminate any employee and/or volunteer for any reason or no reason and without cause. Each City employee and volunteer will receive a copy of this Manual annually. City employees and/or volunteers are required to read, sign and then return the Personnel Policy and Procedure Manual signature page to the Personnel Department.**

**Pursuant to state and/or federal laws, some of the policies contained in this Manual may not apply to City volunteers.**

**CITY OF WILLS POINT**  
**PERSONNEL POLICY AND PROCEDURE STATEMENTS**  
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Sign and return Copy 1 to Human Resources within three (3) business days

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# **CHAPTER 1**

## **INTRODUCTION**

The City Government of Wills Point, Texas is administered by six (6) elected officials and an appointed City Administrator, as well as City Office staff.

### **About This Manual**

The City of Wills Point's General Government Personnel Policy Manual is a source of reference for supervisors, employees, and volunteers of the City of Wills Point. It is a series of comprehensive policies and procedures that are designed to provide a foundation for consistent and equitable human resources administration throughout the City. It is the policy of the City of Wills Point to provide guidance to managers and supervisors in the areas of human resources management. The policies are founded on the belief that the City's success depends on its employees' and/or volunteers' dedication to the community. The City of Wills Point strives to select, motivate, develop, and retain employees and/or volunteers who are regarded as the finest. The City expects a high level of commitment from its employees and/or volunteers. In return, the City provides an environment in which employees and/or volunteers can achieve both their personal and professional goals.

### **Scope of Manual**

The City of Wills Point's policies and procedures contained within this manual apply to all employees and volunteers, except where superseded by the Fire Department and/or Police Department Policies and Procedures Manuals. Because of the variety of services performed by the City, it may be necessary for individual departments to establish codes of conduct, rules and regulations, policies, and standard operating procedures to accomplish departmental responsibilities. All such departmental rules and policies may be more restrictive, but not less restrictive than the policies in this Manual. An employee and/or volunteer who violates a departmental code of conduct, rule, policy, or procedure is subject to disciplinary action. As such, different policies and procedures used by different departments of the City may be permissible only if approved by the City Administrator or his/her designee to ensure their compliance with City philosophy. The term "supervisor," and/or "department head" as used throughout this manual, refers to any employee, regardless of his or her managerial level, who is directly responsible for the work of other employees and/or volunteers.

### **Modifications to Manual**

No employee manual can anticipate every circumstance or question about policy. As the City continues to grow and as the need arises, the City reserves the right to interpret,

revise, supplement, or rescind and revoke, any or all of the policies, procedures and statements contained in this manual from time to time as it deems appropriate and without prior notice in its sole discretion. Any modification to these policies must be submitted in writing, approved by the City Administrator or his/her designee, and approved by the City Council. Any future changes to this manual shall be communicated to employees and volunteers through official notices. The content of this manual is only intended to be informational in nature and a guide to appropriate action, but does not represent a contractual obligation of any kind. Employment with the City is at the will of both City and the employee so that either party may terminate the relationship at any time and for any lawful reason. For additional information in dealing with employee /supervision issues not specifically covered within this manual, clarification of items covered, and/or assistance with individual situations that may arise, contact the Human Resource Department at (903) 873-2578.

### **Date of Adoption**

These Personnel Policies and Procedures are effective immediately upon adoption by the City Council and in accordance with State law.

## **CHAPTER 2**

### **PURPOSE & RESPONSIBILITIES**

The City of Wills Point policies and administrative directives are established to provide employees and City volunteers with fair and equitable guidelines. These policies are designed to bring to the City service a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices.

The policies and administrative directives apply to all City employees and volunteers, except as superseded by Fire Department or Police Department Policies and Procedures. They are designed to do the following:

- a. To promote and increase effectiveness and efficiency of City services, ensuring responsiveness to the public.
- b. To provide a fair and equal opportunity for qualified persons to enter and progress within the City service in a manner based on performance as ascertained through fair and practical personnel management methods.
- c. To maintain recruitment, advancement, training, and tenure practices to enhance the attractiveness of a City career and encourage each employee to give his or her best effort to the City and the public.
- d. To maintain consistent, up-to-date position classification and compensation plans based on the relative duties and responsibilities of jobs in the City service.
- e. To promote high morale among City employees and volunteers by fostering good working relationships by providing uniform personnel policies, opportunities for advancement and consideration of employee needs and desires.
- f. To endeavor to comply with all applicable statutes and regulations, including all confidentiality and security safeguards set forth in the Texas Public Information Act, as amended, and the federal Privacy Act of 1974, as amended.
- g. To provide an attractive, efficient, and safe environment by maintaining good physical working conditions.
- h. To regard planned training, continuing education, and staff development activities as an investment for the mutual benefit of employees, volunteers and the City.
- i. To communicate freely and to encourage communication from and among all employees and volunteers.

- j. To provide a work environment that is conducive to both personal and professional growth.
- k. To safeguard each employee's and/or volunteer's right to be treated with respect, dignity, equity, and fairness; where provided, the right to appeal any violation of these rights.
- l. To recruit, select, compensate, and promote employees on the basis of qualifications and merit, including but not limited to criteria such as ability to work well with others, positive attitude, leadership and similar criteria.

## **Clarification of Personnel Policies**

The personnel policies herein outlined may be further defined and clarified by the preparation of administrative directives, which shall be approved by the City Administrator or his/her designee. All employees and volunteers shall be provided knowledge of and access to such administrative directives. City policies may be revised at the discretion of the City Administrator, with approval of City Council, who may unilaterally change any of the policies set forth herein by adoption of ordinance(s) or resolutions incorporating such changes. Employees and volunteers must comply with policies or be subject to disciplinary action, up to and including termination.

## **Applicability**

This manual and these policies apply to all City employees, including full-time, part-time, and temporary employees, to the extent specified herein, as well as City volunteers. Elected officials, the City Attorney, members of appointed boards and commissions, persons employed under contract to supply professional and technical services, City volunteers, including personnel appointed to serve without pay shall not be considered City Employees for purposes of this manual and these policies, except as provided under Title VII of the Civil Rights Act of 1964. To the extent permitted by law, this Manual and these policies apply to all City volunteers (including but not limited to volunteer firefighters, reserve police officers and/or City committee volunteers) and personnel appointed to serve without pay. The volunteer firefighter policies will not conflict with this manual. Failure to comply with these policies may result in appropriate disciplinary action. All City employees and volunteers are charged with the responsibility of being thoroughly familiar with all provisions of these Personnel Policies and Procedures.

## **Dissemination**

All City employees and volunteers shall be informed of the existence of this manual and these policies and all related administrative directives. Each department shall keep at least one copy available for reference by its employees and volunteers. A copy of this manual and these policies also shall be provided to all City employees and volunteers.

## **Division of Responsibility**

With the exception of matters reserved by the City Council, the general and final authority for personnel management rests with the City Administrator. However, the City Administrator shall advise management in all areas of personnel administration, including but not limited to, employee management relations, training and career development, employee health, safety, compensation, performance appraisal, and employee hiring and termination procedures. The City Administrator may delegate the responsibilities contained in these policies to other appropriate City personnel. Department directors and subordinate management personnel are responsible for assuring adherence to the provisions of these policies and administrative directives, and for cooperating with the City Administrator on all related matters pertinent to their organizational units.

## **Definitions**

A. Any reference to any person in this Personnel Policies and Procedures Manual by use of the masculine gender is for purposes of grammatical clarity only, and shall not be construed to exclude the feminine gender.

B. Titles utilized herein shall not govern, limit, modify or affect the scope of meaning or intent of any provision.

C. Any provision contained herein that is found or determined to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

D. The words and terms used in these Personnel Policies and Procedures shall have the meaning indicated as follows (unless the context in which the word is used clearly indicates otherwise):

**ADDRESS** means the street and number, city, state and zip code of a residence and/or the post office box mailing address, if applicable.

**ADMINISTRATIVE LEAVE** means an authorized absence with pay.

**CITY** means the City of Wills Point, Texas.

**CLASS and/or CLASSIFICATION** means a position, or group of positions, having similar duties and responsibilities, requiring similar qualifications that can be properly designated by one title indicating the nature of work and that carries the same salary range.

**DEMOTION** means an assignment of an employee from a position in one classification

to a position in another classification having a lower pay grade, which may or may not require a salary reduction (depending on the type of demotion).

**DEPARTMENT** means a major functional/operating division or unit of the City government.

**DEPARTMENT HEAD** means any person, designated or appointed by the City Administrator or City Council, who is responsible for the administration of a department. This person shall appoint and/or remove employees of his/her department subject to the approval of the City Administrator.

**ELIGIBLE** means a person who meets the qualifications for employment and is available for appointment.

**EMPLOYEE** means any person employed and paid a salary or wages by the City, and includes a person employed on a permanent, temporary full-time or part-time basis, but does not include an independent contractor, contract employee, the City Attorney, a member of an appointed Board or Commission, or a member of the City Council.

**EXEMPT EMPLOYEE** means any employee who occupies an executive, administrative or professional position or is a computer employee, as defined by the Fair Labor Standards Act, as amended.

**FULL-TIME EMPLOYEE** means any employee that on an average works forty (40) hours or more per work week and is either salaried or hourly. The 40-hour work week requirement does not apply to employees of the Police Department. Regular full-time employees are eligible for all benefits offered by the City to its employees.

**JOB** means a collection of tasks, duties and responsibilities regularly assigned to and performed by an individual or individuals when the magnitude of the job is such that one person cannot perform it.

**LEAVE WITHOUT PAY** means an authorized temporary absence without pay.

**MANUAL** means these Personnel Policies and Procedures.

**MILITARY LEAVE** means any authorized absence of an employee for active or reserve duty or training in the United States armed forces.

**MONTH** means one (1) calendar month.

**MOTOR VEHICLE ACCIDENT** means an incident involving a motor vehicle in which there is either a fatality, any property damage, an injury treated immediately and/or away from the scene or a vehicle is required to be towed, due to disabling damage, from the scene.

**NON-EXEMPT EMPLOYEE** means any employee who does not occupy an executive, administrative or professional position or is not a computer employee, as defined by the Fair Labor Standards Act, as amended.

**OUTSIDE/SECONDARY EMPLOYMENT** means any business, trade, occupation, or profession performed for any entity other than the City, including self-employment.

**OVERTIME** means work performed more than forty (40) hours per work week. This definition does not apply to non-exempt public safety employees, whose overtime is based on their defined work periods.

**PART-TIME EMPLOYEE** means any employee that on the average works fewer than 40 hours per week and is paid on an hourly basis. Part-time employees are not eligible for any City benefits, other than workers' compensation benefits.

**PHYSICIAN, LICENSED PHYSICIAN, OR DOCTOR** means any physician licensed by the Texas State Board of Medical Examiners.

**PROMOTION** means an assignment of an employee from a position of one (1) classification to a position in another classification having a higher pay grade and a higher level of duties and responsibilities.

**REDUCTION IN FORCE** means a separation from City service because of a shortage of funds or materials, elimination of a position or other reasons beyond the control of an employee and not reflecting discredit upon him/her and not done for disciplinary reasons.

**REGULAR EMPLOYEE** means an employee who is either full-time or part-time and is non-seasonal and non-temporary.

**RESIDENCE** means the actual place of abode of an employee.

**RETIREMENT** means the first day an eligible employee becomes entitled to receive retirement benefits.

**SEPARATION** means a voluntary or involuntary cessation of employment with the City.

**SERIOUS HEALTH CONDITION** means an illness, injury, impairment or physical or mental condition involving inpatient care or continuing treatment by a health care provider.

**SUPERVISOR** means any person responsible to a superior for directing the work of others.

**SUSPENSION** means an involuntary discontinuance of pay for a specified period of time.

**TEMPORARY EMPLOYEE** means any employee appointed to any of the following:

1. An assignment or job scheduled to last less than six (6) months;
2. A position funded under a federal employment and training program as a participant meeting federal eligibility requirements, but not including administrative or staff positions;
3. A cooperative work-study program with an educational institution;
4. A seasonal position where the assignment generally will last no more than six (6) months;
5. Any assignment of less than a full calendar year, which is repeated from year to year, even though the assignment may last more than six (6) months; or
6. A position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force.

Temporary employees may be paid either a salary or by the hour. Temporary employees are not eligible for any City benefits, other than workers' compensation benefits.

**TERMINATION** means a disciplinary cessation of employment with the City.



**TRANSFER** means any change of an employee from one position to another position in a classification having the same pay range and generally the same duties and responsibilities.

**VOLUNTEER** means any person who serves the City of Wills Point of his/her own free will without pay, including but not limited to personnel hired, appointed and/or elected to serve without pay.

**WORKDAY OR WORKING DAY** means any one shift during which a department is open for business or on which an employee is scheduled to work.

**WORK WEEK** means a fixed, recurring period as follows:

1. 40 hours per week, which generally is defined as Saturday 12:00:01 a.m. to Friday 11:59:59 p.m., for regular full-time employees (except for modified workweek personnel).
2. Twenty-eight (28) day work period or other authorized work period pursuant to Section 207(k) of the Fair Labor Standards Act, for non-exempt Fire Department employees.
3. Fourteen (14) day work period for non-exempt sworn employees in the Police Department.

## Policy Number 300-310

### CHAPTER 3 EMPLOYMENT LAW COMPLIANCE

#### **Policy # 300 Employment At-Will**

Employment with the City of Wills Point is on an “at-will” basis. The employee may quit and the City may terminate the employee at any time, for any non-discriminatory reason or for no reason. **The provisions of this Policies and Procedures Manual are not intended to create a contract of employment, and no agreement or promise regarding an employee’s terms or conditions of employment is intended to create any contractual rights to employment, either express or implied, between the City and any employee that is binding on the City.** The City has the right to change its policies at any time without prior notice. No contrary verbal representation or statement of an employee’s terms and conditions of employment is binding upon the City.

The employment relationship between the City of Wills Point and an individual is by mutual consent.

This employment-at-will policy may not be modified by any statements contained in this manual or any other employee handbooks, employment applications, City recruiting materials, City memoranda, or other materials provided to applicants and employees about their employment. Similarly, City policies and administrative directives with respect to any matter should not be considered as creating any contractual obligation on the City's part or as stating in any way that termination will occur only "for cause." Statements of specific grounds for termination set forth in this manual or in any other City documents are examples only, not all-inclusive lists, and are not intended to restrict the City's rights to terminate at-will.

#### **Policy #301 Equal Employment Opportunity**

It is the policy of the City of Wills Point to provide equal opportunity employment to all employees and applicants for employment. The City of Wills Point believes a strong commitment to an equal employment opportunity is more than a legal and moral obligation - it is also sound business practice to realize the potential of every individual. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. Employment practices will not be influenced or affected by an applicant's or employee's race, color, creed, religion, sex, national origin, age, disability, marital status, military service, or any characteristic protected by law.

This policy governs all aspects of employment, including recruitment, selection, job assignment, promotion, compensation, counseling, discipline, termination, access to benefits and training and any other aspect of employment or personnel management involving political or religious opinions or affiliations. The City will make reasonable

accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Any employees with questions and concerns about any type of unlawful discrimination in the workplace are strongly encouraged to bring these issues to the attention of their immediate supervisor, department head or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal. Retaliation, intimidation, coercion, or harassment against any applicant for employment or employee who may file a grievance under this policy and/or who may file a grievance or complaint in accordance with existing statutory rights of appeal to appropriate governmental authorities is prohibited. Anyone found to be engaging in any type of unlawful discrimination will be subject to corrective action, up to and including termination of employment.

Derogatory language against or about any person's age, race, gender, color, national origin, religion, or disability is prohibited.

Federal laws currently prohibit employment discrimination against individuals for a number of reasons, including the following: race, color, religion, sex, or national origin (Title VII of the Civil Rights Act of 1964); pregnancy (Pregnancy Discrimination Act); age 40 or older (Age Discrimination in Employment Act) national origin or citizenship status (Immigration Reform and Control Act); disability (Americans with Disability Act); sex/gender (Equal Pay Act); race (Section 1981 of the Civil Rights Act of 1866); and military status (Uniformed Services Employment and Re-employment Rights Act).

## **Policy # 302**

### **Policy # 303 Legal Postings**

It is the policy of the City of Wills Point to comply with all applicable local, state, and federal laws requiring the posting of information. All legally required posters, bulletins, or other material must be prominently displayed in locations accessible to applicants and employees.

### **Policy # 304 Texas Open Records Act**

The intent of the implementation of these guidelines is to provide for a streamlined, systematic approach for both the City and the public when public records have been requested. Public records include any information that is collected, assembled, or maintained by, or for a governmental entity.

### **Policy # 305 Records Retention**

The City of Wills Point preserves and maintains records required in accordance with local, state, and federal regulation regarding the retention of City information.

### **Policy # 306 Open Government**

It is the policy of the City of Wills Point to comply with all state and local government laws

and regulations related to open government. The principle of Open Government is inherent in the American form of representative democracy. Employees who work for governmental entities work with the consent of the governed, and that consent is meaningless without widespread access to government information and the decision-making process as required by law.

### **Policy # 307 Diversity in the Workplace**

It is the City of Wills Point's policy to commit to the principle of diversity and recognize that both the workforce and the customer base is changing, and includes people from many different backgrounds. The concept of diversity differs from both EEO and Affirmative Action. EEO laws require only that an employer treat all employees and applicants equally, while Affirmative Action laws require employer to ensure that certain protected classes of employees are represented in their workforce. Diversity is not required by any law. Diversity is an approach to making business decisions that value individual differences and attempts to include the distinct opinions that result because of the individual's personal characteristics, such as race, gender, religion, national origin, creed, ethnicity, age, financial background, and individual experiences.

### **Policy # 308 Immigration Law Compliance**

The City of Wills Point is committed to employing only United States citizens and immigrants authorized to work in the United States, and does not unlawfully discriminate based on citizenship and national origin. The Immigration Reform and Control Act of 1986 as amended in part by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibit employers from hiring individuals who are not legally eligible to work in the United States. Accordingly, all employers are required to verify that every new employee is either a U.S. citizen or authorized to be employed in the United States.

### **Policy # 309 Disability Accommodations**

The City of Wills Point is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position. Reasonable accommodation that does not impose an undue hardship on the City is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis. The City is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The City will follow any

state or local law that provides individuals with disabilities greater protection than the ADA. This policy is neither exhaustive nor exclusive. The City of Wills Point is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws. Examples of accommodations include restructuring the job, offering part-time or modified work schedules, reassigning the employee to a vacant position, acquiring or modifying equipment or devices, providing qualified readers or interpreters, and making existing facilities accessible to and usable by employees with disabilities. An accommodation imposes an "undue hardship" on an employer if it involves significant difficulty or expense; is unduly extensive, substantial, or disruptive; or would fundamentally alter the nature or operation of the City.

## **Policy # 310 HIPAA Privacy Regulations**

The Health Insurance Portability and Accountability Act (HIPAA) was enacted in 1996. The Department of Health and Human Services has issued privacy and security regulations that cover health plans and health care providers, including the City of Wills Point's health plan. In accordance with HIPAA, (1) a Privacy Officer has been selected. The Privacy Officer is determined by the City Administrator; (2) The City maintains the privacy of all of its employees and volunteers through a limited-access and locked storage system accessible only by the Human Resources Department; and (3) before accessing Protected Health Information, a written and signed authorization is generally required unless a legal exception applies, such as disclosure is made for purposes of treatment, securing payment, or in accordance with the operations of a health care provider.

HIPAA's Privacy Rules and Texas Health and Safety Code, Chapter 181(effective September 1, 2003) give individuals a fundamental right to be informed of the privacy practices of their health plans and other covered entities, as well as to be informed of their privacy rights with respect to their personal health information. The Privacy Rules require "covered entities" to observe privacy standards and implement safeguards to protect "protected health information (PHI)." This law gives individuals rights to understand and control how their health information is used.

