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# **PERSONNEL POLICY HANDBOOK**

**Adopted by City Council on October 26, 2017**

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## **ETHICS POLICY / ORDINANCE**

**Adopted by City Council on January 11, 2018**

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## **EMPLOYMENT AT-WILL STATEMENT:**

**Nothing in this handbook creates or is intended to create a promise or representation of continued employment for a definite term. Employment at the City of Clute is employment At-Will and may be separated at the will of either the City or the employee. An employee has the right to separate employment at any time, with or without cause or notice, and the City has the same right. An employee's status as an At-Will employee may not be changed except in writing and such a writing must be signed by the City Manager. This document shall supersede any and all prior handbooks, written documents or oral representation concerning City policies and practices that may contradict the At-Will nature of employment.**

## **NOTICE TO EMPLOYEES:**

Whether you have just joined our staff or have been at the City of Clute (hereinafter the "City") for a while, we are confident that you will find our City a rewarding place to work. We consider our Employees to be our most valuable resource, and we strive to provide an employee-friendly environment in which individuals thrive and achieve ever greater personal and professional accomplishments. This Handbook has been written to serve as a guide for the employer/employee relationship, and to acquaint you with the City of Clute, providing you with information about working conditions, benefits, and policies affecting your employment. We value the talents and abilities of our employees and seek to foster an open, cooperative, and dynamic environment in which employees and the City alike can thrive. We are committed to serving the citizens of Clute and providing quality services to those citizens. These policies, procedures and working conditions provide a work environment in which both citizen interests and employee interests are served.

There are several things to keep in mind about this handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to your supervisor or the Human Resource department. Neither this handbook nor any other City document confers any contractual right, either express or

implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be separated at-will, with or without cause, and without prior notice by the City, or you may resign for any reason at any time. No employee, supervisor, or other representative of the City (except the City Manager) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above. The information contained in this handbook applies to all employees of the City and the procedures, practices, policies and benefits described herein may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.

City employees are required to read, sign, and then return the handbook's signature page (*located in the back of the book*) to the Human Resources Department at City Hall, and are responsible for complying with the provisions of this handbook, and any policies you may receive. Following the policies described in this handbook is considered a condition of continued employment. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

Some subjects described in this handbook are covered in detail in official policy documents. Employees shall always refer to those detailed policy documents for guidance as this handbook is only intended to serve as a brief summary of guidelines and benefits.

*Welcome to the City of Clute!*



**Gary Beverly; City Manager**

**Great things are never done by one person.  
They're done by a team of people.**

**Questions about the Handbook? Please Contact ...**

**Human Resources**

**Kim O'Connor**

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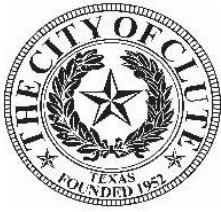
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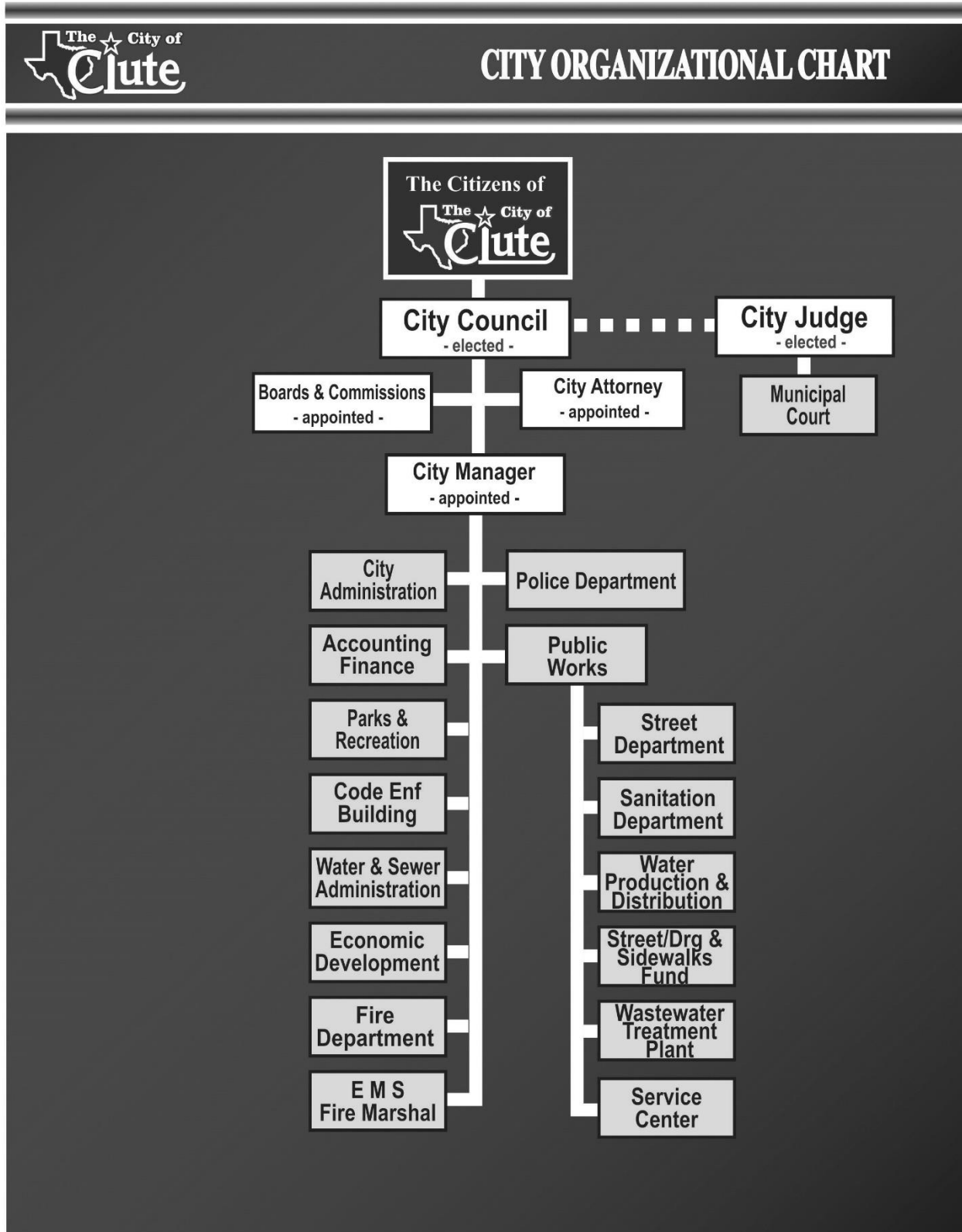
#### Copy #1 Keep for your records:

1. EMPLOYEE ACKNOWLEDGEMENT STATEMENT OF RECEIPT OF PERSONNEL POLICIES AND PROCEDURES MANUAL .....	124
2. WAGE DEDUCTION / AUTHORIZATION AGREEMENT .....	125

#### **RETURN COPY #2 WITH BOTH SIDES SIGNED:**

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## Vision Statement

The City of Clute will be a prosperous, fiscally sound, and family-focused community with a full range of housing and businesses, providing cultural and recreational opportunities, and a safe attractive environment for our residents and visitors.

## Mission Statement

The City of Clute is dedicated to providing excellent municipal services that enhance the quality of life for our diverse community. In active partnership with its citizens and businesses, the City will provide leadership and essential municipal services to cultivate a prosperous economy, vibrant neighborhoods, and a supportive social fabric that is connected to its history.

## Core Values

In an effort to best serve our community, residents, and businesses, the City of Clute has developed "Core Values", which will guide everything we do. These Core Values were established in an attempt to clearly identify what our City stands for and what it means to work for our organization as it relates to providing quality services to the public.

- **Roles and Responsibilities:** We value the Charter established by vote of the citizens, and executed by City Council setting forth the Mayor, City Council, and City Manager roles, responsibilities and expectations.
- **Citizen, Business, and Customer Friendly:** We value our citizens, businesses, and customers and will work with them in a courteous, professional manner. We encourage their participation and input and owe them an answer to their questions in a timely manner. We will work collaboratively with citizens, businesses, and community organizations and actively partner with other jurisdictions to address regional, state, and even broader issues.
- **Fair & Equitable Standards:** We value equity and will be fair in how we work with citizens, businesses, and our customers in implementing and enforcing City policies, regulations, and ordinances.

- **Ethical Behavior:** We value our role and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.
- **Respectful of Others:** We value the opinions of others and will seek to first understand and listen before seeking to be understood, and will at all times agree to disagree in an agreeable manner.
- **Value Diversity:** We value and celebrate the diversity of people in our community and municipal workforce. We respect the diverse culture of citizens that makes up the social fabric of our community and strive to meet the needs of all citizens. We value and seek to strengthen our neighborhoods, which are cornerstones of civic life and community identity.

The City will strive to be a leader in affirming the rights and innate dignity of all citizens and encourage the free expression of all cultural traditions and personal talents for the social enrichment and betterment of the community.

The City will foster its value for diversity throughout the community by creating an equitable, hospitable, appreciative, safe, and inclusive organizational culture for its employees, volunteers, programs, and services because we believe diversity:

- strengthens workforce competence and performance;
  - celebrates and values individual differences;
  - serves an increasingly heterogeneous society;
  - ensures the relevance of the City's Mission, programs and services; and
  - is crucial to the City's ability to serve every citizen.
- **Teamwork and Collaborative Efforts:** We value teamwork and collaborative efforts with our fellow workers, stakeholders, and partners, and believe through such efforts we will be better able to achieve our goals and objectives.
  - **Value Employees:** We value our greatest asset, **our employees**, and the contributions they make to the City and to the citizens and customers of our community.
  - **Transparency in Governance:** We value transparency in the governance and operations of the City.