The City of Wills Point will review this policy periodically to ensure compliance with state and federal laws. The City is taking these steps to ensure your privacy and to regulate distribution (verbal or otherwise) of confidential medical information. Should an employee have any questions regarding HIPAA, please contact the Human Resources Department.

## **NOTICE OF HIPAA PRIVACY RIGHTS**

The City of Wills Point strives to protect the privacy of its employees' and volunteers' medical information to the greatest possible extent. To accomplish this, the City and its management staff, employees and volunteers are required to follow these guidelines regarding the confidentiality of medical information:

1. All medical information concerning employees and/or volunteers will be maintained in separate, confidential medical files that are stored apart from regular personnel records. Only authorized employees will have access to such files, and access will be provided solely on a need-to-know basis. Furthermore, such access shall be granted only in accordance with applicable law, which includes (but is not limited to) the Americans with Disabilities Act, the Family, and Medical Leave Act (if applicable), the Federal Rehabilitation Act, state workers' compensation law and state privacy laws.
2. Employees and volunteers are hereby notified that medical information concerning employees and volunteers is confidential under state and federal laws and may not be discussed at any time with any person under any circumstances. Exceptions are if an employee and/or volunteer needs to do so to carry out his or her job duties, or if the person discussing the information is talking with the subject of the information at that person's invitation. If an employee and/or volunteer is concerned about a co-worker's possible medical condition, the employee and/or volunteer should direct these concerns only to the HIPAA Compliance Officer/Human Resources Department and to no one else.
3. Any employee and/or volunteer who is found to have discussed medical information about another employee and/or volunteer in violation of this policy, or who is found to have released such information without authorization when necessary, will be subject to disciplinary action, up to and including immediate termination from employment. In addition, employees and/or volunteers who violate medical information confidentiality may be subject to civil and criminal liability under state and federal laws.
4. All access to employee medical records must be approved by the HIPAA Compliance Officer/Human Resources Department. If an employee and/or volunteer believe that this medical information confidentiality policy has been violated, he or she should contact the HIPAA Compliance Officer/Human Resources Department immediately. If it is believed that the HIPAA Compliance Officer/Human Resources Department personnel has violated the policy, the employee and/or volunteer should contact any City officer.
5. Medical records will not be provided to outsiders, except when the City is properly served with a valid subpoena, Release, or applicable Open Records Request. When possible, the City will notify the employee and/or volunteer

of the proper service of a subpoena upon it, to enable the employee and/or volunteer to seek to quash the subpoena or take other action as deemed appropriate by the employee/volunteer.

If you have any questions about this information, please contact the HIPAA Compliance Officer/Human Resources Department immediately.

## **Policy Number 400-417**

# **CHAPTER 4 STANDARDS OF CONDUCT**

### **Policy # 400 Code of Ethics**

The City of Wills Point has adopted a Code of Ethics governing officers, employees, and City volunteers. All employees and volunteers are expected to comply with the provisions of the code.

### **Policy # 401 Ethical Behavior**

It is the intent of the City of Wills Point to provide department heads and supervisors with guidelines regarding conflicts of interest and their relationship to the standards of ethical behavior required of all City employees and volunteers. All employees and volunteers have an obligation to conduct business within guidelines that avoid actual or potential conflicts of interest. This policy establishes only the framework within which City employees and volunteers are expected to perform. It provides general direction and informs employees and volunteers how to seek further clarification and advice on issues related to this subject. An actual or potential conflict of interest, or the perception or appearance of a conflict of interest, occurs when an employee and/or volunteer can influence a decision that may result in a personal gain for that employee/volunteer, a relative, or other person living in the same household, because of the City's business activities. A relative is defined as any person who is related by blood or marriage, or whose relationship with the employee is like that of persons who are related by blood or marriage.

Day-to-day business activities with outside corporations, business associations, firms and/or other business entities, vendors or contractors should not result in unusual or unreasonable gains, financial or otherwise, for outside corporations, business associations, firms, and/or other business entities, vendors, contractors, the City, or any employee. An unusual or unreasonable gain refers to product bonuses, special fringe benefits, unusual price discounts, and other inducements designed to benefit any party to the business activities. Promotional plans, transactions, or activities that could be interpreted or perceived as involving unusual gains require specific disclosure. Personal gain, or the potential for gain, may result not only in cases where an employee or relative has significant ownership in a corporation, business association, partnership, firm and/or other business entity with which the City does business, but also when an employee/volunteer or relative receives any compensation, substantial gift, or special consideration because of any transactions or business activities involving the City.

A City employee and/or volunteer shall not accept or receive any reward, gift, or other form of remuneration, apart from his or her regular City compensation, from any source for the performance of his or her City duties. If a reward, gift, or other form of remuneration is made available to a City employee and/or volunteer, that reward, gift, or other form of remuneration should be credited to a designated City employee fund after approval by the City Administrator.



The materials, products, designs, plans, ideas, documents, and any data of the City are the property of the City and should never be given to an outside corporation, business association, firm and/or other business entity or an individual, except through normal channels, with appropriate prior authorization. Any improper transfer of any type of material or disclosure of any form of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable and unethical conduct. Any employee who participates in such a practice will be subject to corrective action, up to and including termination of employment.

### **Policy # 402 Confidentiality**

The protection of confidential City business information is vital to the interest and success of the City. Any employee and/or volunteer who, without prior authorization or permission, discloses confidential business or personal information, including information about other employees/volunteers, will be subject to disciplinary action, up to and including termination of employment, even if he or she does not actually benefit from the disclosed information. Employees and volunteers have a continuing obligation to protect the confidentiality of City business.

### **Policy # 403 Work Place Behavior**

It is the policy of the City that certain rules and regulations regarding employee/volunteer behavior are necessary for efficient business operations and for the benefit and safety of all employees and volunteers. It shall be the duty of each employee and/or volunteer to maintain high standards of cooperation, efficiency, and economy in his or her work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives. Conduct that interferes with operations, discredits the City, or is in any way offensive to customers and/or coworkers will not be tolerated and will be subject to disciplinary action, up to and including termination of employment.

### **Policy #404 Customer Service**

The City of Wills Point is committed to providing high quality services in a responsive and friendly manner to provide a safe and healthy community. The City believes that this standard of service promotes all that is positive about our city. To best achieve our commitment to provide a wide range of quality services from all the city departments, the City expects employees/volunteers to support and follow the philosophy of public service that is embodied in the following, but not necessarily limited to the following:

1. Meet citizen's needs by providing friendly, courteous, and efficient service. Friendliness is the most basic of all customer's needs. Employees/volunteers should communicate common courtesies to citizens and/or customers in all interactions, such as a simple hello, good afternoon, or thank you.

2. Listen to citizens and respond to their concerns. Customers need to feel that the City of Wills Point understands and appreciates their circumstances without criticism or judgment.
3. Be fair. Customers get annoyed and defensive when they feel they are subject to unfair treatment.
4. Employees/Volunteers should give full attention to the citizen/customer they are dealing with. Eye contact and taking notes, if applicable, demonstrate that the employee/volunteer is actively listening.
5. Employees/Volunteers should acknowledge citizens/customers arriving at public counters immediately, and welcome them with a smile. If the employee/volunteer cannot help the citizen/customer right away, the employee/volunteer should explain why and get to the citizen/customer as soon as possible.
6. Communicate clearly and effectively. Help the citizen/customer understand the issue and the City's process.
7. Strive to understand and empathize with the citizen/customer's point-of-view.
8. Recognize that compliance with the City's codes and policies is mandatory, work with the citizen/customer to identify alternatives and solutions when applicable.
9. Employees/volunteers must follow-up with citizen/customer in a timely manner when the citizen/customer has been advised that the employee/volunteer will follow-up.
10. Utilize effective and professional telephone protocols including but not limited to:
  - a. When answering telephones employees/volunteers shall be polite and cheerful.
  - b. Employees/volunteers shall identify themselves by name.
  - c. Return phone calls shall be made no later than one (1) business day, unless alternative prior arrangements have been made.
  - d. Ensure that calls for service are handled in a timely manner, based upon workload and resources.
11. Refrain from using profane or inappropriate language or body language. It is never appropriate for an employee/volunteer to use foul language when representing the City.

12. When dealing with irate customers, employees/volunteers shall politely let the citizen/customer know that they will do their best to assist the citizen/customer in resolving the given issue. Attempt to work through the citizen/customer's concern to an appropriate resolution. If the employee/volunteer does not have the authority to handle an issue, the employee/volunteer should ask the customer to please be patient as the employee/volunteer contacts the appropriate person to handle the situation.
13. Although it is ultimately the City's goal to solve the citizen/customer's problem by providing the desired service, employees/volunteers may terminate a conversation with a citizen/customer who demonstrates threatening, aggressive, or inappropriate behavior or language.

Conduct with citizens/customers that interferes with operations, discredits the City, or is in any way offensive to citizens/customers will not be tolerated and will be subject to disciplinary action, up to and including termination of employment or consideration of removal from a volunteer position.

### **Policy # 405 Solicitation**

The City of Wills Point limits solicitation and distribution on its premises because those activities can interfere with normal operations, reduce employee efficiency, annoy customers, and pose a threat to security. It is the policy of the City to prohibit solicitation and distribution on City-owned premises by non-employees and to permit solicitation and distribution by employees only as outlined in this manual and policies.

### **Policy # 406 Personal Appearance of Employees and City Volunteers**

It is the policy of the City that each employee and/or volunteer's dress, grooming, and personal hygiene should be appropriate to the work situation. The City of Wills Point's public image is a product of its staff, individually and collectively. A professional appearance is a key factor in creating and maintaining a favorable image. All employees and/or volunteers contribute personally to this image by their individual attire and grooming. It is also the desire of the City that when uniforms are provided they present a favorable impression to the public. Because a customer often forms an opinion of the City by the appearance of those who serve him or her, a favorable appearance is essential.

Employees/volunteers assigned to certain City departments shall be provided uniforms for use during work hours. A uniform may include shirt(s), pant(s), shoes, boots, cap(s), hat(s), raincoat, jacket(s) and/or reflective vest. City employees/volunteers are expected to exercise due care in the maintenance of all uniform items. Uniforms shall be neat and clean when the employee/volunteer reports to work. Employees and/or volunteers in some departments will be unable to keep the uniform clean while working, but should strive to remain as neat an appearance as possible (shirt tucked in,

etc.) When uniform items become unserviceable or unsightly, employees/volunteers shall report such to their supervisor/department head to authorize replacement.

Employees/volunteers issued a uniform shall wear the uniform at all times while on duty. If a cap or hat is provided by the City, the employee/volunteer shall wear the cap or hat provided by the City and shall refrain from wearing a personally owned cap or hat. Uniforms issued to employees/volunteers by the City are to be worn for work only, including work-related training activities, and shall not be worn for personal use, other than to and from work.

All serviceable uniform items shall be returned to the City by employees upon separation from City employment. Reimbursement costs related to the purchase of any specifically purchased/fitted uniform shirt(s), pant(s), shoes, boots, cap(s), hat(s), raincoat, jackets(s), vests and/or reflective vest shall be withheld from employees' final paycheck in an amount determined by the City Administrator not to exceed \$1,000.00 if the employee voluntarily leaves City employment within a 12-month period of hire date. Police personnel shall be required to return all department issued equipment/uniforms if the employee voluntarily leaves employment within a 12-month employment period. Police personnel may be, at the discretion of the Police Chief, required to reimburse the City an amount as determined by the Chief of Police/City Administrator not to exceed \$1,000.00 for specially fitted equipment and/or vest if employee voluntarily leaves within 12 months of hire date.

### **Policy # 407 Attendance & Punctuality**

It is the policy of the City to require employees to report for work punctually and to work all scheduled hours and any required overtime. While periodic absences are to be expected, the City is not expected to suffer through the abuse of chronic and excessive absenteeism. Excessive tardiness and poor attendance disrupts workflow and customer service, and will not be tolerated. Frequent claiming of benefits under this policy will constitute grounds for the assumption that the physical condition of the employee is below the standard necessary for the proper performance of duties. Evidence of malingering, or the abuse of this benefit, will constitute grounds for dismissal or other disciplinary action. Conditions that constitute unsatisfactory attendance are addressed in Policy # 303 of this manual.

### **Policy # 408 Violence in the Work Place**

The safety and security of City employees and City volunteers is of vital importance. Acts or threats of physical violence, including intimidation, harassment and/or coercion, which involve or affect the City, or which occur on City property, will not be tolerated from anyone. The prohibition against threats and acts of violence applies to all persons involved in the operation of the City, but not limited to City personnel, contract and/or temporary workers and anyone else on City property. Violations of this policy, by any individual, will result in disciplinary action, up to and including termination of employment, and/or legal action as appropriate.

## **Policy # 409 Sexual & Other Unlawful Harassment**

The City of Wills Point is committed to providing a work environment that is free of discrimination and all forms of harassment. No form of harassment will be tolerated, including actions, words, jokes, or comments based on an individual's sex, race, ethnicity/national origin, age, religion, sexual orientation, disability, pregnancy, military status, or any other legally protected status. Therefore, the City will take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment, with special attention paid to the prohibition of sexual harassment. As an example, sexual harassment (both overt and subtle), including jokes, the exhibition of pictures, diagrams, and cartoons, is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited. Supervisory personnel are required to take immediate and positive steps to eliminate any form of sexual harassment when it comes to their attention.

Harassment is generally defined as unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person's work performance.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting that individual; or
3. Such conduct has a purpose or effect of substantially interfering with an individual's professional performance or creating an intimidating, hostile or offensive employment environment.

Any employee who believes that a supervisor's, other employee's or non-employee's actions or words constitute harassment has a responsibility to report or complain about the situation as soon as possible to his or her supervisor. The supervisor should also notify Human Resources. This will ensure that steps may be taken as necessary to protect the employee/volunteer from further harassment, and appropriate investigative and disciplinary measures initiated. If it is not practical for the person being harassed to tell his or her supervisor, the employee should instead file a complaint with his or her department head or directly with the Human Resources Department. The Human Resources Department will be responsible for the investigation of any complaint alleging harassment.

Employees/volunteers may raise concerns and make reports of unlawful harassment without fear of reprisal. Anyone engaging in sexual or other unlawful harassment will be

subject to disciplinary action, up to and including termination of employment.

## **Policy # 410 Drug Free/Alcohol-Free Work Place / Drug Testing**

It is the policy of the City to maintain a workplace that is free from the effects of drug and alcohol abuse. To promote this goal, employees and volunteers are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner. While on City premises and while conducting business-related activities off City premises, no employee/volunteer may use, possess, purchase, distribute, sell or be under the influence of alcohol or engage in the unlawful distribution, manufacture, dispensing, possession or use of illegal drugs. Further, off-duty employees/volunteers are prohibited from purchasing or from being served alcohol while wearing City-issued uniforms, or other attire displaying the City of Wills Point name, logo, or other such identifying marks associating them with the City of Wills Point. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

For purposes of this section, the term, “drug” includes alcohol, prescription drugs when not taken as directed by the employee’s doctor, illegal inhalants, and illegal drugs.

The legal use of prescribed drugs or over-the-counter medications taken for a current health condition is permitted on the job only if it does not impair an employee’s ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Employees must report their legal use of over-the-counter or prescribed medications to their immediate supervisor, department head, or to the Human Resources Department only if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly. If the employee’s job abilities are compromised, the employee’s supervisor may send the employee home. If available, appropriate leave may be used to cover the absence.

Employees may be asked to take a test at any time to determine the presence of drugs, narcotics, or alcohol, unless law prohibits tests. It is a violation of this policy to refuse consent for these purposes or to test positive for illegal drugs or alcohol exceeding the established level. Policy violations will result in discipline and may result in termination of employment. Tests that are paid for by the City are the property of the City, and the examination records will be treated as confidential and held in separate medical files.

An employee’s voluntary disclosure of a chemical dependency problem may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a “voluntary disclosure” upon being notified that he or she must submit to a drug or alcohol test. Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their supervisor, department head or the Human Resources Department to receive

assistance or referrals to appropriate resources.

Under the Drug-Free Workplace Act, any employee must notify the Human Resources Department of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction.

**Employee Drug Testing:** All employees and/or volunteers of the City of Wills Point are subject to drug and/or alcohol testing. The following tests may be conducted:

1. Pre-employment alcohol and drug tests may be conducted on all applicants before applicants are hired.
2. Post-motor vehicle accident alcohol and drug tests may be conducted on all employees as soon as practical following a motor vehicle accident. Any employee involved in an accident involving motorized equipment also may be subject to alcohol and drug tests as soon as practical following an accident. Any employee involved in an accident of any kind may be required to submit to a drug and alcohol screen.
3. Alcohol and drug testing also may be conducted when a trained supervisor or department head has reasonable suspicion, or observes behavior, speech, appearance, or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing must occur as soon as practical following the supervisor's observation. The supervisor must document his/her observations and forward the document to the Human Resources Department.

Employees/volunteers with questions about this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor, department head or the Human Resources Department without fear of reprisal.

### **Policy # 411 Work Place Searches**

The City has an overriding interest in the prevention of any activities which may interfere with effective, efficient, and safe operations in the City. It is the responsibility of City management to safeguard against any activities which might negatively impact City functions or create an unsafe workplace for employees or unsafe environment for the public, including but not limited to the use of alcohol or illegal drugs or substances. For this purpose, work places and work spaces of all City employees are subject to random inspections and investigation searches at any time by the City and continued City employment shall operate as employee consent for any searches or monitoring of City-owned or City-leased property or items. Further, no unauthorized locks or keys to locks for City-owned or City-leased property or items may be utilized by any City employee. Any utilization of such unauthorized locks or keys shall subject same to removal by the City.

The terms work place or work space include any area where work is performed and any items related to work which are used by or are accessible to any employee, such as

computer equipment, including hardware, networks and hard drives, communication devices, offices, desks, files, file cabinets, lockers, cabinets, storage areas, City-owned or City-leased vehicles and equipment. These terms do not include employee's personal items, such as personal vehicle, handbags, or briefcases.

Employees have no expectation of privacy relating to City-owned or City-leased vehicles and equipment, offices, lockers, desks, files, file cabinets, storage areas, cabinets, computer equipment, including hardware, networks and hard drives, communication devices and/or other City property.

### **Policy # 412 Smoke / Smokeless Tobacco**

It is the policy of the City of Wills Point that all smoking and smokeless tobacco products will only be used before and after work hours, during designated breaks set by the supervisor or department head, and during lunch break. Smoking is only allowed in designated areas. This policy applies to all employees during working time and to customers and visitors while on City premises. The City seeks to provide its employees and volunteers a quality work environment. A favorable work environment creates an efficient and effective workforce. The City feels that the employee's/volunteer's workspace includes not only his or her indoor office space, but also the employee's/volunteer's City-owned vehicle. Generally, the use of all tobacco products, smoke or smokeless, is prohibited in any City-owned building, vehicle, or piece of equipment.

### **Policy # 413 Political Activity**

It is the policy of the City of Wills Point to provide the following restrictions regarding the political activity of all City employees:

- a. Employees shall refrain from publicly using their positions or influence for or against any candidate for public office in the City of Wills Point.
- b. Employees, either on or off duty, shall not circulate petitions or campaign literature on behalf of candidates for a City of Wills Point elective office or be in any way involved with soliciting or receiving any subscription, contribution, or political service on behalf of such candidates, unless specifically authorized by law to do so.
- c. Employees shall not use working hours or City property to be in any way involved with soliciting or receiving any subscription, contribution, or political service or to circulate petitions or campaign literature on behalf of candidates for public office in any jurisdiction.
- d. Employees shall not in any manner contribute money, labor, time, or other valuable things to any person for City of Wills Point election purposes, unless specifically authorized by law to do so.
- e. In accordance with the City of Wills Point's Code of Ethics, no employee may seek or hold an appointed or elective City of Wills Point office of public trust, nor hold a



partisan office in any jurisdiction or any other office where service would constitute a direct conflict of interest with City of Wills Point employment, as determined by the City Administrator, either with or without remuneration. Upon announcement of his or her intention to seek or assume such City of Wills Point office, or to assume any other described office, an employee shall resign or shall be dismissed upon failure to do so.