- **Performance Excellence:** We value excellence in how we govern and deliver services and believe we should always strive for continuous improvement in our work and delivery of services. By providing quality services, being responsible and efficient stewards of public resources, enthusiastic, and empowering employees to achieve excellence, we will continue to build public trust and encourage civic involvement. We know that excellence does not have to come at the price of our sense of community or our small city character.
- **Fiscal Responsibility:** We will strive to be stewards of the City trust, and will make financial decisions that we believe are always in the best interest of our citizens. We will use City funds as if they were our own, and strive to efficiently use ***citizen's*** money in a way to reduce the burden on taxpayers.



# **CHAPTER 1 - INTRODUCTION**

## **About This Handbook**

The City of Clute's Personnel Handbook is a source of reference for supervisors and employees of the City of Clute. It is a series of comprehensive policies and procedures designed to provide a foundation for consistent and equitable human resources administration throughout the City. The City expects a high level of commitment from its employees. In return, the City strives to provide an environment in which employees can achieve both their personal and professional goals.

## **Scope of Handbook**

The City's policies and procedures contained within this handbook apply to all employees. Elected officials, the City Attorney, members of appointed boards and commissions, persons employed under contract to supply professional and technical services, volunteer firefighters, reserve police officers, and all personnel appointed to serve without pay shall not be considered City employees for purposes of this handbook and these policies, except as provided under civil rights and public information act laws.

It may be necessary for individual departments to establish rules and procedures to accomplish departmental responsibilities. All such departmental rules and policies may be more restrictive, but not less restrictive and shall not directly conflict with the intent of the policies in this handbook, and must be approved by the City Manager or designee. An employee who violates a policy or procedure in this handbook or an individual department's rule, policy or procedure is subject to disciplinary action, up to and including termination.

### **Police Department: General Orders & Procedures Manual**

Employees of the Clute Police Department are subject to all policies and requirements of this manual, but are also subject to the General Orders and Procedures Manual for the department, establishing further requirements, and therefore employees of this department should become familiar with that manual as well as this handbook.

## **Modifications to Handbook**

No employee handbook 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 handbook 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 Manager or designee and approved by the City Council. For additional guidance and clarification in dealing with employment issues, contact the Human Resources Department, located at City Hall.

## **Dissemination**

All City employees shall be informed of the existence of this handbook and these policies and all related administrative directives. Each department shall keep at least one copy available for reference by its employees. A copy of this handbook and these policies also shall be provided to all City employees. Revisions and amendments will be distributed to each employee, posted on departmental bulletin boards, and/or the City website.

## **Severability**

The Employee Handbook shall not conflict with the provisions of the Clute City Charter, and shall be modified accordingly when the Charter is altered or amended.

If any applicable laws have changed, or conflicts with the Clute City Charter arise since the writing of this Handbook, and if any portion of this Handbook is determined to be unlawful or unenforceable because of such change, conflicts, or for other reasons, it shall not mean that the entire Handbook or any other provision in it is invalid.

## **Division of Responsibility**

As indicated in the organizational chart on page 8, the City Government of Clute, Texas is run by six (6) elected officials, and an elected Municipal Judge, and an appointed City Manager, as well as City staff. With the exception of matters reserved by the City Council, the general and final authority for personnel management and all administrative decisions rests with the City Manager or his or her designee. The City Manager or designee shall advise management in all areas of personnel administration. Other management personnel are responsible for assuring adherence to the provisions of this handbook, and for cooperating with the City Manager on related matters. All City employees are charged with the responsibility of being thoroughly familiar with all provisions of these Personnel Policies and Procedures within this handbook.

## **Role of City Manager**

Under the Charter of the City, the City Manager is the Chief Executive Officer of the City and the person appointed by the City Council to provide general superintendence over the supervision of all the employees of the City. Accordingly, except for the purposes of inquiry and investigations when

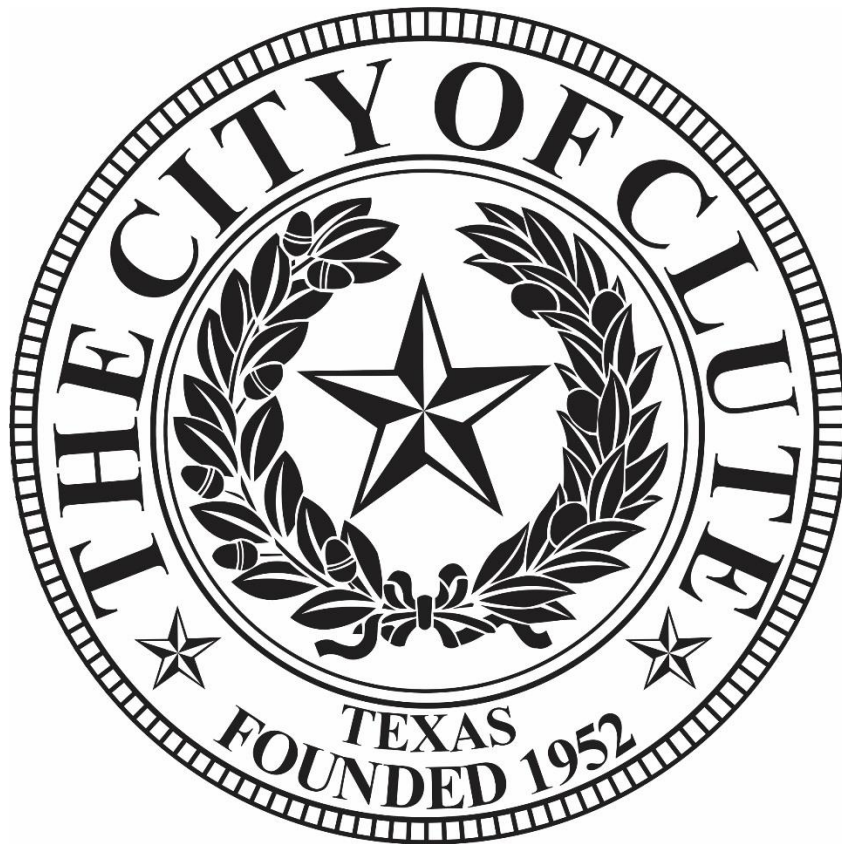
necessary into municipal affairs, the Mayor and City Council shall not deal directly with employees of the City and shall not publicly or privately give orders to such employees of the City. Conversely, city employees may appear before the City Council in an off-duty capacity to express their views on a particular subject, but are prohibited from contacting individual council members, without first notifying the City Manager in writing, to express their opinion or concerns. When the City Manager is unable to perform the duties of his/her office for any reason or if such office becomes vacant, until an Acting City Manager is appointed, the Mayor or, in his/her absence the Mayor Pro Tem shall perform the duties of the City Manager hereunder. The conviction of the City Manager of any felony or crime of moral turpitude shall automatically remove him or her from such office and shall disqualify him or her from further service for the city.

## **Role of Municipal Court Judge**

Under the Charter of the City, the Municipal Court Judge appoints and may remove at his pleasure the municipal court clerk and all deputy municipal court clerk. The number of deputies and salary of the clerk and all deputies shall be fixed by the City Council. The clerk and each deputy shall be subject to the manual of policies issued by the City Manager.

## **Role of Supervisors/Managers/Department Heads/Directors**

All employees with the responsibility and authority to supervise and direct employees under their control shall administer the policies and procedures of this document within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional and ethical manner, and attempt to resolve such issues at the lowest possible supervisory level. The conviction of a supervisor, department head, director, or manager of a felony or crime of moral turpitude shall automatically remove him or her from such office and shall disqualify him or her from further service for the city. All Supervisors, Managers, Department Heads, and Directors shall recognize that they are role models for all employees within the City, and should act and represent the City accordingly.





## **CHAPTER 2 - EMPLOYMENT LAW COMPLIANCE**

### **Equal Employment Opportunity**

It is the policy of the City to provide equal employment opportunity to all employees and applicants for employment. The City believes a strong commitment to equal employment opportunity is more than a legal and moral obligation - it is also sound business practice to realize the potential of every individual. Employment practices will not be influenced or affected by an applicant's or employee's race, color, creed, religion, gender, national origin, age, disability, genetic information, military service, or any characteristic protected by law.

This policy governs all aspects and benefits 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. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or an imminent safety risk.

It is the policy of the City to do all in its power to prevent discriminatory employment conditions, either purposeful or inadvertent for all applicants and employees. We do not discriminate on the basis of race, color, religion, national origin, sexual orientation, actual or perceived gender identity, citizenship status, pregnancy, age, disability, genetic information, or status as a Vietnam era or disabled veteran in employment or in admission to or in the operation of its training or educational programs and activities as prescribed by Titles VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, the Rehabilitation Act of 1973, the Vietnam-Era Veterans Rehabilitation Act of 1974, the Age Discrimination Acts of 1974-75, the Immigration Reform and Control Act of 1986, the Civil Rights Restoration Acts of 1988 and 1991 and the Americans with Disabilities Act of 1992.

Employees with questions and concerns about unlawful discrimination in the workplace are strongly encouraged to bring these issues to the attention of their immediate supervisor, department head, director, or the Human Resources Department without fear of reprisal. Retaliation, intimidation, coercion or harassment against any applicant or employee because the applicant or employee raises a concern or grievance under this policy and/or under related laws is prohibited.

Derogatory language or conduct against or about any person's age, race, gender, color, national origin, sexual orientation, actual or perceived gender identity, religion, genetic information or disability 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.

Under the Genetic Information Nondiscrimination Act ("GINA"), requesting, requiring, or intentionally seeking out information about an employee's or applicant's family health history, results of genetic testing on the employee or his/her family or fetus or embryo, or other sources of genetic information is prohibited. An exception is when the City requests health information about a family member for verification of family leave to care for the individual. Requests for medical certifications or other relevant health information from an employee's physician should be accompanied by the proper warning that the health care provider not provide the City with any genetic information. Inquiries concerning the application of these regulations may be directed to Human Resources.

## **New Hire Reporting**

The City complies with the Personal Responsibility and Work Opportunity Reconciliation Act designed to benefit children and families by assisting the State in enforcing child support orders.

## **Legal Postings**

It is the policy of the City of Clute 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.