- f. Nothing within this political activity policy shall be construed to affect an employee's right to vote.

### **Policy # 414 Garrity Warning**

When City management becomes aware of an instance when a City employee may be involved in an alleged criminal matter, an Administrative Inquiry should be conducted. This Inquiry will include administration of the Garrity Warning (the civilian equivalent of the Miranda Warning) by the City Administrator. Additionally, all City employees are required to report to their department head, or if the employee is a department head, he or she must report to the City Administrator all alleged crimes. The employee will be questioned to determine his/her legal status, the possibility of disciplinary action, and any general information, which may be necessary to make decisions regarding his/her continued City employment. Administration of the Garrity Warning will void any attempt to cite Fifth Amendment rights to remain silent to avoid self-incrimination when the questions pertain to employment matters. Employers are justified in requiring information that is job-related; however, any information obtained shall not be given to any law enforcement agency to be used for prosecution in criminal matters against the accused City employee.

In *Garrity vs. New Jersey*, the U.S. Supreme Court held that information provided to an employer under the threat of dismissal for non-cooperation with an investigation was not admissible in criminal court to be used against the employee. This legal doctrine may be relevant when the City of Wills Point is investigating City employee conduct that may have been criminal. City employees may assert that they have a Constitutional Fifth Amendment right not to answer questions in an employment investigation that may tend to incriminate them in criminal activity. While the City cannot in such circumstances force City employees to answer questions, the City may take appropriate disciplinary action against City employees for not cooperating with the City's investigation since the Constitution does not prohibit this action. City employees' Constitutional rights remain protected, under *Garrity*, because the City cannot use information provided to the City under threat of dismissal against City employees in criminal court. Thus, the *Garrity* doctrine protects the Constitutional Rights of City employees in criminal prosecutions while permitting the City to investigate potentially criminal misconduct in the work place.

### **Policy #415 Concealed Handgun**

The City of Wills Point prohibits the carrying of concealed handguns inside City-owned or

controlled premises and any other premises where weapons are prohibited by Section 46.03 of the Texas Penal Code (such as, schools, election polling places, courts and court offices). Possession of a concealed handgun inside City-owned or controlled premises and/or any other prohibited location, by any person other than peace officers, is forbidden and the City will take whatever steps reasonable and necessary to deny entry into or onto City-owned or controlled premises and/or any other prohibited location.

The City will post the appropriate signage and will provide other such notices in accordance with Sections 30.05 and 30.06 of the Texas Penal Code (the Criminal Trespass Law). Persons in violation of this law will be denied entry or continued presence on City-owned or controlled premises, and violators will be prosecuted for the offense of criminal trespass.

### **Policy # 416 Whistleblower Act Issues**

The Texas Legislature enacted the Texas Whistleblower Act to protect public employees who report violations of law by their governmental employers or another public employee. For a City employee to be protected by the Whistleblower Act, the employee must (1) report a violation of law; (2) in good faith; (3) to an appropriate law enforcement authority, and thus, the employee (4) is suspended, terminated, or suffered some adverse employment action because of making the report. If a City employee believes that he/she has suffered an adverse employment action because of making a good faith report of the violation of a law, the City employee should notify his/her supervisor, department head or Human Resources department to discuss his/her concerns. It is the City's policy that no City employee suffers an adverse employment action for a good faith reporting of the violation of a law.

### **Policy # 417 Arrest/Confinement.**

City employees are subject to duty restrictions and discipline for acts prohibited by law and/or resulting in charges being filed, arrest or confinement.

1. Any City employee detained by law enforcement authorities, who fails to report to work or to timely notify his/her supervisor or department head will be subject to disciplinary action for an unauthorized absence/Absence without Approved Leave. If the City employee does not report to work, the time shall be recorded as unpaid leave.
2. At the time the City is made aware of a City employee's arrest or conduct constituting a criminal offense, the Department Head may:
  - a. allow the employee to return to regular duty with pay;
  - b. allow the employee to return to restricted duty with pay; or
  - c. place the employee on administrative leave with pay.

3. Disciplinary action may be pursued in addition to the foregoing options concurrently or at a later date.
4. Disciplinary action also may be pursued while a City employee is in custody or incarcerated.

This policy also applies to acts prohibited by law and not resulting in charges being filed, arrest or confinement. Further, this policy is subject to a case-by-case review of the facts that will determine, in accordance with applicable law, the choice of the option to be pursued.

## **Policy Number 500-505**

# **CHAPTER 5 CONDITIONS OF EMPLOYMENT**

### **Policy # 500 Employee Relations**

The City of Wills Point believes that the work conditions, wages, and benefits it offers to its City employees and/or volunteers are competitive with those offered by other cities in this area. If City employees and/or volunteers have questions or concerns about work conditions or compensation, they are strongly encouraged to talk openly and directly with their supervisors and/or department heads. Experience has shown that when City employees/volunteers deal openly and directly with supervisors and/or department heads, the work environment can be exceptional, communications can be clear, and attitudes can be positive.

### **Policy #501 Physical Fitness**

It is the continuing responsibility of each City employee and/or City volunteer to maintain the standards of physical and mental health fitness required for performing the essential duties of his/her position. A City employee/volunteer who becomes aware of a medical or mental disability that may affect his/her ability to perform the essential duties of his/her assigned position must inform his/her immediate supervisor and/or department head. When it is suspected that the health condition of a City employee/volunteer constitutes a hazard to persons or property, or prevents the City employee/volunteer from effectively performing his/her essential assigned duties, the City employee/volunteer may be required to submit to a health examination. Authorization for disclosure of all reports to the City, including contacting and discussing health-related issues with any physician or health care provider, shall be a condition of continued City employment. The City also may require City employees/volunteers to return to a physician or health care provider for additional evaluation or information.

Department heads or the Human Resources Department may require City employees/volunteers to periodically demonstrate their ability to perform job-related physical requirements and/or establish voluntary or mandatory programs to maintain fitness by taking mental or physical examinations specifically related to employment in his/her job classification or department. Inability to demonstrate ability to perform job-related physical requirements may result in medical separation and failure to comply with the mental or physical examinations may result in disciplinary action.

Authorization for disclosure of all reports to the City shall be a condition of continued employment with the City. The Human Resources Department shall develop, promote, and assist department heads in implementing those programs and procedures necessary to maintain the required level of physical and/or mental health fitness in those departments and/or positions where such fitness is conditional to employment

and job performance.

If a City employee is unable to perform the essential duties of his/her assigned position, the City may make reasonable accommodations to provide for the City employee to perform such duties. These accommodations will be determined on a case by case basis as determined by the department head and City Administrator. If a reasonable accommodation cannot be made and the City employee is unable to perform the essential duties of his/her assigned position, he/she may be terminated.

### **Policy # 502 Residence Requirement**

To the extent permitted by federal and state law, department heads, with the approval of the City Administrator, may designate certain positions where it is appropriate that City employees/volunteers reside within thirty minutes of the City of Wills Point. Essential personnel or City employees/volunteers likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work. City employees/volunteers operating City vehicles between their places of residence and work stations also may be required to reside within reasonable commuting ranges of the City or their work stations. The City Administrator also may require a City employee/volunteer hired or transferring into a position with residency or response requirements to comply with the established standards prior to completion of the introductory evaluation/probationary period. However, there shall be no absolute residence requirement for City employment, except as may be provided by law.

### **Policy # 503 Standards of Conduct**

The City of Wills Point expects every employee and City volunteer to consistently maintain satisfactory standards of conduct and performance standards. Continuing conduct and/or performance deficiencies, unlike the isolated violations noted in the subsequent sections of this article, should first be addressed by the mutually cooperative efforts of the supervisor and/or department head and employee/volunteer. Those efforts include but are not limited to:

- An analysis of the problem;
- A determination of needed changes and assistance; and
- Implementation of a corrective plan of action and establishment of achievement dates.

If conduct and/or performance standards are not met within a reasonable period of time, the employee/volunteer, depending upon the reasons for failure, may be transferred, demoted or terminated. The specific action taken and the status of the employee/volunteer determine what, if any, appeal rights are available to the employee/volunteer.

The following types of conduct are unacceptable and may be cause for discipline in the form of a documented oral reprimand, written reprimand, suspension, demotion, or termination, depending upon the facts and circumstances of each case. The examples given below are typical, but not all-inclusive:

- A. **Unsatisfactory attendance** is exemplified by, but is not limited to, the following violations:
1. Unexcused absence or tardiness;
  2. Failure to give notice of an absence or tardiness to the supervisor or department head no later than one (1) hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy;
  3. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or
  4. Abuse of leave, such that the employee's absence from the workplace renders him or her unable to perform the essential functions of the job at a satisfactory level, except as covered by the Family and Medical Leave Act.
- B. **Frequent claiming of sick leave** may constitute grounds for the assumption of the department head that the physical condition of an employee is below the standard required for the employee to perform the essential functions of the job.
- C. **Abandonment** occurs when an employee deliberately and without authorization is absent from the job or refuses a legitimate order to report to work, for three (3) consecutive work days. An employee failing to report for duty or remain at work as scheduled without proper notification, authorization or excuse shall be considered absence without approved leave, which constitutes abandonment of job duties that may result in termination. Any employee absent without approved leave shall not be in pay status for the time involved. Any employee absent without approved leave for more than three (3) consecutive workdays and who has not notified his/her department head of extenuating circumstances prohibiting the employee's prior notification, shall be considered job abandonment and the employee shall be considered to have resigned and may not receive pay for any accumulated benefits, including but not limited to vacation and/or sick leave, not mandated by the Fair Labor Standards Act and/or other federal or state laws, at the City's discretion.
- D. **Inability to come to work** occurs when an employee is absent due to an extended illness or injury after all eligible leave has been exhausted, except when the Family and Medical Leave Act covers the employee's absence.
- E. **Inability or unwillingness to perform assigned work satisfactorily** is

exemplified by, but is not limited to, the following violations:

1. Failure to follow routine written or verbal instructions;
2. Arguing over assignments or instructions; or
3. An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.

F. **Indifference toward work** is exemplified by, but is not limited to, the following violations:

1. Inattention, inefficiency, loafing, sleeping, carelessness or negligence;
2. Reading unauthorized material, playing games, watching television, movies, videocassettes, or DVDs, accessing unauthorized Internet sites, unauthorized e-mail usage or otherwise engaging in entertainment while on the job and/or in view of the public;
3. Excessive failure to remain at one's work station without notifying his or her supervisor, leaving work without permission or taking excessive time or more time than allowed for eating and/or break periods;
4. Performance of personal business;
5. Interference with the work of others; or
6. Discourteous or irresponsible treatment of the public or other employees.

G. **Sabotage** is exemplified by, but is not limited to, the following violations:

1. Deliberate damage to or destruction of City equipment or property;
2. Defacing of City property;
3. Unauthorized alteration, removal, destruction, or disclosure of City records;
4. Advocacy of or participation in unlawful trespass or seizure of City property;

5. Encouraging or engaging in slowdowns, sit-ins, strikes or other concerted actions or efforts to limit or restrict employees from working;
6. Encouraging City employees to disobey provisions of these rules and regulations, City ordinances, City Resolutions, or other laws;
7. Interference with the public use of or access to City services, properties, or buildings; or
8. Threats to commit any act of sabotage as defined in this subparagraph.

H. **Safety violations** are exemplified by, but are not limited to, the following violations:

1. Failure to follow City or departmental safety rules and regulations;
2. Failure to use required safety apparel;
3. Removal or circumvention of a safety device;
4. Lifting in a manner that may cause injury;
5. Operations of a vehicle or other equipment in an unsafe, negligent, or careless manner;
6. Smoking in a prohibited area;
7. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
8. Failure to report an on-the-job injury, vehicle accident or unsafe working condition;
9. Failure of a supervisor and/or department head to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
10. Failure to maintain a driving record acceptable to the City, if the job requires driving.

I. **Dishonesty** is exemplified by, but is not limited to, the following violations:



1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
2. Cheating, forging or willful falsification of official City reports, City records, and/or City time slips and time records;
3. False reporting of the reason for a paid leave of absence;
4. Any other falsifying action detrimental to the City, City employees or others; or
5. False swearing or false testimony.

J. **Theft**, regardless of item value, is exemplified by, but is not limited to, the following violations:

1. Unauthorized taking of City property, City supplies or the property of others;
2. Unauthorized use of City or employee funds;
3. Using or authorizing the use of City equipment, supplies or employee services for other than official City business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
4. Using or authorizing the use of City equipment or employee services without proper authority.

K. **Insubordination** is exemplified by, but is not limited to, the following violations:

1. Willful failure or refusal to follow the specific orders or instructions of a department head, supervisor, or higher authority; or
2. Pursuit of a denied request to a higher authority without revealing the lower level disposition; if:
  - a. If the employee believes an instruction or order is improper, he or she should request an interpretation by the next higher level of authority; or
  - b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others, or damage to City equipment, the employee should request approval by the next higher level of supervision before

performing the work, unless the danger complained about is inherent to the job.

L. **Abuse of drugs or alcohol.**

1. Abuse of drugs of any kind or alcohol is exemplified by, but is not limited to, the following violations:

a. An employee is judged unable to perform duties in an effective and safe manner due to:

(1) ingestion, inhalation, or injection of a drug; or

(2) ingestion of an alcoholic beverage;

b. An employee possesses or ingests, inhales or injects into his body a drug:

(1) during working hours and/or lunch periods;

(2) in a City vehicle;

(3) on City property; or

c. An employee possesses or ingests an alcoholic beverage:

(1) during working hours and/or lunch periods;

(2) in a City vehicle; or

(3) on City property, except at an authorized City event.

2. In this section:

a. "Drug" means a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code, as may hereafter be amended.

b. "Alcoholic beverage" means alcohol or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

M. **Disturbance** is exemplified by, but is not limited to, the following violations:

1. Fighting or boisterous conduct;
2. Deliberate causing of physical injury to another employee or citizen;
3. Harassment, as defined by the Texas Penal Code, or intimidation;
4. Unnecessary disruption of the work area;
5. Use of profane, abusive, threatening or loud and boisterous language;
6. Sexual harassment;
7. Spreading of false reports; or
8. Other disruption of the harmonious relations among employees or between employees and the public.

N. **Abuse of City property** is exemplified by, but is not limited to, the following violations:

1. Intentional, careless, or negligent damage or destruction of City equipment or property;
2. Waste of materials or negligent loss of tools or materials;
3. Improper maintenance of equipment; or
4. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

O. **Misconduct** is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest or confinement.

P. **Disregard of public trust** is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.

Q. **Failure to report a violation** is exemplified by, but not limited to, failure to report to the proper authority any known violation described in Subsections F, G, H, I, J, K, L, M, N, or W.

- R. An employee shall maintain sufficient competence to properly perform his or her duties and to assume the responsibilities of his or her position. He or she shall direct and coordinate his or her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. The fact that the employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as the result of job performance deficiencies. Apart from, or in addition to, other methods of proof of incompetence, such as failure to achieve and maintain acceptable job proficiency and to accept and execute duties, responsibilities, instructions and orders with minimum supervision, a written record of repeated disciplinary actions for infractions of policies, rules, regulations, manuals or directives, or repeated adverse counseling reports and/or evaluations reflecting need for improvement or indicating performance inadequacies, will be considered prima facie evidence of incompetence.
- S. No employee shall discriminate against any individual based on race, color, creed, religion, gender, national origin, age, disability, or physical handicap.
- T. An employee shall maintain a neat, well-groomed appearance and style his or her hair and wear his or her uniform or other apparel in accordance with individually established departmental standards.
- U. An employee shall maintain high standards of moral conduct in his or her personal affairs and shall not be a participant in any incident involving moral turpitude that tends to or does impair his or her ability to perform as a City employee or cause the City to be brought into disrepute.
- V. An employee shall refrain from undertaking any financial obligation that he or she knows, or should know, he or she will be unable to meet. An employee shall pay all just debts when due. Conduct in violation of this policy that tends to impair the efficient operation of municipal administration or causes the City to be brought into disrepute may be cause for disciplinary action. Further, an employee shall not solicit any employee to co-sign or endorse any promissory note or other loan.
- W. An employee shall not cash any check of any kind (personal or from a third-party source) using City funds or monies as this action is strictly prohibited by the City. Under no circumstances will the City cash any check (personal or from a third-party source) for any person or entity, including employees. If a check is presented to the City as payment for City services that is over the amount owed to the City, an employee shall not give cash back to any person or entity. An employee may either (1) apply the overpayment amount to the person's or entity's City account for a future bill or statement; or (2) mail a refund check to the person or entity

after the transaction, at the person's or entity's choice. Any action that is inconsistent with this provision is a violation of City policy and is subject to disciplinary action being taken.

- X. No employee shall engage in any form of labor organization or association activities while on duty or on City property. An employee shall have the right to join labor organizations, but nothing shall compel the City to recognize or to engage in collective bargaining with any such labor organizations. No employee shall engage in any strike. "Strike" includes but is not limited to, any of the following when engaged in for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of employment:
  - 1. The concerted failure to report for duty, willful absence from one's position;
  - 2. Unauthorized holidays;
  - 3. Sickness unsubstantiated by a physician's statement in accordance with personnel policy;
  - 4. The stoppage of work or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment; or
  - 5. An acceleration of work performance resulting in an unreasonable and substantial increase in City activity.
  
- Y. No employee shall be or become a member, with intent to further its aims, of any organization, association, movement, or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unlawful means.
  
- Z. Employees shall notify their department head or immediate supervisor of any traffic violations, except Class C traffic offenses, any arrest, indictment, or conviction within five (5) calendar days of such traffic violation, arrest, indictment or conviction. Employees who operate City vehicles or equipment are required to notify their department head or immediate supervisor of all traffic violations involving City vehicles within five (5) calendar days of any citation or conviction.
  
- AA. No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. An

employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established City procedures and consistent with the Texas Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and with the approval of the applicable department head. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of his or her work. Further, an employee shall not use information gained from any City information system for anything other than official City business.

- BB. An employee shall cooperate in an internal investigation in which he or she is the primary focus or for which he or she is a witness or affected party.
- CC. City officials and/or City employees who wear a City of Wills Point issued t-shirt and/or uniform, badge, other official insignia or carry some form of credentials as evidence of their authority and/or identity shall not permit such a City of Wills Point issued t-shirt and/or uniform, badge, insignia, or credentials to be used or worn by any other person, or to otherwise leave their possession without prior approval of the department head. The department head shall only grant approval for such use to those persons who are regularly and are formally appointed to the position designated by the City of Wills Point issued t-shirt and/or uniform, badge, insignia, or credentials.

## **Policy # 504 Separation of Employment**

It is the policy of the City of Wills Point to approach each termination with fairness, both to the employee and/or volunteer and the City. Since employment with the City is based on mutual consent, both the employee/volunteer and the City have the right to terminate employment at-will, with or without cause, at any time.

A City employee may leave City service in good standing by submitting his or her written resignation in the prescribed manner, giving at least fourteen (14) working days notice to the City employee's department head and the Human Resources Department. The department head and/or City Administrator may waive any portion of the notice period. A City employee resigning without the required notice shall be ineligible for reinstatement unless the notice provision provided herein is waived.

The written notice shall include, but is not limited to, the following:

- a. Date of letter;

- b. Last day of employment;
- c. Forwarding address; and
- d. Signature of the City employee.

All records, property, uniforms, or other instruments belonging to the City of Wills Point that are in the possession of the separated City employee/volunteer shall be returned before final payment will be made. In the event, such items are not returned to the City prior to the issuance of final payment, as a condition of employment with the City, the City employee agrees that such amounts may be deducted from any final payment due such City employee.

Examples of the most common circumstances under which employment is terminated are (this list is not all-inclusive):

**Resignation** - termination initiated by an employee/volunteer who chooses to resign from or leave the City voluntarily.