## **Texas Public Information Act**

The City responds to requests for public records according to Texas law. Public records include any information that is collected, assembled or maintained by, or for a governmental entity, with certain statutory exceptions. All requests for public information must be in writing and shall be directed or forwarded to the City Clerk's office. The City Clerk's office is responsible for the preparation of all responses in accordance with the Texas Public Information Act.

## **Open Government**

The City complies with all laws related to open government. The principle of Open Government is inherent in the American form of representative democracy and within the State of Texas. 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.

## **Whistleblower Act Issues**

The Texas Whistleblower Act protects 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 report a violation of law in good faith to an appropriate law enforcement authority. If as a result, the employee is suspended, terminated or suffers other adverse employment action as a result of making the report, such retaliation violates Texas law. If a City employee believes that he/she has suffered an adverse employment action as a result of making a good faith report of a violation of a law, the employee should immediately notify his/her supervisor, department head, director, or the 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.

## **Diversity in the Workplace**

The City is committed to the principle of diversity and recognizes that both the workforce and the customer base include people from many different backgrounds. 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.

## **Immigration Law Compliance**

The City of Clute is committed to employing only United States citizens and immigrants authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship and national origin. The law prohibits the City from hiring individuals who are not legally eligible to work in the United States. Accordingly, the City is required to verify, within three business days after hire, that every new employee is either a U.S. citizen or authorized to be employed in the United States. The City will process information collected from the required Form I-9 through E-Verify \*\* to assure employee's right to work.

**\*\* E-Verify** is an Internet-based system established by the U.S. Citizen and Immigration Service that compares information from your Form I-9, Employment Eligibility Verification, to Department of Homeland Security

*(DHS), Social Security Administration (SSA), and Department of State (DOS) records to confirm that you are authorized to work in the United States.*

## **Disability Accommodations**

The City 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. Reasonable accommodation in completing the application process is available upon request. Pre-hire inquiries are made only regarding an applicant's ability to perform the duties of the position, and not whether the applicant is disabled. Reasonable accommodation that does not impose an undue hardship on the City and does not create an imminent or unreasonable safety risk for the employee or others is available to all qualified disabled employees. 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. An accommodation imposes an "undue hardship" on the City if it involves significant difficulty or expense; is unduly extensive, substantial, or disruptive; or would fundamentally alter the nature or operation of the City or the employee's position.

## **Expressing Breast Milk in the Workplace**

- (a) It is the policy of the City of Clute to follow mandates issued by the State of Texas (Texas Government Code, title 6, chapter 619) and the Federal Fair Labor Standards Act (Section 7) related to a mother's right to express breast milk in the workplace.
- (b) It is the policy of the City of Clute to support the practice of expressing breast milk and to make a reasonable accommodation for the needs of employees who express breast milk.
- (c) The City of Clute will provide:
  - 1. A reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk; and
  - 2. A place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it will be available when needed in order to meet the statutory requirements of the Department of Labor/FLSA regulations.



3. Designation of Space: The Department Director or Manager will work with any employee to designate an appropriate space for expressing breast milk in accordance with #2 above.

**Responsibility:** It is the responsibility of department management to work with an employee who has a need for accommodation for expressing breast milk. It is the responsibility of the employee to communicate with management regarding the need for accommodation.

- (d) Breaks for Expressing Breast Milk: The City is not required to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where departments already provide compensated breaks, an employee who uses that break time to express milk will be compensated in the same way that other employees are compensated for break time. The provision to compensate employee for this break time applies only to non-exempt employees.
- (f) Per section 619.005 of the Texas Government Code, Discrimination Prohibited. A public employer may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under this chapter.



## CHAPTER 3 – GLOSSARY OF TERMS

**Accrued/Earned Vacation:** Employees accrue vacation time with the City based on length of service throughout the year at the rates set forth on page 80. Employees are eligible to begin use of accrued hours earned annually and only on their anniversary date.

**Active Part in any Political Campaign:** means making contributions, political speeches, passing out literature, writing letters, signing petitions, soliciting votes, and making public remarks about candidates for such elective positions, unless specifically authorized by law to do so.

**City/The City:** The City of Clute.

**City Council / Council Members:** Six (6) members of the governing body of the City, elected by qualified voters as set forth in the Clute City Charter.

**City Manager:** The Chief Executive Officer of the City, appointed by and reporting to the City Council, providing general superintendence over the supervision of all the employees of the City (see pages 18-19 for more details). City Manager means, in the case of municipal court personnel, the Municipal Court Judge.

**Date of Hire/Anniversary Date:** The date on which an Employee starts work.

**Emergency Medical Services (EMS):** A network of services coordinated to provide aid and medical assistance from primary response to definitive care, involving personnel trained in the rescue, stabilization, transportation, and advanced treatment of traumatic or medical emergencies. Linked by a communication system that operates on both a local and a regional level, EMS is a tiered system of care, which is usually initiated by citizen action in the form of a telephone call to an emergency number. Subsequent stages include the emergency medical dispatch, first medical responder, ambulance personnel, medium and heavy rescue equipment, and paramedic units, if necessary.

**Employee:** An individual who is employed by the City to perform work in exchange for wages, salary, or other compensation.