**Retirement** - voluntary resignation from active employment status initiated by the employee. Eligible employees may be separated by retirement in accordance with applicable programs.

**Involuntary Termination** - an employment termination initiated by the City at any time, for any non-discriminatory reason or for no reason.

**Reduction in Force (RIF)** - an involuntary termination initiated by the City for business reasons. A City employee may be laid off because of changes in duties or organization or for lack of work or lack of funds. Whenever possible, a City employee laid off from one City department shall be transferred to a suitable position elsewhere, if qualified. Whenever possible, two weeks' notice shall be given to a City employee prior to layoff.

**Medical Separation** - A City employee may be separated for medical and/or physical reasons when the City employee is no longer able to perform the physical and/or mental requirements of his or her job. A physical examination by a physician specified by the City may be required by the City Administrator to determine if the City employee can perform the requirements of his or her job. Medical separation shall not be considered disciplinary action and shall not be used to deny a City employee the use of any injury, disability, or other benefits offered by the City in conjunction with any non-disciplinary separation.

## **Policy # 505 Reemployment**

Former City employees will not be given consideration for reemployment, except as provided within these policies, and at the discretion of the City Administrator. Consideration for reemployment of any former City employee may be granted to those

applicants who can demonstrate acceptable prior City service and were not involuntarily terminated. If reemployment occurs within 12 months from the original termination date, the employee will be reinstated with their original hire date, seniority, and longevity. The employee will be treated as a new hire with respect to benefits and will have the requisite wait period before becoming eligible for benefits, including medical, dental, and life insurance. Employees who are not considered eligible for re-hire will not be considered for reemployment.



## **Policy Number 600-610**

### **CHAPTER 6 APPLICATION & EMPLOYMENT PROCESS**

#### **Policy # 600 Application Requirements**

It is the City's policy to provide equal employment to all applicants. The City of Wills Point will not discriminate based on disability in its hiring or employment practices; the City of Wills Point will meet any reasonable request for assistance with completing the City of Wills Point's application for employment. Employment shall be based upon merit, ability, and fitness. This policy outlines the process for selecting and disqualifying applicants that have applied with the City of Wills Point. No one shall be employed in any position with the City until a completed application of employment is provided to the Human Resources Department for review. Only applications officially received in the manner prescribed by these policies and procedures will be considered. All information submitted in connection with applying for City positions is subject to verification.

The City of Wills Point conforms to all provisions of the Immigration Reform and Control Act of 1986. All applicants and individuals hired by the City shall submit all required documentation and information as required by the City to ensure compliance with the Act.

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. It is necessary that the candidate provide on the Application for Employment the last ten years of previous experience. An applicant shall be disqualified from consideration for employment, or if the person has been hired, employment will be terminated for the following reasons:

1. Misrepresentations, falsifications, or material omissions;
2. Does not meet the qualifications necessary to perform the essential functions of the job;
3. Has committed or attempted to commit a fraudulent act at any stage of the selection process; and/or
4. An alien not legally permitted to work in this Country.

#### **Policy #601 Employment Categories**

For the purpose of compensation administration, it is the intent of the City of Wills Point to classify employees as exempt or nonexempt and as:

- regular full-time (-on the average works 40 hours per week, either salaried or hourly, and with full benefits). The 40-hour workweek requirement does not apply to employees of the Police Department.

- regular part-time (on the average works fewer than 40 hours per week, paid on an hourly basis, with no benefits)
- temporary full-time (on the average works 40 hours per week in a position that is expected to be funded for less than six (6) months, either salaried or hourly, and with no benefits unless required by law)
- temporary part-time (on the average works fewer than 40 hours per week in a position that is expected to be funded for less than six (6) months, paid on an hourly basis, with no benefits)
- volunteer (service provided without pay for the City of Wills Point).

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the City employee and the City.

### **Policy #602 Job Evaluation**

It is the policy of the City of Wills Point to evaluate all jobs to establish a consistent basis for measuring and ranking the relative worth of each job. City employee compensation within any labor grade is based on factors such as merit, experience, individual productivity, length of service, and external market factors.

### **Policy # 603 Job Descriptions**

It is the policy of the City of Wills Point to have complete and up-to-date written job descriptions for all positions within the City. Job descriptions will be prepared prior to advertising or interviewing for any position. Complete and accurate job descriptions are crucial in a good pre-placement screening program for the following reasons:

- They will serve as one element of the evidence of the essential functions of the job.
- They will be used in interviewing job applicants to determine whether those applicants can perform the essential and marginal functions of the job for which they are interviewing, either with or without reasonable accommodation.
- They will serve as the baseline for performance evaluations, and validate competency requirements per City standards.
- They will provide guidance in redefining jobs for departmental redesign.

### **Policy # 604 Vacancies**

It is the policy of the City of Wills Point that the Human Resources department will coordinate with department heads and/or the City Administrator to identify vacancies, announce vacancies, collect, and maintain employment applications, determine requirements for employment based upon job descriptions, evaluate applications for employment, and determine if candidates meet minimum qualifications. The Human Resources department will coordinate and assist with all recruitment activities.

Each announcement shall specify the title and nature of the job, the required qualifications, and the deadline for and method of application. Each announcement shall contain a statement affirming the City's commitment to a policy of Equal Employment Opportunity.

### **Policy # 605 Recruitment / Selection Process**

It is the policy of the City of Wills Point to adhere to the principles of Equal Employment Opportunity and to comply with all local, state, and federal laws applicable to recruiting, interviewing, and selecting City employees. The City of Wills Point will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the City's business. If an applicant or an employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not clear or otherwise known, the City of Wills Point may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodations. Applicants may be asked about their ability to perform specific job functions. The City of Wills Point will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent, the City's selection criteria have the effect of disqualifying an individual because of disability; those criteria will be job-related and consistent with business necessity. The City of Wills Point strives to select the best candidates for employment.

### **Policy #606 Employment of Relatives/Nepotism**

No person related within the second degree by marriage or within the third degree by blood to an elected official of the City (e.g., City Council member, including the Mayor) or to the City Administrator or Assistant City Administrator shall be employed or contracted with for any office, position, or clerkship of City service. This prohibition shall not apply to individuals who shall have been continuously employed by the City at least six (6) months before the election or appointment of this elected or appointed official.

In addition to the above, any spouse or member(s) of the immediate family of any City employee shall not be employed in any position where:

1. There is a supervisory/subordinate relationship;
2. The employee is working in the same department; or
3. Where one of the employees has access to confidential records, unless exempted by law or the City Administrator. For purposes of this provision, "confidential records" are those deemed confidential by the Texas Public Information Act, Chapter 552, Texas Government Code, as

amended.

For purposes of this policy, "immediate family" means spouse, parent, step-parent, parent-in-law, aunt, uncle, child, step-child, brother, sister, brother-in-law/sister-in-law, step-brother/sister, step-brother-in-law/sister-in-law, step-parent-in-law, grandparent or grandchild, or anyone else related by blood or marriage or whose relationship with the employee is like that of persons who are related by blood or marriage. This policy also may apply to individuals who are not legally related, but who reside with the City employee.

Exceptions to this policy must be disclosed annually and approved by the Human Resources department and the City Administrator. The foregoing provisions apply to all classifications and status of City employees, except do not apply to City volunteers.

### **Policy # 607 Medical Examination**

A person selected for initial appointment or reinstatement may be required to undergo a thorough medical examination at City expense in a manner prescribed by these policies. If required, City employment shall be contingent upon successful completion of the medical examination in relation to the standards of fitness required for the position involved as described in the job description. The City Administrator, acting on information provided by medical personnel, shall, in the event any question arises, be the final authority in determining medical suitability for City employment.

With the approval of the City Administrator, a department head may require that a current City employee and/or volunteer successfully undergo a medical examination to determine fitness for continued City employment in the case of a City employee/volunteer who becomes ill, injured, or otherwise disabled or for promotion or transfer to another position with specific physical requirements.

A qualified licensed healthcare professional of the City's choice performs all medical examinations. Any offer of City employment and/or subsequent assignment of duties are contingent upon acceptable completion, to the City of Wills Point's standards, of the medical examination.

### **Policy # 608 Background / Reference Checks**

The City of Wills Point may conduct background and/or reference checks on prospective employees and/or volunteers to verify their identity, qualifications, ability, and character. Once a decision is made to hire an applicant, the Human Resources department will review the applicant's employment history, references, driving record, and verify professional licenses and education, as necessary.

## **Policy # 609 Hiring/Requirements of Employment**

It is the policy of the City to be an equal opportunity employer and to hire individuals solely based on their qualifications and ability to do the job to be filled. Employment with the City of Wills Point is at-will, so that either may terminate the relationship at any time and for any lawful reason. (See Employment-At-Will Policy # 300).

To be eligible for employment with the City, or for a change in present personnel status, an individual must:

- A. Be at least sixteen (16) years of age for part-time and/or temporary positions and depending upon the requirements of each position;
- B. Have a social security number;
- C. Agree to be fingerprinted, if requested;
- D. Agree to a polygraph examination related specifically to job performance for positions designated by the City Administrator, if requested and such examination is not prohibited by law;
- E. Where permitted by law, pass a physical and/or psychological examination administered by a licensed medical provider selected by the City, to ensure ability to perform essential duties of the job;
- F. Agree to alcohol and drug screening tests, including random testing as necessary;
- G. Satisfactorily complete any interviews, examinations, and performance tests, if required because of job duties;
- H. Show proof of United States citizenship, legal residence, or other documentation that establishes employment eligibility in the United States, as required by the Department of Justice;
- I. Possess a valid Texas driver's license and have an acceptable driving record in compliance with City policy, where applicable, unless waived by the City Administrator;
- J. Meet minimum requirements of the job description for which employment is sought and submit to all other employment procedures administered by the Human Resources Department;
- K. Be at least twenty-one (21) years of age to be a commissioned police officer in the Wills Point Police Department;

- L. Be at least eighteen (18) years of age to be employed in Fire Service or in any other City service or City department to fill a regular, full-time position.

## **Policy # 610 Outside/Secondary Employment**

A City employee shall not engage in outside/secondary employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance in the City service. Outside/secondary employment must be reported to the appropriate department head and approved by the City Administrator, and shall be in conformance with the City's adopted Code of Ethics and as specified by these policies.

- A. Each full-time City employee shall understand that his/her position with the City of Wills Point is his/her primary occupation and it shall take precedence over all secondary/outside jobs at all times. Full-time City employees shall not hold/engage in any secondary/outside job that is considered full-time by the secondary/outside employer or the City of Wills Point and in accordance with applicable Federal or State laws. A City employee who is working another job at the time of hire, and who intends to continue the other employment, must so advise the appropriate department head, and receive approval by the City Administrator to continue the secondary/outside employment. A City employee is permitted to engage in any business, trade, occupation, or profession, including self-employment, provided prior written approval of the City Administrator is secured. Such approval must be placed in the City employee's personnel file. Failure to acquire prior approval is grounds for disciplinary action.
  - 1. When engaged in secondary/outside employment, the City employee must notify the City Administrator and his/her department head through the Human Resources Department in writing of the place and type of employment or business, and the hours of work.
  - 2. A City employee whose position requires him/her to occupy an "on-call" status or is subject to recall to work in an emergency shall recognize such status as an obligation to the City of Wills Point and shall fulfill that obligation if called to work for the City during these hours even while working on the second/outside job.
  - 3. Such secondary/outside employment shall not be permitted if it will bring the City into disrepute, reflect discredit upon the employee as an employee of the City or interfere with the performance of the employee's City duties.
  - 4. A City employee shall not perform any outside work or engage in

extra-duty employment at any time when the City employee is on leave from the City for paid work-related injury leave, sick leave or paid or unpaid family and medical leave. A City employee shall not perform any outside work or engage in extra-duty employment within eight (8) hours after the City employee's missed work period with the City due to the employee's illness or injury. Continuation of secondary employment approved by the City Administrator must be approved by the Human Resources Department when a City employee has been injured in the course and scope of City employment.

5. No City employee shall engage in any employment or business where the work performed by the City employee or that of the employee's agents or employees is subject to approval/rejection, inspection or licensing by the City except pursuant to authorized department policies; however, nothing in this section shall prohibit a City employee from performing the same or other services that he/she performs for the City for a private or public organization if there is no conflict with his/her City duties and responsibilities.
  6. No City employee shall engage in any employment or business on a matter that is or has been the subject of an investigation by the employee's department within the last twelve (12) months, nor may the employee appear as a witness except by court order in any proceeding because of such employment.
  7. No City employee shall identify himself/herself with his/her position, department or the City of Wills Point in:
    - a. The course of a sale or solicitation for sale of any goods or services; or
    - b. The advocacy of any policy, practice, standard or position not officially sanctioned by the City.
  8. No City employee at any time shall use or utilize City property, equipment, goods, or services in the performance of his/her secondary/outside employment.
  9. These rules apply whether there is remuneration for the work or employment.
- B. An employee of the City of Wills Point who holds another office of emolument or position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.

## **Policy Number 700-709**

# **CHAPTER 7 EMPLOYMENT STATUS & PERSONNEL RECORDS**

### **Policy # 700 Status Changes**

It is the policy of the City of Wills Point to maintain accurate employment status information on all City employees and/or volunteers. To ensure that information given is updated correctly and to ensure the City may contact a City employee/volunteer at all times by either telephone or regular mail, a Personnel Change Notice must be completed to make any changes in a City employee's/volunteer's record. City employees and volunteers are responsible for reporting personal status changes, e.g. address and phone number changes to the City Secretary in the City Office. Department heads are responsible for reporting employment status changes, e.g. title, department, or salary changes.

City employees also must report any changes in dependents or marital status to the City Office to ensure the Federal Withholding Exemption Certificates and all other applicable tax or legal documents are up to date.

### **Policy # 701 Employee Orientation**

The City of Wills Point provides a general orientation to all new City employees. City employees learn about the City of Wills Point guidelines, policies, procedures, and benefit programs and receive this Employee Personnel Policy Manual. City employees are encouraged to ask questions. As benefits and policies change, the Human Resources department will conduct a City government-wide update meeting and/or distribute a written notice. All City employees and volunteers must sign the Employee ACKNOWLEDGMENT FORM at the back of this Employee Personnel Policy Manual.

### **Policy # 702 Introductory Evaluation Period**

It is the policy of the City of Wills Point that every person initially appointed to, transferred, or promoted in the City service shall be required to successfully complete an introductory evaluation period (a probationary period) of at least 6 months for all City personnel. A longer introductory evaluation period may be required for certain positions, when it is determined by the City Administrator that it is warranted.

All appointments, except temporary appointments, and reappointments shall be made to probationary status and must comply with the introductory evaluation period. The period of probation shall be for six (6) months. An extension of the probationary/introductory evaluation period may be granted in individual cases, upon approval of the City Administrator. An employee shall be retained beyond the probationary/introductory evaluation period and granted a permanent status only on the basis that the services of the employee have been satisfactory and approved by the City Administrator. Successful completion of this introductory evaluation period shall



not be construed as creating a contract, as guaranteeing employment for any specific duration, or as establishing a "just cause" termination standard. Only employees satisfactorily completing the introductory evaluation period shall acquire permanent status and participate in the accompanying privileges and benefits. Part-time employees shall not be entitled to any of the privileges and benefits of permanent status.

The purpose of the introductory evaluation period is to provide a time by which both the employee and his/her immediate supervisor and/or department head decide whether the employee is effective in the position, to which he/she was promoted, transferred or newly appointed. This time frame is to be utilized to examine all aspects of the job description, performance, conduct, and choice of action.

A City employee shall fail the introductory evaluation period when, in the judgment of the department head, the City employee's performance and/or quality of work are not such as to merit continuation in the job. Failure to satisfactorily complete the introductory evaluation period may result in termination. A newly-promoted City employee who fails the introductory evaluation period shall be returned to his or her former type of job, if the position is available, and shall be eligible for consideration for later advancement. Inability to comply with licensing or certification requirements as established by law or established in the job description shall constitute failure of the introductory evaluation period. Extension of the introductory evaluation period after failure will be determined by the department head and the City Administrator.

### **Policy # 703 Evaluation Process**

It is the policy of the City of Wills Point that all regular full-time and regular part-time employees, sworn and non-sworn personnel, will receive an employee evaluation at least once annually. The work performance of employees shall be evaluated in accordance with the Performance Appraisal Guidelines designed to assist supervisors and employees in measuring how well the work is being performed and to provide a tool for management decisions regarding training, assignment, promotion, retention, and compensation of employees. All job performance evaluations shall be in writing and on the appropriate forms provided and/or approved by the Human Resources Department. An employee's failure to meet job requirements, failure to satisfactorily perform job duties or failure to meet performance standards may result in disciplinary action, up to and including termination.

### **Policy # 704 Seniority**

It is the policy of the City of Wills Point to designate a date of significance as a point of reference for establishing a City employee's seniority status relative to other City employees' length of service within the department. A City employee's seniority status may be considered for purposes of determining shift and work assignments, transfers, and time-off requests, for example.

A City employee's seniority status may be affected if transferred to a different department

and job description, based on that department's established policy.

### **Policy # 705 Transfer / Promotion**

It is the policy of the City of Wills Point to provide transfer/promotion opportunities whenever reasonably possible to qualified City employees. Transfer and promotion decisions are based on long-term business goals, employee performance and the employee's potential for success in the new position. Transfers and promotions shall be offered to City employees at the sole discretion of the City.

A transfer is the assignment of an employee from one position to another position within the same pay range. Promotions are position changes to classes with higher maximum salaries.

All City employees may apply for a transfer/promotion to a vacant position either within or outside their current department. To be eligible for a transfer/promotion, an employee must meet the current minimum requirements for the vacant position. Any City employee on a performance improvement plan or disciplinary probation will not be considered eligible for promotion. City employees will not be considered for a transfer during the initial introductory evaluation period. All transfers/promotions shall be documented on appropriate forms and forwarded to the Human Resources Department for processing.

Temporary promotions may be authorized to ensure the proper performance of City functions if a position is vacant or the regular incumbent is absent. Temporary promotions are intended to be temporary and shall not be utilized to circumvent the established selection process.

### **Policy # 706 Demotion**

A demotion is the assignment of an employee from a position in one class to a position in another class. With the approval of the City Administrator and if qualified to perform the duties of the lower level position, a City employee may be administratively demoted at his or her own request or as an alternative to a reduction in force (RIF). Such demotions shall not be considered disciplinary actions or disqualify the employee involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

**Voluntary Demotions:** require an appropriate salary reduction to be determined by the department head and City Administrator. The demoted employee's salary should not be greater than the maximum of the lower pay grade.

**Involuntary Demotions:** may or may not require a salary reduction and will be reviewed on a case-by-case basis by the department head and City Administrator. Involuntary demotions may occur for disciplinary reasons in which case a written statement of the reasons for the demotion must accompany the demotion notice. A copy of the demotion notice must be presented to the affected City employee, who has the right to appeal this decision to the City Council.

## **Policy # 707 Personnel Records**

It is the policy of the City of Wills Point to maintain personnel records for applicants, City employees, City volunteers and past City employees to document employee-related decisions, evaluate and assess policies, and comply with governmental record keeping and reporting requirements. The City tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. The City attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.

The Human Resources Department is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured. Unless otherwise provided by law, personnel files and information shall be confidential and may only be used or divulged for lawful purposes and by authorized persons without the permission of the City employees involved or as provided by the Texas Open Records Act.

A City employee/volunteer shall have a right of reasonable inspection of his or her official personnel file under procedures prescribed by the Human Resources Department. The City will maintain personnel files for seven years after termination of City employment as required by the City's record retention procedures.

## **Policy # 708 Confidentiality of Employee Records**

City employee/volunteer records are maintained by hard-copy files. All employee/volunteer information shall be kept in the Human Resources Department secured by cabinets equipped with locks and by strict security.

Access to City employee/volunteer files and related confidential information shall be limited to individuals having a valid business need. Examples of individuals that may have a need are the City Administrator, Assistant City Administrator, Department Heads, and Human Resources staff, in their regular course of business and job responsibilities.

In addition, upon request, individual City employees/volunteers may review the contents of their employment records in the presence of one of the authorized persons named herein.

City employment records must not leave the confines of the Human Resources Department, except as necessary during litigation or other such legal procedure.

## **Policy # 709 Release of Employee Information**

It is the policy of the City of Wills Point that all inquiries received either by telephone or in writing regarding present or past City employees are to be referred to the Human Resources Department. The Human Resources Department will only provide the following referral information:

- dates of employment
- verification of last rate of pay
- title of last job held

Additional information will be provided only if a City employee submits a signed authorization requesting in writing the specific information to be released. This pertains to both present and past City employees. However, to minimize the City's liability regarding negligent referral practices, other pertinent information may be required to be released if the past City employee caused injury to another City employee (or third party), exhibited violent or abusive behavior, or harassed another in any way.

It is the policy of the City of Wills Point that all requests under the Public Information Act are to be referred to the City Secretary's office. Pursuant to Sec. 552.024, Texas Government Code, City employees may sign a written statement denying public access to information in the custody of the City which relates to home address, home telephone number, Social Security number, or which reveals whether the employee has family members. All information not protected by a City employee's signed statement or the law will be furnished upon request.

## **Policy Number 800-810**

# **CHAPTER 8 COMPENSATION**

### **Policy # 800 Compensation Plan**

It is the policy of the City of Wills Point to provide fair and competitive wages for all City employees. The City Administrator and/or his or her designee shall administer the comprehensive compensation plan for City employees as prescribed in these policies, and as approved by City Council. The salary proposals and/or compensation plan are submitted to the City Council each year during the annual budget process for approval.

#### **Objectives**

The basic philosophy and objectives of the City of Wills Point are to provide a compensation system utilizing accepted practices in the management and design of compensation systems. The objectives of the City are:

1. To attract and retain qualified workers who will be paid equitable salaries;
2. To provide fair salaries for all workers of the City;
3. To motivate and reward high-level performance;
4. To provide the City with a salary structure that enables the City to maintain a competitive position with other cities and companies within the same geographic area; and
5. To account for cost of living factors.

The compensation and classification system, when properly maintained in accordance with the competitive labor market, will be dynamic rather than static. Therefore, it will remain valid over many years. Salary ranges established for any given year are best maintained if adjusted periodically to reflect the movements of salaries and wages occurring in the competitive marketplace. No such pay increases shall be granted by the City Administrator unless the City budget is adopted and provides for funds to cover these increases. No automatic increases will be given.

### **Policy # 801 Pay Procedures/Advance Pay**

The City of Wills Point shall pay employees by direct deposit if employees maintain an account at a qualified financial institution or by check otherwise on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations. Pay Periods and pay dates are established by the City Administrator. Before payment of any salary, wage or other compensation for personnel services, the City Administrator shall certify that each person identified on the payroll has been employed per the classification and appointment procedures and that all are current employees in good standing. Any payment of compensation, including overtime recommended by a department head, shall comply with the provisions of this manual.

No full or partial advance payment of salary shall be made to any employee. All

paychecks shall be distributed on the scheduled payday.

## **Policy # 802 Overtime**

It shall not be the general policy of the City of Wills Point to have its employees regularly work frequent or considerable overtime. However, there are occasions which require overtime hours. Employees authorized to receive overtime and required to work scheduled overtime or emergency overtime shall receive compensatory time off at time and one-half or monetary reimbursement at time and one-half rate for all overtime worked more than forty (40) hours per work week, at the City's choice. Overtime for non-exempt public safety employees is based on their defined work periods. For purposes of determining overtime compensation, "hours of work" shall include all time an employee is on duty at the City's establishment or other prescribed work place. Minimum call-out time shall be one hour. "Hours of work" does not include vacation days, sick days, or other occasions in which an employee received compensation even though the employee performs no work or services.

It is the policy of the City of Wills Point that when ordered for the maintenance of essential City functions, overtime shall be allocated as evenly as possible by the department head among all non-exempt employees qualified to do the work. Employees must get prior approval from their department head to work overtime and/or to receive compensatory time. Overtime is only paid to non-exempt employees.

The Human Resources Department is responsible for determining the exempt/non-exempt status of positions in accordance with guidelines established by the Fair Labor Standards Act.

## **Policy # 803 Compensatory Time**

Compensatory time is time off earned by a non-exempt employee in lieu of overtime pay. Compensatory time may be awarded to non-exempt employees in lieu of overtime cash pay when an agreement is reached between the employee and the City of Wills Point before the performance of the work, at the City's choice. Compensatory time off shall not be counted as hours worked during the applicable workweek or work period when calculating overtime compensation.

Compensatory time is earned at the rate of one and one-half hours (1 and ½ hours) for each hour of overtime worked.

For all police officers that are non-exempt employees (also known as public safety employees), the maximum hours of compensatory time that shall be accrued is 60 hours. For all other non-exempt employees, including part-time employees, the maximum hours of compensatory time that shall be accrued is 40 hours. Once non-exempt employees have accrued the maximum hours of compensatory time, the employees shall be paid in cash at a rate of one and one-half (1 and ½) times the regular pay rate for all additional overtime hours worked.

Non-exempt employees shall be permitted to use accrued compensatory time within a reasonable time after making a request if using the compensatory time does not unduly disrupt the operations of the City of Wills Point.

It shall not be the general policy of the City of Wills Point to make a cash payment to employees for accrued compensatory time, unless the circumstances warrant a cash payment (such as, upon transfer, termination, or at the end of the fiscal year), at the City Administrator's discretion. Employees, including part-time employees, shall not cash-out or sell-back their accrued compensatory time without the City Administrator's prior approval.

The City of Wills Point reserves the right to pay employees for accrued compensatory time at the end of each fiscal year based upon availability of funds, which shall be paid at the employees' current, regular rate of pay and at the City Manger's discretion. In lieu of a cash payment for accrued compensatory time, the City of Wills Point may elect to carry-over compensatory time accrued by employees to the next fiscal year, at the City Administrator's discretion.

Upon termination of City employment, the City of Wills Point shall pay non-exempt employees for all unused, accrued compensatory time, which cash payment is calculated by taking the average of the employee's regular pay rate for the past three (3) years, or the employee's current regular pay rate, whichever is the higher amount.

Exempt employees do not receive compensatory time and/or overtime pay under the Fair Labor Standards Act (FLSA). Exempt employees (those not covered by the FLSA overtime provisions) may accrue compensatory time off at the rate of one and one-half hours (1 and ½ hours) for each hour worked more than 40 hours per week; however, exempt employees do not accrue overtime pay for time worked more than 40 hours per week. Accrued and unused compensatory time of exempt employees will not be paid as a cash payment upon termination of City employment.

The City Administrator, Human Resource Director, or City Administrator's designee shall keep records of all overtime worked and compensatory time taken by employees. When providing departmental payroll records to the City Administrator, Human Resource Director or City Administrator's designee, department heads also shall report all overtime hours worked and compensatory time taken in their departments. The records must include the following information:

- (1) Number of overtime hours worked each work week or work period;
- (2) Number of overtime hours paid each work week or work period and the rate paid;
- (3) Number of compensatory time hours accrued and used each work week or work period;
- (4) Number of compensatory time hours compensated monetarily, the amount paid, and date of payment; and

- (5) Any written understandings or agreements involving the accrual and use of compensatory time, if any.

Payment for overtime work and/or the use of compensatory time shall be itemized separately on the time and attendance report.

The City shall maintain compliance with all applicable provisions and standards under the Fair Labor Standards Act, as amended, 29 U.S.C. § 201 et seq.

### **Policy # 804 Hours of Work**

The City of Wills Point shall establish the time and duration of working hours as required by workload and production flow, customer service needs, the efficient management of human resources, and per any applicable law.

### **Policy # 805 Emergency Call Back**

Non-exempt employees who work emergency duty on Saturday or Sunday, or those who are called back to work in emergencies, shall be compensated at their regular base pay rate for their actual time worked, except when their actual time worked exceeds forty (40) hours per week in which case overtime shall be paid pursuant to Policy #802. Compensatory time off may be used in lieu of overtime cash payment at the City's discretion and when approved by the City Administrator.

The City of Wills Point shall comply with the Fair Labor Standards Act for all call back and/or on-call situations.

### **Policy # 806 Inclement Weather**

City employees are generally expected to report to work during inclement weather conditions if the City does not declare an emergency closing. Unless pay is authorized by the City Administrator, City employees who are unable to report to work because of weather conditions will be granted an authorized unpaid absence. However, if the City employee has accrued compensatory or vacation time is available, the unpaid absence may be converted to the available compensatory or vacation time. City employees are expected to report for duty at the hour regularly assigned for their workday. If weather conditions are such that personal judgment prevents the City employee from coming to work or causes them to be late, the City employee should notify his/her department head within one-hour after the start of the workday.

If any City offices are closed due to inclement weather conditions, the decision about which departments or divisions will be closed and how pay will be handled is the responsibility of the City Administrator.

### **Policy # 807 Holiday Compensation**

It is the City of Wills Point's intent to fairly compensate employees whose schedule requires them to work on the holidays designated as City holidays. All regular full-time employees are eligible for holiday pay. As a benefit of City employment, all regular, full-time City



employees shall receive holiday pay equivalent to an eight (8) hour workday. To maintain continuous services to the citizens of Wills Point, City employees may be required to work on a holiday. A City employee who works a holiday falling within the employee's regular, or normal, work schedule will be compensated at the employee's regular rate of pay, and the employee also will be paid holiday pay equivalent to an eight (8) hour workday.

A city employee normally scheduled off for the holiday, but who is called in to work due to an emergency, will be compensated at the employee's regular rate of pay for the hours worked required for the emergency in addition to being paid the holiday pay equivalent to an eight (8) hour workday.

A City employee shall not receive pay for a holiday if he/she is absent without approved leave or without a doctor's note the day before or the day following an official holiday.

An official holiday occurring while any eligible paid leave is being taken shall be reflected as a holiday for payroll purposes and no deduction shall be made for the holiday.

Police Officers will have eighty-eight (88) hours (11 holidays) of holiday pay added into a holiday time bank on January 1 of each year. These holiday hours will not be allowed to carry over to the following year. Any remaining hours left in the time bank will be forfeited at the end of each year.

Police officers who terminate and have accrued holiday hours for holidays which occurred prior to termination and for which an alternate day off was not yet taken, shall be paid for those hours at regular rate of pay. They shall not be paid for holidays which have not yet occurred.

Police officers who take their holidays early in the year prior to the holiday occurring, and then subsequently terminate during the year, shall have these holiday hours deducted from their final check for the difference of the holiday hours used versus what holidays had actually occurred.

Police Holiday leave shall be scheduled with the Chief of Police for the convenience of the City employee when possible, but so as not to cause interference with the normal functioning of the Police Department operations.

### **Policy # 808 Travel**

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

A. **Request to Travel.** When an employee travels on behalf of the City, a travel

request form must be completed by the employee and submitted for approval to the Department Head; Department Heads must obtain approval for their own travel from the City Administrator. The travel request must be submitted as soon as the need for travel is known. All travel on behalf of the City must be approved prior to any expenses being incurred. All travel which requires an overnight stay must be approved by the City Administrator.

- B. **Request for Advance Funds.** Employees are typically provided with a City-issued purchasing card to pay for expenses associated with City travel. In instances where a purchasing card is not made available, an employee needing an advance of funds must, except under emergency circumstances, complete and submit a written request to the Finance Department for an advance of funds. Funds can be advanced for meals, mileage, and parking. All advancement of fund requests and deviations from the above policy must be approved by the City Administrator.
- C. **Employee Expense Report Form.** An employee expense report must be completed for all travel, even when a procurement card is used to pay for expenses. The form must include the purpose of the trip, the destination (city and state), and the departure/return dates and times. All receipts and supporting documents must be attached to the employee expense report, and reviewed and signed by the appropriate Department Head or City Administrator when appropriate.
- D. **Transportation.** The City has the option of requiring that travel be made in a City-owned vehicle. When a City vehicle is not furnished, the City will reimburse the employee at the current allowable IRS reimbursement rate per mile or the cost of a round-trip coach/economy airline ticket, whichever is at a lesser cost to the City, plus other stated costs (i.e., parking at airport and ground transportation at destination.) A receipt(s) is required for reimbursement. Mileage will be calculated from the City's location to the destination location. If the City employee leaves from another location other than a City facility, mileage will only be paid on the distance it takes from the City facility to the destination location.
- E. **Hotel/Motel Reimbursement.** Overnight stays will only be authorized for travel to destinations more than 60 miles from the City, unless otherwise approved in writing by the City Administrator.
- F. **Meal Reimbursement.** Employees will not be reimbursed for meals provided with hotel/motel stays or included with seminar/meetings, (i.e., continental breakfast, donuts, lunch, or dinner provided as part of a meeting). There shall be a \$35.00 per diem for all food/incidentals per day. The breakdown for this amount will be appropriated as follows: Breakfast \$7.00 will be paid if the employee is required to leave before 7:00 a.m., Lunch \$10.00 if the employee is required to leave before 11:00 a.m. or will return after 2:00 p.m., and Dinner \$18.00 if the employee is required to leave before 5:00 p.m. or return after 8:00 p.m. This per diem shall be paid for overnight stays only; and no receipts will be

required. However, for day-only seminars, conferences, meetings or training, reimbursement will be provided at the following rate: Not to exceed \$15.00 per day and receipts will be required for all reimbursements. Day-only and overnight stay reimbursements will only be paid when meals are not provided as part of a seminar, conference, or meeting.

**G. Use of Personal Vehicle.** It is the City's policy that all employees are eligible for reimbursement of the use of a personal vehicle used for City-related business as follows:

- 1.) The use of a personal vehicle must be approved in writing by the employee's supervisor to be eligible for reimbursement, and when possible, such request should be obtained before the use of the personal vehicle is required; and
- 2.) An employee is not automatically entitled to use their personal vehicle for conducting City business because the City may require the use of a City-owned vehicle if available; and
- 3.) If authorized, an employee may be reimbursed at the current IRS mileage reimbursement rate in effect at the time the employee's personal vehicle was used for City business.
  - a) Employees who regularly receive mileage reimbursements are required to submit their mileage for reimbursement monthly.
  - b) Employees who do not regularly receive mileage reimbursements may submit their mileage for reimbursement as it occurs.
  - c) Regardless of the submittal frequency, all mileage reimbursement for the use of a personal vehicle for City business must be submitted within thirty (30) days of the actual use, or the mileage will not be reimbursable. In the event of an extraordinary event prohibiting the submittal of mileage for reimbursement within this 30-day timeframe, City Administrator approval is required.
- 4.) Depending on the needs of the City and for fiscal considerations as determined by the City Administrator, the City Administrator may suspend the reimbursement of mileage for certain employees, or all employees as business needs may dictate and in accordance with the Fair Labor Standards Act.
- 5.) Employees receiving a vehicle allowance are not eligible for mileage reimbursement, unless traveling outside of Van Zandt County, Texas.

**H. 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.

## **Policy # 809 Mileage Reimbursement**

It is the policy of the City of Wills Point to reimburse City employees for mileage, at a rate determined by the City Administrator, for any City employee that is required by the department head to drive their personal vehicle to a remote alternate work site or meeting location. Mileage will be calculated from the City's location to the alternate location. If the

City employee leaves from another location other than a City facility, mileage will only be paid on the distance it takes from the City facility to the alternate location. A periodic review of the mileage reimbursement rate will be conducted.

### **Policy # 810 Separation Pay**

All City employees who leave City service for any reason shall receive all pay that legally may be due them. Any indebtedness to the City, which a City employee may have incurred, shall be deducted from the final paycheck, and by accepting City employment, an employee agrees to these terms. Final pay for City employees who resign will be issued on the next payday. City employees who may be involuntarily terminated will receive final pay on the same day as termination, when possible. All separated employees will receive their final pay in the form of a "live" check.

All City employees who resign shall give at least fourteen (14) working days' written notice before the effective date of resignation to leave in good standing, pursuant to Section 3.04 of this manual. After a City employee gives the required notice, a department head or the City Administrator may waive the required notice at the City's request, as deemed necessary. If a department head or the City Administrator waives the fourteen (14) working days' notice, a City employee may not be compensated for such period.

### **Policy #811 Wage Overpayment/Underpayment Policy**

The City of Wills Point takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays.

In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of Human Resources so that corrections can be made as quickly as possible. If the employee has been underpaid, the City will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he or she has earned, the employee will need to return the overpayment to the City as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agreed-upon rate of pay. If a wage overpayment occurs and repayment of that overage remains due on the date the next periodic payroll information is submitted for processing, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction.

## **Policy Number 900-909**

### **CHAPTER 9 EMPLOYEE BENEFITS**

#### **Policy # 900 Health Insurance and Life Insurance**

All regular/permanent, full-time employees are eligible for and are covered by medical, dental and life insurance after the applicable waiting period has been met under the City's group insurance policies. The City pays 100% of the City employee's premiums. If City employees want additional insurance coverage for dependents the employee may, through payroll deduction, pay for the coverage desired. Detailed information concerning City employee insurance programs may be obtained in the applicable insurance manuals or in the Human Resources Department.

#### **Policy # 901 Benefits Continuation (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives covered employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Wills Point's health plan for specified periods of time when a "qualifying event" would normally result in the loss of eligibility. Qualified beneficiaries are individuals who, on the day before a qualifying event, are covered under a group health plan as a covered employee, spouse of a covered employee, or a dependent child of a covered employee. Qualified beneficiaries also include children who are born to, or placed for adoption with, a covered employee during the period of COBRA continuation coverage. Some common qualifying events are resignation, termination of employment, (except terminations for gross misconduct) or death of an employee; a reduction in an employee's hours; an employee's divorce or legal separation; and a dependent child who no longer meets eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage plus an administrative fee. Each eligible employee will be provided with written information describing rights and obligations granted under COBRA when the employee becomes eligible for coverage under The City of Wills Point's health insurance plan.

Once a qualifying event has occurred, the City of Wills Point's third party administrator must notify the qualified beneficiaries of their right to continue health care coverage.

#### **Policy #902 Retirement**

1. The City of Wills Point is a member of the Texas Municipal Retirement System (TMRS). It is the policy of the City of Wills Point to provide excellent retirement benefits through the TMRS for the future security of its regular employees, which enhances the recruitment and retention of qualified employees. The purpose of this system also is to provide a plan for the retirement of employees of Texas municipalities. Participation in this system is compulsory for all regular

employees who are scheduled to work a minimum of one thousand (1,000) hours annually. Enrollment into this system shall be handled by the City's Human Resources Department at the date of employment.

- A. The plan requires each City employee to contribute five (5%) percent of his/her annual gross pay through payroll deductions. The City matches each City employee's contribution at a two one (2:1) ratio.
  - B. An employee must be employed by the City for at least ten (10) years to be vested.
  - C. In the event a member of the retirement system/employee leaves the employment of the City prior to retirement and is not vested, such member/employee may elect to leave his/her contributions on deposit with the TMRS pursuant to the TMRS policies; may file application for a full refund of the employee's contributions and accrued interest thereon; or may roll the funds over into a qualified account. If an employee receives a full refund of his/her contributions, the employee forfeits any seniority towards retirement under TMRS.
  - D. Complete details of the retirement plans, as well as additional information, is provided in the Texas Municipal Retirement System Handbook available through TMRS and the Human Resources Department.
  - E. Employees on leave without pay are not eligible to make contributions to the Texas Municipal Retirement System.
2. In addition, all regular full-time City employees are covered under the Medicare portion of Social Security. The Medicare tax is paid by both the employee and the City.
  3. In addition, all regular full-time City employees are covered under the Texas Workforce Commission compensation insurance program for unemployment benefits to qualified employees.