**Employment Agreement:** A written agreement between the City and an Employee that may supersede some of the benefits and policies stated in this

Handbook. (No employee of the City, except the City Manager, has the authority to enter into an employment agreement.)

**Exempt/Salaried Employees:** Employees not eligible for overtime pay or compensatory time off. The term “exempt” normally means a person such as a supervisor, manager, or director who supervises several employees, a department head engaged primarily in work that requires independent judgment and discretion with regards to matters of significance, or a professional with a high level of skill.

**Fair & Equitable Standards:** It is the intent of the City of Clute to safeguard the rights of citizens, employees, and the City to ensure that all actions are judged in a fair and equitable manner, and to require that all rules are applied on an equitable basis for all parties.

**Full-Time Employees:** Employees regularly scheduled to work 40 or more hours per week.

**Immediate Family:** Includes an employee’s spouse, children, siblings, parents, grandparents, grandchildren, 1<sup>st</sup>-degree aunts or uncles, immediate-in-laws, or legal dependents, unless a broader definition is required based on the applicability of a state or federal law.

**Independent Contractors:** Independent contractors are individuals or vendors contracting with the City to provide services. Independent contractors are not Employees. To be legally designated as an independent contractor, an individual must (1) be free from the control of the client, (2) be able to exercise his or her judgment as to the manner and methods to accomplish the end-result, and (3) be responsible for the end-result only under the terms of the contract.

**Introductory/Probationary Period:** A minimum of six months from the date of hire, unless added requirements are set forth by departmental policy.

**Manager/Director:** An Employee who directs or manages the operations or activities of all or part of the City.

**Non-Exempt/Hourly Employees:** Employees working at an hourly rate of pay.

**Officer:** an individual elected, appointed, or designated as an officer of the City by the entity's governing authority, elected by the voters, or under the City’s governing documents.

**On-Call Employees:** Employees working on special projects, during a busy season, or on a “fill-in” basis, either Full or Part-Time.

**Part-Time Employees:** Employees regularly scheduled to work fewer than 20 hours per week.

**Police Officers:** Any Officer, Agent, or Employee of the City certified by the State of Texas as a police officer and authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of Federal, State, or Municipal laws and ordinances.

**Regular Employee:** is an employee who has completed his/her probationary period and is in a position that is at will, but is expected to continue indefinitely.

**Rehired Employees:** Employees having a lapse in service due to voluntary or involuntary separation of employment. Employees rehired after a break in service of 30 days or less will receive credit for prior service with the City for purposes of computing the Employee’s length of service.

**Relative:** any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

**Supervisor:** Any employee, regardless of his or her managerial level, who is directly responsible for the work of other employees, including department heads and directors.

**Temporary/Seasonal Employees:** Employees working on special projects, during a busy season, or on a “fill-in” basis, either Full-Time or Part-Time.

**Termination/Separation:** Generally, an employee separation describes any event that separates the employer and the employee, including resignations, and voluntary and involuntary terminations initiated by the employee or the City.

**Termination for Cause:** can occur for any actions that the City considers being misconduct. Examples of many situations that are considered misconduct are included on pages 35-41.

**Unpaid Volunteers:** Individuals who volunteer their time free of charge for public service and who are not employees of the City.



**Working Days:** regular business hours, Monday through Friday, not including official City holidays.

## CHAPTER 4 - STANDARDS OF CONDUCT

### Code of Business Conduct and Ethics

The City of Clute in compliance with the City Charter adopts annually an Ordinance establishing a Code of Business Conduct and Ethics policy governing elected officials, appointed officials, boards, commissions, and employees which are expected to comply with the Ordinance and the following:

***"ALL elected officials, appointed officials, boards, commissions, and employees have an obligation to conduct business within guidelines of an ethics policy established annually by ordinance that avoids actual or potential conflicts of interest and avoids situations that might make it appear that their judgment on behalf of the City would be compromised. Additionally, the City expects the same high standards from those with which it does business."***

### Conflicts of Interest

An actual or potential conflict of interest, or the perception or appearance of a conflict of interest, occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee, a relative, or other person living in the same household, as a result of the City's business activities.

Day-to-day business activities should not result in unusual or unreasonable gains, financial or otherwise, for outside entities, vendors, contractors, the City, elected officials of the City, or any employee. Such gains refer to product bonuses, special fringe benefits, unusual price discounts, and other inducements designed to benefit any party to the business activities. Personal gain, or the potential for gain, may result not only in cases where an elected official of the City, 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 elected official, an employee or relative receives any compensation, substantial gift, favor, service, trip, or other special consideration as a result of any transactions or business activities involving the City.

A City employee shall not accept or receive any gifts valued over \$25.00, entertainment, or free travel from any source having a current or desired business relationship with the City. A City employee shall not accept or receive any reward, gift or another 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 City employee or facility receives a gift that cannot be easily returned, the gift should be reported immediately to the City Manager or the Human Resources Department for a determination on disposition. Food items that are from a safe source and flowers, are normally shared with other staff in common areas, such as during a holiday celebration.

## **Business with Others**

The City will not do business with vendors who intentionally violate laws such as environmental, safety, and/or anti-corruption laws; nor will the City use a third party to perform an act prohibited by law.

Purchasing decisions are to be based on product or service suitability, price, delivery, and quality. Purchasing, Consulting Services, and Service Agreements must be documented, and must clearly identify the services and/or products to be provided, the basis for earning payment and the applicable rate or fee which must be reasonable in relation to the work being done.

## **Confidentiality**

The materials, products, designs, plans, ideas, documents, employee information, 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 and as required by law. 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. Further, any use of inside information for personal gain or profit constitutes unacceptable and unethical conduct. Any employee who violates this policy 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 or misused information.

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 office 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.

## **Workplace Behavior and Standards of Conduct**

It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. It shall be the duty of each employee 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 those we serve and/or coworkers will not be tolerated and will be subject to disciplinary action, up to and including termination of employment.

Of course, no policy or handbook can realistically list all possible behaviors that would be viewed as unacceptable, and City employees are required to use common sense in their conduct, behave at all times in an honorable, ethical, safety-conscious, and business-like manner, and to treat their coworkers, supervisors, and those we serve with respect.

Some employee behavior or work performance could and will result in immediate termination. Other problems are more appropriately handled by oral warnings, counseling, additional training, or written reprimands, which will lead to termination if improvement is not shown.

The following types of conduct are unacceptable and are examples of behavior that may lead to disciplinary action in the form of a documented oral reprimand, written reprimand, suspension, demotion or termination, depending upon the facts and circumstances of each case.

***The City reserves the right to start at any point in the disciplinary process, depending on the severity or frequency of the concern, with some infractions so serious that they warrant immediate termination.***

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 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 department head to assume that the physical condition or commitment of an employee is below the standard required for the employee to perform the essential functions of the job.
- C. **Job Abandonment** occurs when an employee without authorization is absent from the job or refuses a legitimate order to report to work, for three consecutive work days. Any employee absent without approved leave shall be on unpaid leave during such time. Any employee absent for three (3) consecutive workdays without notification, will be assumed to have abandoned his/her job and resigned. If job abandonment is found, the employee's termination date will be the last day the employee was at work or on authorized leave for purposes of benefits eligibility. The employee shall be considered to have resigned and may not receive pay for any accumulated benefits, except as otherwise required by law.
- 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 employee's absence is covered by the Family and Medical Leave Act.
- E. **Inability or unwillingness to perform assigned work satisfactorily** is exemplified by, but is not limited to, the following violations:
1. Failure to follow written or verbal instructions;
  2. Arguing over assignments or instructions; or
  3. 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. Hiding; stopping vehicle in undisclosed areas to avoid work;
  3. Reading or viewing unauthorized material, playing games, accessing unauthorized Internet sites, unauthorized e-mail usage, social networking, cell phone usage, blogging or otherwise engaging in entertainment while on the job and/or in view of the public;



3. Failure to remain at work and on assigned tasks , leaving work without permission or taking excessive or overly long breaks/meals.;
  5. Performance of personal business;
  6. Interference with the work of others; or
  7. 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 defacement of City equipment or property;
  2. Unauthorized alteration, removal, destruction or disclosure of City records;
  3. Advocacy of or participation in unlawful trespass or seizure of City property;
  4. Encouraging or engaging in slowdowns, sit-ins, strikes or other concerted actions or efforts to limit or restrict employees from working;
  5. Encouraging City employees to disobey provisions of these rules and regulations, City ordinances, City Resolutions, the City Charter, or other laws;
  6. Interference with the public use of or access to City services, properties or buildings; or
  7. 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 one's own safety or that of others;
  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 driving is required by the job.
- 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 sick leave from work;
  4. Any other falsifying action detrimental to the City, City employees or others; or
  5. False swearing or false testimony, lying during an investigation, or other dishonesty in the course of employment.
- 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 City computers, printers, internet fees, long distance or pay telephone services.
- K. **Insubordination** is exemplified by, but is not limited to, the following violations:
1. Willful failure or refusal to follow the orders or instructions of a department head, supervisor or higher authority; or
  2. Speaking to department head, supervisor or higher authority in a rude, disrespectful, or profane manner; or
  3. The pursuit of a denied request to a higher authority without revealing the lower level disposition. If the employee believes an instruction or order is illegal, unethical or unsafe, he or she should request an interpretation by the next higher level of authority.
- L. **Membership in Subversive Organizations.** The City will not employ or retain in service any employee who is or becomes a member of a subversive organization advocating the overthrow of the United States Government by force.
- M. **Abuse of drugs or alcohol, or other violation of the City's Drug-Free/Alcohol-Free Workplace Policy.**
- N. **Creating a 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 or intimidation;