### **Policy #903 Holidays Observed**

It is the policy of the City of Wills Point that all full-time regular employees shall be entitled to paid holidays. It is the City's intent to consider the most commonly recognized and nationally celebrated holidays allowing for most City employees to observe these holidays as days off with pay. However, reasonable accommodation shall be made to City employees desiring to observe religious holidays not coinciding with official City observed holidays. City employees wishing to observe religious or other holidays not listed herein shall at their option be given time off without pay or have the time charged to vacation, or holiday leave time, if available.

The City of Wills Point observes the following holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	3 <sup>rd</sup> Monday in January
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Thanksgiving Friday	Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday. All holidays must be used within the calendar year they are scheduled to be observed. Holidays may not be carried to the next year. All full-time City police officers shall be granted the same number of holidays granted to other City employees.

Additional days may be designated as holidays by City Council.

### **Policy # 904 Vacation**

It is the policy of the City of Wills Point to grant annual vacations with pay to regular full-time employees in accordance with the guidelines established by the City. Part-time and temporary employees are not eligible to earn vacation leave.

The established vacation year is designated as January 1 through December 31 each year (a calendar year). Vacations are accrued or earned based on the City employee's length of service. Vacation accrual is earned as follows:

<b>Years of Service</b>	<b>Hours Per Year</b>
after one (1) year	40 hours
after two (2) years	80 hours
after ten (10) years	120 hours

Vacation accrual begins upon appointment to a regular full-time position, but may not be used until completion of one (1) year of service, except when used for a bona fide sickness after sick leave has been exhausted. City employees shall not accumulate vacation leave while on an approved leave of absence, unless Federal or State law so requires.

Accrued vacation time will not be carried over to the next calendar year. Employees must use all accrued vacation hours in the calendar year in which the vacation hours are allotted. On January 1 of each year, all unused vacation time will be automatically forfeited.

Vacation leave shall be scheduled with the City employee's department head for the convenience of the City employee as far as possible, but so as not to cause interference with the normal functioning of the City's operations. Vacation may be taken in any increment provided it does not interrupt the working schedule of the department. All vacation leave must be requested at least two (2) weeks in advance, and must be approved by the department head and City Administrator. Employees who are at risk of losing vacation time should obtain approval from their department head for scheduled vacation time as soon as possible.

Upon termination, City employees who have completed one (1) year of service with the City shall be paid for any earned, unused vacation time. Employees who leave the employment of the City before completing one (1) year of City service shall not be entitled to vacation pay.

### **Policy # 905 Sick Leave**

The City of Wills Point's policy is to allow regular full-time employees to accrue 5.33 hours of sick time per month, which will be added on the first day of every month. It is the intent of this policy to encourage City employees to reserve their sick time in the event of unforeseen long-term or catastrophic illness or injury that would normally cause them to incur financial hardship. (See **General Medical Leave Policy #800, Family & Medical Leave Policy #801, and Attendance and Punctuality Policy #207**). Abuse of sick leave will not be tolerated. If an employee is denied the use of scheduled vacation/compensatory time off by the department head and subsequently is absent from work due to illness, on the date of the previous denial, employee may be required to present a physician's release prior to returning to work, this condition will be at the discretion of the department head/City Administrator. City employees who willfully use sick leave for purposes other than those intended by these policies shall be disciplined.

Sick leave may be used when a City employee is unable to work due to personal illness or physical or mental incapacity; for medical doctor, optical and/or dental visits; for medical quarantine resulting from exposure to a contagious disease; or when the City employee is required to attend to immediate family members who are ill, including children, a spouse, other dependents living within the same household, and parents.

Sick leave may accumulate not to exceed 720 hours. It will accumulate, but may not be taken during the introductory evaluation period (i.e., first six (6) months of City employment), unless the City Administrator grants his/her prior approval on a case by case basis. In these cases, the City Administrator will determine whether the missed number of hours of pay will be subtracted from the City employee's regular pay, or whether the City employee will be allowed to borrow against his/her future sick leave accrual, at the City Administrator's discretion. Employees shall not earn sick leave while on an authorized leave of absence without pay.

After sick leave has been exhausted, accrued vacation may be used as sick leave for bona fide illnesses. When absence due to illness exceeds the amount of paid leave earned and



authorized, the pay of a City employee shall be discontinued until the City employee returns to work.

City employees are required to communicate with their immediate supervisor, or department head, no later than one (1) hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy, unless a justifiable excuse is presented regarding an emergency or related situation. The department head or other City management may require proof of illness or of the need for attending to a family member.

All City employees on sick leave for more than three (3) consecutive days must present a doctor's statement upon return to work.

Unused Sick Leave: Upon termination of employment for any reason, an employee will not be paid for unused sick leave, regardless of whether such employee retires, resigns, or is otherwise terminated, and regardless of whether such termination is for cause or not. This section shall control to the extent this section conflicts with any other provisions of these Personnel Policies and Procedures.

### **Policy # 906 Service & Recognition Award**

It is the policy of the City of Wills Point to recognize contributions and service to the City by presenting employee recognition and service awards to eligible employees.

### **Policy # 907 Tuition Reimbursement/Employee Training**

The City of Wills Point encourages training and employee development programs for City employees and these programs will be directed toward skill development, knowledge enhancement, required certification courses, enrichment and/or job performance improvement. Such training/certification is recognized to be in the best interests of the employee and the City, and in some instances a requirement of the position. City Employees are required to contact their supervisor, department head or the City Administrator regarding any training and development opportunities and needs they feel would be beneficial to their position and to accomplish future goals related to their job or an approved career path program. If certification training is a requirement of the position such training will be taken at the discretion of the department head and/or City Administrator.

The City of Wills Point also will offer training to all City employees, at City expense, that directly benefits the employee and his/her job performance for the City. If however, the employee has taken such training and testing for certification and fails to pass, the department head/City Administrator may require employee to fund any subsequent attempts to re-test and employee will only be reimbursed for expenses related to the actual test passed.

At such time, as financially feasible, the City of Wills Point supports and may provide

partial or full reimbursement for continuing education course tuition cost, laboratory fees and/or other related fees to regular full-time City employees who successfully complete approved education at an accredited college, university or other institution of higher learning. City employees must satisfactorily complete their introductory period before being considered for this program. City employees must have prior authorization from the City Administrator for tuition reimbursement purposes.

If employee voluntarily leaves employment with the City of Wills Point all testing/certification expenses incurred by the City within the previous 12 month period, including but not limited to preparation tests, courses and/or materials necessary shall be reimbursed by employee and withheld from the employee's final paycheck.

### **Policy # 908 Employee Communication**

It is the policy of the City of Wills Point to provide effective methods of communication to City employees. Methods of communication may include, but are not limited to, regular staff meetings, periodic City employee meetings, e-mail, interoffice memos, and other communication plans.

### **Policy # 909 Exceptions**

Any exceptions to the benefits or benefit levels described in these Benefit Policies require the advance approval of the and shall be documented in the City employee's personnel records with the City Administrator's signature.

## **Policy Number 1000-1005**

### **CHAPTER 10 LEAVE OF ABSENCE**

#### **Policy # 1000 General Leave of Absence**

##### AUTHORIZED LEAVE WITHOUT PAY-

Authorized leave without pay shall mean an authorized, temporary absence from an employee's duties of work without pay. In circumstances not falling within other provisions of the City of Wills Point Personnel Policies and Procedures Manual, the City Administrator and upon recommendation from the appropriate department head may authorize an employee to take leave without pay under mutually agreeable terms. The City Administrator has the discretion to revoke authorization at any time if the circumstances warrant such action. It shall not be the general policy of Wills Point to authorize leave without pay.

Authorized leave without pay is granted as a matter of administrative discretion. No employee may demand authorized leave without pay as a matter of right, but this leave may be granted to any employee, at the City's discretion. Authorized leave without pay may be granted for any legitimate purpose, including for recovery from temporary illness or disability, for educational purposes, and for personnel programs that emphasize intergovernmental relations. However, an employee will be obligated to show that the granting of this leave will not materially affect productivity within his/her assigned department. The position of any City employee who is out on authorized leave without pay may be filled on an interim basis. Authorized leave without pay shall not be granted unless a reasonable expectation exists that the employee will return to City employment.

All employee requests for authorized leave without pay shall be in writing, shall have a written reason with sufficient detail and shall be submitted to the appropriate department head well in advance of the date the employee will commence this leave. The appropriate department head's approval shall be required before an employee may use the requested leave without pay. An employee's absence without his/her department head's prior approval will be considered as Absent Without Approved Leave.

An employee's department head may recommend granting leave without pay for a period not to exceed five (5) consecutive workdays. While out on authorized leave without pay, an employee shall remain eligible for health insurance benefits; however, the employee's portion of any additional premiums, supplemental insurance and/or dependent coverage shall be paid by the employee during this leave. An employee out on authorized leave without pay shall not accrue vacation leave and/or sick leave.

Any exceptions to the leave benefits described within this Article of the Wills Point

Personnel Policies and Procedures Manual require the prior approval by the City Administrator or his/her designee, and shall be documented with the City Administrator's or his/her designee's signature notated in the employee's personnel records.

ABSENCE WITHOUT APPROVED LEAVE-

Absence without approved leave shall mean an unauthorized absence without pay. An employee shall not absent himself/herself from his/her job duties for a day or any part of a day without the prior approval of the employee's department head. An employee who fails to report to work and/or remain at work as scheduled without proper notification, authorization and/or excuse shall be considered absent without approved leave. The employee shall not be paid for the time involved, and shall be subject to disciplinary action up to and including termination. Absence without approved leave constitutes abandonment of job duties, which may result in termination. Any employee absent without approved leave for more than three (3) consecutive workdays and who has not notified his/her department head of extenuating circumstances prohibiting the employee's prior notification, shall be considered to have resigned and may not receive pay for any accumulated benefits not mandated by the Fair Labor Standards Act and/or other federal or state laws, at the City's discretion. Abuse of leave is subject to disciplinary action, up to and including termination.

An employee's absence shall be considered absent without approved leave if the employee absences himself/herself from job duties without first obtaining his/her department head's approval to take vacation leave. An employee shall request vacation leave and seek his/her department head's approval at least three (3) days in advance of the date the employee will commence the vacation leave.

Employees who are absent due to illness or a non-job-related injury for three (3) or more consecutive days shall be required to provide their supervisor and/or department head with sufficient documentation from a licensed, medical physician. The department head and/or City Administrator, at his/her discretion, may require a written statement from a licensed, medical physician for any sick leave taken to confirm an employee's illness or injury during the time of absence. An employee shall provide the written, physician statement to his/her department head before returning to work. If an employee does not provide the written, physician statement, the employee's absence shall be considered Absent Without Approved Leave, and may result in disciplinary action being taken.

An employee who is released by an examining physician to return to regular duty and refuses to report to work or perform his/her assigned job duties shall be considered Absent Without Approved Leave and is subject to disciplinary action, up to and including termination.

The City Administrator and/or department head(s) are authorized to investigate any

sick leave claimed by an employee that they may deem necessary or to disapprove any sick leave claimed that is not properly substantiated. If it is determined that sick leave was used improperly or not properly substantiated, the employee's absence shall be considered Absent Without Approved Leave, and may result in disciplinary action being taken.

An employee, whose absence is due to an illness or non-job-related injury, shall give notice daily to his/her supervisor or department head no later than one (1) hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy. Failure to provide this notice may result in the employee's absence being considered leave without pay, and may subject the employee to disciplinary action. The supervisor or department head shall consider any emergency that may prevent compliance with this notice provision.

Any exceptions to the leave benefits described within this Article (Policy Numbers 800-806) of the Wills Point Personnel Policies and Procedures Manual require the prior approval by the City Administrator or his/her designee, and shall be documented with the City Administrator's or his/her designee's signature notated in the employee's personnel records.

## **Policy # 1001 Family & Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) of 1993 became effective on August 5, 1993. This policy is designed to ensure that adequate amounts of leave time are provided to employees for various situations as defined herein, to strengthen the City of Wills Point's current policy on medical leave and to guard the City of Wills Point against misuse.

To be eligible for FMLA leave, a City employee: (1) must be employed by the City for at least one (1) year; (2) have worked at least 1,250 hours within the previous twelve (12) months; and (3) be employed by a city that has at least fifty (50) employees in the worksite that the employee works or within 75 miles of that worksite.

The City of Wills Point's policy is to use a rolling twelve (12) month period from the date a City employee's family medical leave begins.

A. Eligible City employees are entitled to take up to twelve (12) work weeks of leave during a rolling twelve (12) month period measured backward from the date leave is used for the following reasons:

1. Birth of a child of the employee to care for such child (leave must be taken within a twelve (12) month period after birth);
2. Upon the placement of a child with the employee for adoption or foster care (leave must be taken within a twelve (12) month period after placement);

3. To care for the employee's spouse, child or parent who has a serious health condition; or
4. When the employee is unable to work because of the employee's own serious health condition.

B. The provisions for using FMLA leave for items 1 through 4, listed above, are as follows:

1. An employee who has no accrued paid leave will receive unpaid family and medical leave up to a maximum of twelve (12) work weeks;
2. An employee who has less than twelve (12) weeks of accrued paid leave must first use all accrued paid leave toward the twelve (12) weeks; thereafter, the remaining balance of the twelve (12) weeks shall be unpaid FMLA leave;
3. An employee who has more than twelve (12) weeks of accrued paid leave may use the accrued paid leave over and beyond the twelve (12) weeks, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Administrator; and
4. FMLA leave may be paid or unpaid.

C. Requests for FMLA leave must be made at least 30 days before the FMLA leave start date, when the need is foreseeable and notice is practicable. To be eligible for FMLA leave, a health care provider must certify proof of a serious health condition, as defined by the FMLA. A City employee also may be required to submit periodic written status reports to the Human Resources Department during his/her FMLA leave.

D. While on paid FMLA, vacation and sick leave will continue to accrue. If the FMLA leave is unpaid, vacation and sick leave will not accrue.

E. A City employee shall continue to receive health insurance benefits during FMLA leave. The City shall continue paying its portion and the employee shall continue to pay his/her portion of health insurance benefits, if applicable.

F. A City employee may be terminated if the FMLA leave exceeds twelve (12) work weeks within a 12-month period.

G. Further information regarding the federal regulations concerning the Family and Medical Leave Act will be available to employees in the City's Human Resources Department.

- H. Upon return from FMLA leave, a City employee shall be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment, unless that employee is a highly-paid "key" employee, as defined by the FMLA.
- I. City employees will be required to use all available and accrued paid leave in the following order: sick leave, vacation leave and/or other paid leave during a City employee's FMLA leave absence. All FMLA leave will run concurrently with accrued paid leave. The City of Wills Point also may require City employees to substitute accrued paid leave for unpaid FMLA leave even when the City employee has not elected to do so.
- J. The City will not require, and a City employee may not choose to, use accrued paid leave during any FMLA leave when the City employee is receiving wage replacement through a disability benefit plan or through a workers' compensation program.

### **Policy # 1002 Military Leave**

- A. The City of Wills Point complies with the Uniformed Services Employment and Re-Employment Rights Act (USERRA). All regular/permanent full-time and regular/permanent part-time City employees who are members of the military (e.g., active service, reserve units, National Guard, or other official special military units) shall be granted paid leave for a maximum of ten (10) work days per calendar year subject to the following conditions and in accordance with applicable State and Federal laws:
  - 1. City employees preparing to take authorized military leave shall provide the City with as much notice as possible of their intent to take military leave and also shall furnish their department heads with copies of military orders or other appropriate certification within a reasonable time period.
  - 2. Military leave pay shall not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
  - 3. Travel time included in the orders and paid for or reimbursed by the service shall be counted as military leave.
  - 4. Military leave shall not be granted for a diagnosis or treatment of any service-connected sickness or disability, for obtaining or sustaining any disability rating or for treatment at any governmental facilities.

5. Time required for physical examinations for selection or admission to the military service to determine or maintain a selected service rating or to maintain a reserve status shall be counted as military leave. Pay shall be limited to the regularly scheduled hours lost.
  6. City employees may use accrued vacation and/or compensatory time for military leave.
  7. Military leave time over and above the ten (10) day maximum allowed for paid leave must be taken as eligible accrued leave (i.e., compensatory time and/or vacation) or such leave shall be unpaid leave.
  8. A city employee is eligible for military leave beginning on the first day of City employment.
  9. The conditions of the preceding subsections shall be applied as required by applicable federal and state law.
- B. In accordance with Chapter 43 of Title 38, United States Code, entitled "Employment and Reemployment Rights of members of the Uniformed Services," an employee may serve a total of four (4) years of active duty in the armed forces, and an additional one (1) year as requested by the United States government, and still be eligible for reappointment to his/her City position. An employee's right to reappointment is not protected for periods of military active duty longer than five (5) years.
- C. A full-time employee who leaves City employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:
1. Is physically and mentally qualified to perform the essential duties of the position;
  2. Was discharged, separated, or released from active military service under honorable or general conditions;
  3. Has not been in active military service for more than five (5) years; and
  4. Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service per the following schedule:



Length of Period of Service	Reapply No Later Than
Less than 31 days	Next regular work day after completion of service and time to travel from place of service to residence
More than 30 days, but less than 180 days	Fourteen (14) days after completion of service
More than 180 days	Ninety (90) days after completion of service

D. An employee shall be allowed full credit for time spent in the military service for the purpose of computing the rate of accrual of vacation leave and/or for other seniority purposes.

**Policy # 1003 Jury Duty**

The City of Wills Point recognizes the responsibilities of each individual to perform civic duties as called upon. City employees shall be granted paid jury leave when he or she is summoned for jury duty.

The City employee must notify his or her department head upon receiving a summons for which jury leave is requested. A copy of the summons or any other paperwork must be submitted to the City employee’s department head and attached to his or her timesheet.

All fees paid and expenses reimbursed by the court may be retained by the City employee.

City employees shall report to work on any business day or partial day when the jury/court is not in session.

With regard to voting, the City encourages all City employees to fulfill their civic responsibilities by participating in elections; however, all City employees should make every effort to vote outside normal working hours. If City employees are unable to vote in an election during their non-working hours, the City shall allow City employees to use accrued vacation leave for the number of hours necessary for the employee to vote.

City employees should request time off to vote from their supervisor/department head at least two (2) working days prior to the election day so that necessary time off may be

scheduled at the beginning or end of the work period, whichever provides the least disruption to the normal work schedule.

## **Policy #1004 Maternity Leave**

Pregnancy is treated in the same manner as any other illness or temporary disability. A City employee who becomes pregnant may continue to work until the date upon which she and her personal physician have agreed that she should no longer work. The City employee must request a leave of absence. The leave of absence may qualify under **Family Medical Leave Act (FMLA)**. See FMLA policy #1001. If the leave does not fall under FMLA, the City employee may apply for a general leave of absence/authorized leave without pay and/or medical leave; see **General Leave/Authorized Leave without Pay** policy #1000 and/or Medical Leave policy #1005.

A City employee, who is pregnant, may use accrued sick leave, vacation leave and/or compensatory time for this absence and is eligible in the same manner as any other leave of absence in a non-pay status, extension of sick leave, compensatory leave, and any other leave employee benefit.

## **~~Policy #1005 Medical Leave (Non-FMLA)~~**

~~The City of Wills Point recognizes the benefits of allowing City employees unpaid leave under certain circumstances related to family and medical needs. On occasion, a City employee may find it necessary to be out of work due to a personal illness or to care for a family member who has a serious health condition (as defined by the FMLA). For purposes of this policy, a family member is defined as a City employee's spouse, children and/or parents.~~

~~Medical leave is designed to provide benefits to eligible City employees in accordance with the FMLA, which benefits are set forth in Policy # 1001 of this Personnel Policy and Procedure Manual.~~

~~**Eligibility:** In order to be eligible for Medical leave, a City employee: (1) must be employed by the City for at least one (1) year; and (2) have worked at least 1,250 hours within the previous twelve (12) months.~~

~~**Job Protection and Returning to Work after a Medical Leave of Absence:** If a City employee is on a Medical leave of absence, a physician's statement must be completed by the attending health care provider prior to the City employee returning to work. Eligible employees will be returned to the same or equivalent position with equivalent pay, benefits and other employment terms provided that medical documentation requirements have been met.~~

## **Policy Number 1100-1101**

### **CHAPTER 11 SAFETY**

#### **Policy # 1100 Safety**

It is the policy of the City to comply with all applicable Federal, State, and local health and safety regulations, and to provide a work environment as free as feasible from recognized hazards. City employees and volunteers are expected to comply with all safety and health requirements whether established by City management or by Federal, State, or local law.

The City of Wills Point has a sincere concern for the welfare and safety of its employees, volunteers, and the public it serves. The City acknowledges its obligation as an employer to provide the safest possible working conditions for its employees and as a government service organization to provide a safe environment for the public.

Department heads/supervisors will not discharge or discriminate in any manner against a City employee and/or volunteer because that employee/volunteer has instituted a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right afforded by law relative to workplace safety and health concerns.

#### **Policy # 1101 Workers' Compensation**

The City is covered by the Texas Workers' Compensation Act. Worker's compensation benefits will be paid in accordance with the Texas Worker's Compensation Act. If an employee becomes disabled and unable to work because of any work-related injury sustained while on the job, the employee will be granted injury leave and will receive weekly compensation, as well as paid medical expenses as determined by the State Workers' Compensation Commission. An employee and/or volunteer must report all work-related injuries sustained while on the job to the employee's/volunteer's supervisor or department head immediately so that the required forms can be properly submitted within the requisite time limits established under the Texas Workers' Compensation Act. An employee's/volunteer's failure to provide the City with prompt notification may disqualify the employee/volunteer from receiving workers' compensation benefits.

In the event of a work-related injury or illness (as defined by the Texas Workers' Compensation Act and other applicable laws), all City employees and/or volunteers are covered by Workers' Compensation Insurance, instead of the City's group hospitalization insurance, which covers non-work-related injuries and illnesses. During this injury leave, the City shall pay the employee benefits as prescribed by the Texas

Worker's Compensation Act, which includes payment of all the qualified employee's medical expenses and, under certain circumstances, disability pay. The City shall not make salary continuation payments to an employee for an employee's disability that resulted from a compensable, work-related injury.

The length of injury leave shall be established by a medical doctor, but in no case, shall injury leave exceed 180 days in duration. Leave for more than 180 days constitutes an unusual hardship on the City and may result in termination of employment.

Modified (or Limited) Duty: As appropriate and available, the City will expect the City employee and/or City volunteer to return to modified or limited duty for work-related injuries or illnesses when a City employee and/or City volunteer is unable to perform the essential functions of his or her current job.

## **Policy Numbers 1200-1205**

### **CHAPTER 12 CITY PROPERTY**

#### **Policy # 1200 Use of City Equipment and City Vehicles**

City equipment and City vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, City employees/volunteers are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. City employees/volunteers are required to notify their supervisor or department head if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to City employees/volunteers or others. The department head can answer any questions about an employee's/volunteer's responsibility for maintenance and care of equipment or vehicles used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. City vehicles will be used for official business only as prescribed by these Policies, and will be operated within the limits of traffic law and safety regulations. Each City employee/volunteer who drives a City vehicle must possess a valid state driver's license. City employees/volunteers will be personally responsible for any fines incurred because of driving or parking violations while driving a City vehicle.

#### **Policy # 1201 Computer and Use/Internet Use**

It is the policy of the City of Wills Point that in all cases only fully-licensed software purchased and installed by the City will be used by City employees and/or volunteers. Licensed means the City has purchased the required number of software licenses equal to the number of users.

The City provides Internet access (including e-mail) to its employees to assist and facilitate business communications and work-related research. These services are for legitimate business use only during an employee's assigned duties. All materials, information and software created, transmitted, downloaded, or stored on the City's computer system are the property of the City and may be accessed only by authorized personnel. Employees/volunteers, however, may access the Internet for non-business use during meal time or other breaks, so long as all other provisions of this policy are followed, which include, but are not limited to:

1. Inappropriate Internet usage includes: transmitting obscene, harassing, offensive or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; displaying, downloading, or

distributing any sexually explicit material; transmitting any of the City's confidential or proprietary information, including customer data, trade secrets or other materials covered by the City's confidentiality policies.

2. The City reserves the right to monitor employee use of the e-mail system or the Internet at any time. Employees should not consider their Internet usage or e-mail communications to be private. Personal passwords are not an assurance of confidentiality, and the Internet itself is not secure.
3. Any software or other material downloaded into the City's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors, or owners of the material. Prior written authorization from the City Administrator's office, or his/her designee, is required before introducing any software into the City's computer system. Employees may not download entertainment software, games, or any other software unrelated to their work.
4. Only authorized employees may communicate on the Internet on behalf of the City. Employees may not express opinions or personal views that could be misconstrued as being those of the City. Employees may not state their City affiliation on the Internet, unless required as part of their assigned duties.
5. Any violation of this policy may result in loss of computer access and disciplinary action, up to and including termination of employment.

### **Policy # 1202 Telephone and Mail Use**

A City employee's/volunteer's personal use of the City's telephone equipment is restricted because such usage can impede the normal flow of business, incur unnecessary City expense, and reduce productivity. When personal usage of City telephone facilities is unavoidable, City employees/volunteers must properly log any user charges and reimburse them to the City. Personal long-distance telephone calls should normally be either placed collect or charged to the caller's home phone. Excessive use of the telephone for personal matters may result in disciplinary action.

City employees/volunteers are not to use the City's address for receiving personal mail without prior approval of the department head and may not use City stationary or postage for personal letters. Personalized stationary and business cards may only be issued by the City. City employees/volunteers should exercise care so that no personal correspondence appears to be an official communication of the City.

### **Policy # 1203 City Logo Use**

The City of Wills Point's logos and images (hereinafter "Logo") are registered trademarks with the State of Texas Secretary of State and the City of Wills Point is the owner of all rights

to the Logo. It is the policy of the City of Wills Point to exercise due diligence to assure that misuse of its Logo or other approved logos representing the City, such as Police and Fire, does not occur or is corrected, and that the Logo will not be used without express written authorization of the City Council. Such written authorization will be in the form of a grant of license to use the Logo. Requests for such use will be made through the City Administrator's office. Any unauthorized use of the Logo may be referred to the City Attorney for review and action.

## **Policy # 1204 Cell Phone Use & Pager Use**

This policy sets forth the City's procedures concerning cell phone usage and applies to all City employees/volunteers. For purposes of this policy, the term "cell phone" is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data messages without a cable connection (including, but not limited to, cellular telephones, digital wireless phones, radio-phones/walkie-talkies, telephone pagers, PDAs (personal digital assistants with wireless communications capabilities), or RIM ("research in motion") wireless devices). The City reserves the right to modify or update this policy at any time.

The City will issue cell phones or a reimbursement program to approved employees/volunteers for business use, as necessary. Established guidelines on the acquisition and use of wireless service and equipment will be followed at all times. This policy applies to all City Departments, City employees/volunteers, and its City representatives.

### **1. Use of Cell Phones or Similar Devices.**

- (a) General Use at Work. While at work, employees/volunteers are expected to exercise the same discretion in using personal cell phones as they use with City phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity, and be distracting to others. Employees/volunteers should restrict personal calls during work time, and should use personal cell phones only during scheduled breaks or lunch periods in non-working areas. Other personal calls should be made during non-work time whenever possible, and employees/volunteers should ensure that their friends and family members are instructed of this policy. The City is not liable for the loss of personal cell phones brought into the workplace.

City-issued cell phones are solely intended for communication between City employee co-workers/volunteers, for work orders received, and for City office personnel. The City recognizes that personal calls using City-issued cell phones are not always avoidable, but personal calls are strongly discouraged.

To ensure the effectiveness of meetings, employees/volunteers are asked to leave all cell phones at their desk. For those employees/volunteers who work outside of an office setting (i.e., work is primarily performed outdoors),

employees/volunteers are asked to leave all cell phones: i) in their City vehicle when working outdoors. On the unusual occasion of an emergency or anticipated emergency that requires immediate attention, the cell phone may be carried to the meeting or outdoors on vibrate mode.

- (b) Unsafe Work Situations. The City prohibits the use of cell phones of any kind or similar devices while at any work site at which the operation of such device would be a distraction to the user and/or could create an unsafe work environment. Such work sites must be secured or the device used only by an employee/volunteer who is out of harm's way at such work environments.
- (c) Use While Driving. The City requires the safe use of its cell phones while conducting City business. Due to safety concerns, the City prohibits employee/volunteer use of hand-held cell phones of any kind (i.e., personal or City-issued) or similar devices for City-related purposes while driving. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving, or responding to e-mail, checking for phone messages, or any other purpose related to City employment, the City, its customers, its vendors, volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the City, or any other City-related activities not named herein. Employees/volunteers may not use cell phones of any kind or similar devices to receive or place calls, text message, surf the Internet, check phone messages, or receive or respond to e-mail while driving if they are in any way performing activities related to their City employment. Employees/volunteers must stop their vehicles in safe locations to use cell phones of any kind or similar devices. If unable to pull over or stop prior to receiving a cell phone call, employees/volunteers should use a hands-free device for increased safety, keep the business conversation brief, and immediately locate a safe area to park. The City recognizes that when responding to an emergency, employees/volunteers engaged in the protection of persons or property, fire protection, ambulance and rescue service or law enforcement activities, may need to use a cell phone for City business purposes and those employees/volunteers should use a hands-free device for increased safety and keep the business conversation brief.

## **2. Personal Use of City-Owned Cell Phones.**

The City may issue business cell phones to employees for work-related communications. To protect the employee from incurring tax liabilities for the personal use of such equipment, these City-issued cell phones are to be used for business purposes only. Employees in possession of City equipment (including cell phones) are expected to protect the equipment from loss, damage, or theft. On resignation or termination of City employment, or at any time on request, the employee may be asked to produce the cell phone for return or inspection. Any employee unable to present the cell phone in good working condition within a reasonable time may be expected to purchase a replacement. Employees who leave



the City with outstanding debts for equipment loss or unauthorized charges will be considered to have left City employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

City employees must not loan their City-issued cell phones or similar devices to any person for any reason (excluding emergencies), unless the City employee has obtained prior authorization from his/her department head.

### **3. City-Owned and Supplied Devices or Vehicles.**

An employee who uses a City-supplied device or a City-supplied/owned vehicle is prohibited from using a hand-held cell phone of any kind (i.e., personal or City-issued) or similar device while driving, whether the phone call is personal or Company-related. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving, or responding to e-mail, checking for phone messages, or any other purpose related to the employee's City employment, the City, its customers, its vendors, volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the City, or any other City or personal activities not named herein while driving a City-supplied/owned vehicle. Use of City-supplied/owned vehicles or devices for personal business is discouraged.

### **4. No Use of Camera Phones.**

The use of the electronic imaging function of cell phones is strictly prohibited on City premises. Transmission of any City information, logos, data, and/or photos of the premises or of any employees/volunteers, contractors, subcontractors, or visitors is strictly forbidden.

Employees/volunteers shall not take photographs and/or video, whether by camera phone or any other device, in "private" areas, including restrooms and locker rooms. Employees/volunteers who violate this policy will be subject to disciplinary action, which may include deletion of the photos/videos and confiscation of the camera phone, termination of employment, and/or legal action.

### **5. Review of Monthly Charges.**

The City may monitor employees' cell phone, pager, and PDA usage on City-issued devices. Signs of potential misuse will be brought to the attention of the employee's supervisor/department head, who will determine if reimbursement or other action is required.

### **6. Special Responsibilities of Managerial Staff.**

Department heads and supervisors are expected to serve as role models for proper compliance with the provisions of this policy and are encouraged to regularly remind employees/volunteers of their responsibilities in complying with this policy.

Department heads and supervisors should monitor employees/volunteers to ensure that the presence of cell phones in the work place provides optimum benefits in managing expenses for long distance telephone usage. Department heads/supervisors should be knowledgeable about the City's cell phone plan/package to leverage the best use. For example, if there is a choice or an opportunity for savings, a land-based phone should be used for a local call instead of a cell phone. Department heads/supervisors also should address proper cell-phone etiquette with their employees/volunteers. Department heads are required to immediately implement the disciplinary measures outlined within this Policy & Procedure Manual for employees who violate safety procedures while using/operating cell phones or similar devices.

Any violation of this policy may result in the loss of use of a City-issued cell phone or similar device(s) and may result in disciplinary action, up to and including termination of employment.

## **Policy # 1205 Computer/Internet/Social Networking & Social Media Policy**

### **Purpose**

To define the parameters within which the City computers and computer systems may be used; establish rules for the protection and security of the City's information technology equipment, systems, and data; and define the expectations of the City as to employees' use and /or City volunteers' use of Social Media. This Policy applies to all City employees and City volunteers.

### **Policies and Procedures**

It is the City's policy to maintain and monitor all City-owned, operated, leased computer systems, computer hardware, software, internet access, and intranet access.

### **General Policies**

1. All users of the City's computer network, including for internet access, are responsible for complying with all Local, State, and Federal laws.

2. Only City employees and/or City volunteers are permitted to use the City's computer system, including but not limited to the City's computer network, terminal(s), personal computer(s), and/or laptop(s). Non-employees are not to use any City terminal, personal computer and/or laptop without proper authorization from City management.
3. Once a City employee, volunteer and/or authorized user is advised to cease certain computer/internet/social networking and social media activities as defined in this Policy, that person must cease those activities immediately.
4. It is a violation of this policy for any City employee and/or volunteer to engage in an unauthorized, deliberate action that damages or disrupts the City's computer system, alters its normal performance, or causes the City's computer system to malfunction.
5. City employees and/or volunteers should maintain a "care zone" around City computer equipment, so that food and drink cannot fall directly in or onto the equipment. This includes but is not limited to computer equipment located in City offices and off-site, such as laptops assigned for office or vehicle use.
6. City employees and/or volunteers must report any missing computer files, stolen and/or lost computer equipment, including City-issued cellular phones, and any potential hazards and/or associated liabilities therefrom to the employees' and/or volunteers' supervisor immediately.
7. All City employees and/or volunteers must use commercially-bottled or compressed air or a moist, lint-free rag to clean any City computer system. City employees and/or volunteers must not spray water or any other type of cleaning fluid on any portion of the City's computer system, including the keyboard, monitor and/or printer.
8. If a power outage or blackout occurs, City employees and/or volunteers must unplug their computers and printers immediately.
9. City employees and/or volunteers may be held responsible for the repair and/or replacement of assigned computer equipment if such equipment is damaged, stolen. And/or lost for any reason.

10. Unauthorized person(s) will not be permitted to access any City computer(s) or communications(s) system.
11. At a minimum, all City employees, City volunteers and/or authorized computer users must log off their computer at the end of every work day and/or shift and also must turn off the computer. In cases where critical or sensitive data is accessible from their computer, City supervisors may require more frequent computer log offs, such as when City employees and/or volunteers leave their computer unattended.
12. All City employees, City volunteers and/or authorized computer users are responsible for ensuring that all computer files on their computer are backed up per the City's policies established by the City, their respective department and/or the City's information technology (IT) personnel. All files saved on the City's computer network will automatically be backed up by the City every night per the City's IT policies. Any computer files not backed up on the City's computer server are the direct responsibility of the respective City employee, City volunteer and/or authorized computer user.
13. A virus protection software package is installed on all City desktop computers. City employees, City volunteers and/or authorized computer users must leave this virus protection software enable on all City computers at all times.
14. City passwords are necessary to protect the security of City information, City records and the City computer systems. All passwords are the property of the City of Wills Point. Passwords do not belong to the City employee, City volunteer and/or the authorized computer user and the use of such City passwords does not guarantee confidentiality.
15. Games of any kind whatsoever are strictly prohibited on all City-owned computers. City employees, City volunteers and/or authorized computer users shall not load and/or run in any way whatsoever (including but not limited software-based and/or internet-based programs) any type of game on any City computer system.
16. Downloading and/or streaming of MP3 and/or other music, files, video files, television programs, movies and/or radio programs of any kind whatsoever is strictly prohibited by all City employees and/or City volunteers, unless directly

associated with the City employee's/volunteer's job duties and has been previously authorized by City management.

17. City employees and/or City volunteers shall not play personally-owned DVD movies and/or music CD's on any City computer. Said use is strictly prohibited.
18. The City computer system (including but not limited to the City network and server), City computers, City internet and/or intranet access and or City email shall never be used by any City employee, City volunteer and/or authorized computer user to access, download, receive, or transmit pornographic materials of any kind.
19. Violation of any provision of this Policy, by any City employee, City volunteer and/or authorized computer user, will result in disciplinary action, up to and including termination of employment and/or volunteer service.

## **E-Mail**

1. The electronic mail system is provided by the City of Wills Point to assist its employees and/or volunteers in conducting City business.
2. The electronic mail system software and hardware are City property. All messages composed, sent, or received on the City's electronic mail system by any person are and remain City property.
3. No communications of any kind whatsoever shall be transmitted by any person (including City employees and/or volunteers) via the City's electronic mail system that uses any form of offensive, disruptive, discriminatory, and/or harassing language. Communications are considered offensive if they contain sexual implications, racial slurs, derogatory and/or unwelcome gender-specific comments, and/or other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, or disability, or any other protected category.
4. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, and/or any other unauthorized materials, without prior authorization by City management.
5. To the extent permitted by law and to ensure proper use of the City's electronic mail system (including but not limited to instant messaging (IM), the City may

monitor City employees' and/or volunteers' e-mail. By this policy, City employees and/or volunteers are on notice that the City reserves the right to review, audit, intercept, access and disclose all messages created, received, or sent over the City's electronic mail system for any purpose. Electronic mail messages are public information unless exempt by statute. No expectation of privacy shall exist as to any City employee, City volunteer or other user of the City's computer and/or electronic mail system, and the City may access any e-mails or other information on any City computer system at any time, and may monitor computer use.

6. The City recognizes that e-mail and/or instant messaging is an efficient means of communication, similar to a telephone. This, City employees and/or volunteers may access the Internet and/or use email and/or instant messaging for non-work-related communications during meal time or other breaks so long as such use is not excessive, does not interfere with the employee's and/or volunteer's work and complies with the policies herein.
7. Storage of an excessive number of emails and/or instant messages on City employees' and/or volunteers' computers is discouraged, as such emails/messages take up disk space and cause computer performance problems. Important information and records relating to City business must be saved to the City employee's and/or volunteer's user directory to ensure that it is backed up and permanently saved.
8. Violation of any provision of this Policy, by any City employee, City volunteer and/or authorized computer user, will result in disciplinary action, up to and including termination of employment and/or volunteer service.

## **Network Security**

The following actions are prohibited by all City employees and/or City volunteers:

1. Use of City computer systems and/or networks to gain unauthorized access to remote computer systems.
2. The copying of City computer system(s) files.

3. The copying of copyrighted materials, such as third-party software, without the express written permission of the owner, vendor or author of the materials or the proper license.
4. Intentional attempts to “crash” City computer network systems or programs.
5. The willful introduction of computer “viruses” or other disruptive/destructive programs into the City’s computer network is strictly prohibited.
6. Any City employee and/or City volunteer must obtain prior written authorization from the City Administrator’s office or his/her designee, before introducing and/or downloading any software, CD, DVD or any other media files into the City’s computer system, personal computers, and/or network. Generally, these activities are prohibited unless a work-related project requires such use.
7. The city reserves the right to remove CE-ROM drives, DVD drives or any other type of computer drive from any City computer system at any time.
8. Violation of any provision of this Policy, by any City employee and/or City volunteer will result in disciplinary action, up to and including termination of employment and/or volunteer service.

## **Internet**

1. Before a City employee and/or volunteer may access and/or use the internet, he/she must agree and consent to an understanding of this Policy. This Policy is in addition to any other City or departmental computer guidelines that might be in place.
2. The internet may not be used for personal gain or advancement of individual views, solicitation of non-City business or to disrupt the operation of the City computer network or the network of other users.
3. It is strictly prohibited and subject to immediate termination of employment/volunteer service for any City employee and/or volunteer to deliberately access or attempt to access inappropriate internet sites (described as but not limited to those that contain sexually explicit materials, obscene, harassing and/or offensive language or messages, gambling sites, gaming sites,

sites involving or depicting drugs, violence, lifestyle choices, cults, hate speech, racism and/or criminal activities, among other things)

4. City employees and/or volunteers shall not generate, receive, view, store, transmit or otherwise use in any manner via the internet any data material or information that is abusive, profane, and/or obscene. Such activity is strictly prohibited.
5. Transmission of any materials in violation of applicable copyright laws or patents is strictly prohibited.
6. Illegal, fraudulent, malicious activity and/or any other type of activity performed on behalf of organizations or individuals with no City affiliation are strictly prohibited.
7. City employees and/or volunteers are advised that any employees and/or volunteers illegal activities performed through the use of the City's computer system will require the City of Wills Point to advise appropriate legal officials of such illegal activity as required by law.
8. Violation of provision of this Policy, by any City employee and/or City volunteer will result in disciplinary action, up to and including termination of employment and/or volunteer service.

## **Social Networking/Social Media**

While the City of Wills Point encourages its officials, employee and/or volunteers to enjoy and make good use of their off-duty time certain activities on the part of officials, employees and/or volunteers may become a problem if they have the effect of impairing the work of any official, employee and/or volunteer; harassing, demeaning, or creating a hostile working environment for any official, employee and/or volunteer; disrupting the smooth and orderly flow of work within the City's operations; or harming the goodwill and reputation of the City of Wills Point among its customers, with other agencies, or in the community at large. In social media (print, broadcast, digital, and online) officials, employees and/or volunteers may use such media in any way they choose as long as such does not produce the adverse consequences noted above. For this reason, the City of Wills Point reminds its officials, employees and/or volunteers that the following guidelines apply in their use of social networking and social media, both on and off duty:



1. Personal Social networking, blogging or similar activities shall not be conducted from City computers and/or on the City's computer system. Although the City does not presume to control employees' and/or volunteers' off-duty computer-related activities, the City expects that employees and volunteers alike will use good judgment and discretion in such pursuits.
2. Think before you post. Use sound judgment and think about reactions to your post before you post it. Remember that whatever you post may live for many years in the Web, even after you delete your copy of it.
3. Should an employee and/or volunteer decide to create a personal blog, be sure to provide a clear disclaimer that the views expressed in the blog are the author's alone, and do not represent the views of the City of Wills Point.
4. All information published on any employee/volunteer blog(s) should comply with the City of Wills Point confidentiality, disclosure and open records request proprietary data policies. This policy provision also applies to comments posted on other social networking sites, blogs, and forums.
5. Be respectful to the City of Wills Point, co-workers, customers, and public agencies that the City works with, and be mindful of physical safety and identity theft concerns when posting personal information about yourself or others on any forum. Describing intimate details of your personal and social life, or providing information about your detailed activities might be interpreted as an invitation for further communication, or even stalking and harassment that could prove dangerous to your safety.
6. Your online presence reflects on the City of Wills Point. Be aware that your comments, posts, or actions captured via digital or film images can affect the image of the City.
7. Remember that some City information is not only confidential by City policy, it is confidential by law.
8. Some disclosures could put public safety at risk. Information regarding planned or ongoing law enforcement operations or investigations, law enforcement work schedules, and home addresses and telephone numbers of law enforcement officers shall not be circulated.

9. Do not use any City of Wills Point logos or trademarks without prior written consent of the City Administrator or his/her designee. The absence of explicit reference to a particular site does not limit the extent of the application or this policy. If no policy or guideline exists, the City of Wills Point employees and/or volunteers should use their professional judgment and follow the most prudent course of action. If you are uncertain, consult your supervisor or department head before proceeding.
10. Social media activities should never interfere with work commitments.
11. Do not discuss City citizens, vendors, issues, or business without express consent.
12. Do not ignore copyright laws, and cite or reference sources inaccurately. Remember that the prohibition against plagiarism applies online.
13. No employee and/or volunteer of the City of Wills Point may use City equipment or facilities for furtherance of non-work-related activities or relationships without the express advance permission of the City Administrator or his/her designee.
14. City employees and/or volunteers who conduct themselves in such a way that their actions and relationships with each other could become the object of gossip among others in the City, or cause unfavorable publicity for the City of Wills Point in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees/volunteers involved should request guidance from the City Administrator or a department head to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.
15. If a City employee and/or volunteer publishes any personal information about themselves, another official, employee and/or volunteer of the City of Wills Point, a citizen, or a vendor in any public medium (print, broadcast, digital, or online) that:

- a. Has the potential or effect of involving the official, employee and/or volunteer, their co-workers, or the City of Wills Point in any kind of dispute or conflict with other officials, employees, volunteers and/or third parties;
- b. Interferes with the work of any official, employee and/or volunteer;
- c. Creates a harassing, demeaning, or hostile working environment for any official, employee and/or volunteer;
- d. Disrupts the smooth and orderly flow of work within the City, or the delivery of services to the City's citizens;
- e. Harms the goodwill and reputation of the City of Wills Point among its citizens or in the community at large;
- f. Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information; or
- g. Reveals private information.

The employee(s) and/or volunteer(s) responsible for such publishing will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment and/or volunteer service, depending upon the circumstances.

## **Policy Numbers 1300-1313**

# **CHAPTER 13 GRIEVANCE, DISCIPLINE, AND APPEAL PROCEDURES**

### **Policy # 1300 Fair and Equitable Standards**

It is the intent of the Discipline and Appeal Procedures to safeguard the rights of all employees and/or volunteers, to ensure that all employee actions and volunteer actions (where permissible by law) are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis. A statement of reasons for disciplinary action, up to and including termination, is intended to benefit the employee and/or volunteer in assisting the employee and/or volunteer to retain employment/volunteer service or to improve performance and is not intended to, nor does it, create a contract, either express or implied, or a property interest, in continued employment.

### **Policy # 1301 Guidelines**

The City Administrator and/or Human Resources Department is authorized and directed to promulgate guidelines and procedures, consistent with City ordinances, as are reasonably necessary and appropriate to implement the rules of employee/volunteer conduct and discipline contained in this Policy and Procedure Manual.

### **Policy # 1302 Grievances**

A grievance is an allegation regarding the violation, misinterpretation or improper application of a specific state or federal law, regulation, or City ordinance provision. This does not include questioning the substance of policy or complaints regarding an employee's and/or volunteer's individual working conditions. An employee and/or volunteer shall, within five (5) working days of the date an incident occurred or from which he/she could have become knowledgeable of the incident, present a grievance in writing to his/her Department Head. The Department Head shall respond to the grievance in writing within a reasonable amount of time. If the employee/volunteer does not agree with the decision of the Department Head, he/she may appeal to the City Administrator within five (5) working days. The City Administrator shall respond to the grievance in writing within a reasonable amount of time. In instances involving suspension, demotion, or dismissal, if the employee does not agree with the decision of the City Administrator, he/she may appeal to the City Council within five (5) working days of the City Administrator's final determination/decision. In all disciplinary situations, the City Council's decision shall be final and non-appealable. In instances involving City volunteers, the City Administrator's decision shall be final and non-appealable. **A City volunteer shall not appeal a disciplinary decision beyond the City**

**Administrator under any circumstance.**

### **Policy # 1303 Pre-Clearance by Human Resources Department and/or City Administrator**

In all matters involving a written reprimand, suspension, demotion or termination, the Human Resources Department and/or City Administrator shall be consulted prior to the implementation of such action to ensure equitable and consistent treatment of employees and volunteers.

The City Administrator, or his or her designee, may take disciplinary action against any City employee and/or volunteer at any time it is deemed necessary. The severity of the discipline depends upon the nature of the infraction. The City reserves the right to terminate any City employee and/or end a City volunteer's service without resort to a progressive discipline system.

### **Policy # 1304 Types of Disciplinary Action**

- A. In deciding as to what type of discipline should be imposed, a Department Head should consider such factors as the type and severity of the offense(s), the employee's/volunteer's work record, and any mitigating circumstances that may be relative to the situation.
- B. The following disciplinary actions are not exclusive and may be initiated against an employee/volunteer for violations of these Policies and/or City or departmental rules and regulations:

- 1. Employee Counseling

Employee counseling is designed to provide constructive feedback to the employee and/or volunteer for infractions that need improvement. This type of action is generally of a non-disciplinary nature. A written notation of this session shall be maintained in the department or division file.

- 2. Documented Oral Reprimand

An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. A written record of this warning shall become a permanent part of the employee's/volunteer's personnel file.

3. Written Reprimand

A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the violation recur. Included in the written reprimand shall be a statement(s) of the specific violation(s) of policy, the specific incident(s) causing the action, what changes in behavior are expected, what penalty shall be imposed if no changes are made by the employee/volunteer and the right to appeal. The employee/volunteer shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining supervisor/department head and the employee/volunteer should sign the written reprimand. Copies of the written reprimand and all supporting documentation, and the employee's/volunteer's written response, if any, shall become a permanent part of the employee's/volunteer's personnel file.

4. Suspension

A suspension is to bring about a change in behavior and results in time off without pay for employees. The employee and/or volunteer should be encouraged to reflect on his/her behavior during the suspension and to decide whether he/she wishes to correct the offending behavior or terminate his/her employment or voluntary service. Departmental management may suspend an employee without pay for a period of not less than one (1) hour or more than fourteen (14) working days for disciplinary reasons. Prior to suspending an employee and/or volunteer, the Department Head shall confer with the Human Resources Department and the City Administrator. Suspension for more than fourteen (14) working days requires the written approval of the City Administrator. The Department Head contemplating a suspension shall give written notice to the employee/volunteer stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(ies) violated, (3) the specific incident(s) causing the action, (4) the employee's/volunteer's right to appeal to the City Administrator within a specified time, (5) the finality of the action if the employee/volunteer fails to appeal within the specified time period, and (6) an opportunity for the employee/volunteer to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee/volunteer, the Department Head shall make his/her final determination in writing. The suspension documentation shall become a permanent part of the employee's/volunteer's personnel file. After exhausting his/her

appeal rights to the City Administrator, an employee has the right to appeal any suspension decision to the City Council for suspensions lasting longer than fourteen (14) days. In instances involving City volunteers, the City Administrator's decision shall be final and non-appealable. **A City volunteer shall not appeal a suspension decision beyond the City Administrator under any circumstance.**

5. Demotion

Departmental management may demote an employee and/or volunteer for a disregard or violation of these Policies and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an employee and/or volunteer, the Department Head shall confer with the City Administrator regarding the proposed demotion. Demotions may be either permanent or for a pre-determined specified period of time, and shall result in a reduction of salary. The Department Head contemplating a demotion shall give written notice to the employee/volunteer stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's/volunteer's right to appeal to the City Administrator within the specified time, (5) the finality of the action if the employee/volunteer fails to appeal within the specified time period, and (6) an opportunity for the employee/volunteer to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee/volunteer, the Department Head shall make his/her final determination in writing. The demotion documents shall become a permanent part of the employee's/volunteer's personnel file. After exhausting his/her appeal rights to the City Administrator, an employee has the right to appeal any demotion decision to the City Council. In instances involving City volunteers, the City Administrator's decision shall be final and non-appealable. **A City volunteer shall not appeal a demotion decision beyond the City Administrator under any circumstance.**

6. Termination

Prior to terminating an employee and/or volunteer, the Department Head shall confer with the Human Resources Department and the City Administrator. A Department Head contemplating a termination shall give written notice to the employee/volunteer stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the

specific incident(s) causing the action, (4) the employee's/volunteer's right to appeal to the City Administrator within the specified time, (5) the finality of the action if the employee/volunteer fails to appeal within the specified time period, and (6) an opportunity for the employee/volunteer to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee/volunteer, the Department Head shall make his/her final determination in writing. The termination documents shall become a permanent part of the employee's/volunteer's personnel file. After exhausting his/her appeal rights to the City Administrator, an employee has the right to appeal any termination decision to the City Council. In instances involving City volunteers, the City Administrator's decision shall be final and non-appealable. **A City volunteer shall not appeal a termination decision beyond the City Administrator under any circumstance.**

### **Policy # 1305 Procedures to Appeal a Written Reprimand**

- A. Any employee and/or volunteer dissatisfied with any written reprimand received by that employee/volunteer may file a written appeal to his Department Head within five (5) working days of the action taken. In the event the City Administrator has rendered the written reprimand, the Department Head, employee and/or volunteer may file a written appeal to the Mayor or Mayor Pro Tem.
- B. The written appeal must be submitted to the Department Head for appellate review by the City Administrator, unless a Department Head is appealing a written reprimand, in which case the written appeal must be submitted to the City Administrator for appellate review by the Mayor or Mayor Pro Tem. The written appeal shall contain the following information:
  - 1. The type of disciplinary action being appealed and the effective date of the action;
  - 2. The specific reason the discipline is judged to be unjust or otherwise in error;
  - 3. The remedy or solution sought; and
  - 4. The signature of the disciplined employee/volunteer.
- C. When a written appeal is filed by a non-Department Head employee/volunteer, the City Administrator shall discuss the facts



surrounding the disciplinary action with the affected employee/volunteer. After an appeal is requested, the City Administrator shall conduct a careful review of the charges and evidence of the action and/or omission. The City Administrator shall respond in writing to the employee/volunteer, stating the disposition of the written reprimand within five (5) working days of the discussion. The City Administrator may sustain, reverse, modify or amend the action taken as he/she determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be appealable beyond the City Administrator.

- D. When a Department Head files a written appeal, the Mayor, or Mayor Pro Tem shall discuss the facts surrounding the disciplinary action with the affected Department Head. After an appeal is requested, a careful review of the charges and evidence of the action and/or omission shall be conducted by the Mayor or Mayor Pro Tem. The Mayor or Mayor Pro Tem shall respond in writing to the Department Head, stating the disposition of the written reprimand within five (5) working days of the discussion. The Mayor or Mayor Pro Tem may sustain, reverse, modify or amend the action taken as he/she determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be appealed beyond the Mayor or Mayor Pro Tem.

### **Policy # 1306 Procedures to Appeal a Termination, Demotion, or Suspension**

- A. Any employee, other than a Department Head or other employee who reports directly to the City Administrator, who is terminated, demoted or suspended without pay, shall have a right to appeal that decision to the City Administrator. The right to appeal must be exercised within five (5) working days of the date of the decision, by filing a written request with the City Administrator and a copy to the Human Resources Department for a hearing. If the employee fails to appeal the decision of the Department Head in accordance with these provisions, the decision of the Department Head shall become final and non-appealable.
- B. In the event an appeal is requested; the City Administrator shall hear the appeal within a reasonable amount of time. A court reporter or stenographer may be present throughout the appeal (although not required) and, if so, a written record of the proceedings shall be made. A copy of this written record shall be maintained in the employee's personnel records. The City Administrator may sustain, reverse, modify or amend the action taken. Further, the appeal hearing shall be audiotaped and, if so, the audiotape shall become part of the employee's permanent personnel file.

- C. Any hearing conducted by the City Administrator generally shall proceed as follows: City representative(s) shall be allowed to make a presentation of the City's case, explaining, and detailing the reasons for the disciplinary action imposed. Such presentation may include the production of witnesses and/or documentation supporting the disciplinary action imposed. After the City's presentation, the employee or his attorney shall be permitted to ask questions and/or cross-examine witnesses. Thereafter, the affected employee or his attorney shall be permitted to make any statements or produce witnesses and/or documentation on the employee's behalf. After the employee's presentation, the City representative or the City's attorney shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to make a closing statement, if desired. At any time during the hearing, the City Administrator may ask questions of the City's representative(s), the employee and any witnesses. The hearing presentation or procedure referenced herein may be modified and there is no absolute right to any hearing procedure or presentation. Further, the failure to follow any hearing presentation or procedure referenced herein does not create any additional appeal rights.

### **Policy # 1307 City Administrator's Review and Determination**

Upon conclusion of the appeal hearing, the City Administrator shall have a reasonable amount of time in which to make a determination. After reviewing evidence presented, the City Administrator may sustain, reverse, modify or amend the action taken as he/she determines is just and equitable under all the facts and circumstances of the case. The decision of the City Administrator may be appealed to the City Council. After exhausting his/her appeal rights to the City Administrator, an employee may make a written request, within five (5) working days of the City Administrator's determination/decision, to appear before the City Council either in open or executive session. The action of the City Council shall be final and non-appealable. In instances involving City volunteers, the City Administrator's decision shall be final and non-appealable. **A City volunteer shall not appeal a disciplinary decision beyond the City Administrator under any circumstance.**

### **Policy # 1308 Failure to Follow Appeal Procedure**

If any employee and/or volunteer fails to appeal an action within the time limits specified in this Chapter or in accordance with the guidelines and procedures promulgated by the Human Resources Department or fails to appear at any hearing, the disciplinary action shall be final and non-appealable.

## **Policy # 1309 “Working Days” Defined**

“Working days,” as referenced in this section, means the scheduled workdays of the person responsible for initiating an action in these rules and policies for which a time limit is established. Time limits begin to run the working day following the incident, event, hearing or notice.

## **Policy # 1310 Appeal Not Answered**

If an appeal is not answered within the specific time limits, the employee/volunteer may proceed to the next step, if any, in the appeal process.

## **Policy # 1311 Time Limits**

Any time limit specified in the procedures under this chapter may be extended by mutual agreement.

## **Policy # 1312 Administrative Leave with Pay**

An employee who is suspected of a violation of state, federal or local law, City ordinance, a rule, regulation, or these Policies, may be subject to disciplinary action up to and including termination or may be placed on administrative leave with pay pending the outcome of any related investigation and/or the imposition of disciplinary action.

## **Policy # 1313 Inapplicability**

A reduction in force is not an appealable or grievable personnel action and any employee/volunteer separated from City employment or voluntary service because of a reduction in force has no right to appeal or grieve such separation.

# Employee/Volunteer Acknowledgement Statement of Receipt of Personnel Policies and Procedures Manual

I hereby acknowledge receipt of one copy of The City of Wills Point Personnel Policy and Procedure Manual ("Employee Handbook"). I understand this Employee Handbook has been prepared for my use as a personal reference in answering questions that I may have about my job, The City of Wills Point and various work guidelines, programs, and practices. I understand the contents of this Employee Handbook are presented to me for information purposes only.

The policies and procedures set forth in this Employee Handbook provide guidelines for management and employees during employment and City volunteers during volunteer service, but do not create contractual rights regarding termination or an expectation that the employee will be terminated for cause.

The City of Wills Point reserves the right to modify or revoke any part of this Employee Handbook without notice.

I understand and acknowledge that the language used in this Employee Handbook is not intended to create an express or implied contract between The City of Wills Point and any of its Employees and/or volunteers. I further understand and acknowledge that this is an **employment-at-will** relationship. I have been hired for an indefinite period of time and, just as I may voluntarily terminate my employment and/or volunteer service with The City of Wills Point any time, The City of Wills Point may terminate my employment and/or volunteer service at any time. I further understand and acknowledge that The City of Wills Point retains the right to change this Employee Handbook and any rules, regulations, policies, and benefit plans unilaterally at any time without notice.

I acknowledge that in receipt of this handbook, I have read and understand The City of Wills Point Code of Conduct and Ethics, as well as all other policies and procedures contained in the Employee Handbook.

This Employee Handbook supersedes all previous handbooks, manuals, and guidelines, as well as revisions to any previous handbooks, manuals, and guidelines regardless of my date of hire.

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Employee's Name (PLEASE PRINT)

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Employee's Signature

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Date

- COPY FOR PERSONNEL FILE -

Copy 1

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\_\_\_\_\_  
Employee's Name (PLEASE PRINT)

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

\_\_\_\_\_  
Date

- COPY FOR PERSONNEL FILE -