4. Violation of the City's Sexual and Other Unlawful Harassment Policy;
  5. Unnecessary disruption of the work area;
  6. Use of profane, abusive, threatening or loud and boisterous language;
  7. Spreading of hurtful rumors and/or false reports; or
  8. Other disruption of the harmonious relations among employees or between employees and the public.
- O. **Abuse of City property** is exemplified by, but is not limited to, the following violations:
1. Intentional, careless or negligent damage to 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 the use of tools or equipment for purposes other than that for which the tool or equipment was intended.
- P. **Misconduct** is any act, 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 the law and/or resulting in charges being filed, arrest or confinement. The commission of a criminal act does not require charges being filed to be a violation of this policy.
- Q. **Disregard of the 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.
- R. **Failure to report a violation** is exemplified by, but not limited to, failure to report to the proper authority any known violation of these standards of conduct.
- S. **Failure to maintain sufficient competence to properly perform one's duties and to assume the responsibilities of one's position** require that an employee 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.
- T. **Violation of the City's policies on discrimination.**

- U. **Failure to maintain a neat, well-groomed appearance**, and/or to be otherwise out of dress code in accordance with individually established departmental standards.
- V. **Failure to maintain high standards of moral conduct** in one's personal affairs and/or otherwise participate in any incident 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.
- W. **Participation in practical jokes, pranks, hazing, horseplay**, or engaging in forms of agitation that are harmful or hurt coworkers' or others' feelings, or could be viewed as workplace harassment or create a hostile atmosphere.
- X. **Failure to immediately stop any behavior** when told it causes another harm, discomfort, or offense.
- Y. **Unauthorized disclosure** of City information to persons outside the department, except as provided in these policies or as authorized by the department head.
- Z. **Contacting City Council members about work related matters.** City employees are encouraged to attend City Council meetings, and may appear before the City Council in an off-duty capacity to express their views on a particular subject, but are prohibited from contacting individual council members, without first notifying the City Manager in writing, to express opinion or concerns.
- AA. **Seeking the influence or intervention** of anyone outside the City or department for purposes of personal advancement, advantage or transfer.
- AB. **Failure to manage personal finances.** An employee shall remain current on Clute City taxes, fines, fees, and utility bills. An employee shall pay all just debts when due.
- AC. **Cashing checks** of any kind (personal or from a third-party source) or otherwise using City funds to exchange financial instruments with cash. 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 toward a future bill; or (2) mail a refund check to the person or entity after the transaction, at the customer's choice.

AD. **Failure to notify** one's department head or supervisor of any traffic violations, (including Class C traffic offenses for employees with vehicle operation duties), any arrest, indictment or conviction within five days of such violation, arrest, indictment or conviction.

AE. **Unauthorized disclosure of 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.

AF. **Failure to** cooperate in an internal investigation.

AG. **Allowing non-City employees to** use any City vehicle or equipment, or wear a City of Clute issued t-shirt and/or uniform, badge, other official insignia, or to otherwise allow such items to leave their possession without prior approval of the department head.

AH. Watching, downloading, or printing **pornography** online using City computers. Or being in possession of pornography on City-owned property or while at work or during work hours.

## **Customer Service / Citizen Relations**

The City's most important goal is the satisfaction of our Citizens by providing excellent customer service. Citizens are the most important people in our business. Let's face it, without them the City would not be here. Therefore, please always observe the following:

### **RULES FOR SUCCESS .... ALWAYS REMEMBER:**

1. CITIZENS are the most important people in our business, whether we are dealing with them in person, over the telephone, electronically, or whatever method of communications is used.
2. CITIZENS do not depend on us. We depend on them.
3. CITIZENS are not an interruption of our work. They are the purpose for our work.
4. CITIZENS are a part of our business. They are not outsiders.
5. CITIZENS are not cold statistics. They are human beings with feelings and emotions like our own.
6. CITIZENS are not someone with whom we argue or match wits.
7. CITIZENS are deserving of the most courteous and attentive treatment we can give them, even if they do not provide the same.
8. CITIZENS PAY OUR SALARIES AND ARE THE LIVELIHOOD OF OUR BUSINESS.



## **THEREFORE:**

1. They shall be treated in a fair, friendly, courteous, equitable, and respectful manner at all times.
2. Every effort shall be made to assist a citizen in finding what he or she needs and in resolving a problem in a timely manner.
3. Employees shall listen carefully in order to respond appropriately.
4. Employees shall strive to have resources readily available and to streamline procedures to respond quickly and efficiently.
5. Employees are encouraged to work as a team to provide the highest value to our Citizens.
6. Employees shall make every effort to follow-through with the promised information or action and to follow-up when appropriate.
7. Employees are encouraged to develop a positive rapport with citizens.
8. Employees shall immediately acknowledge the presence of a citizen or customer, even when otherwise engaged, and shall assist one another when necessary to serve them in a timely manner.
9. No personal business shall be conducted in view or hearing of a customer or citizen.

## **Attendance & Punctuality**

Employees must report for work punctually and work all scheduled hours and required overtime. Excessive tardiness and poor attendance disrupts workflow and customer service, and will not be tolerated. Unusually frequent claims of time off benefits may constitute grounds to assume that the physical condition of the employee or the ability of the employee to prioritize his or her job is below the standard necessary for the proper performance of duties. Evidence of malingering, or the abuse of attendance benefits, may constitute grounds for dismissal or other disciplinary action. However, nothing in this policy shall conflict with the requirements of the Family and Medical Leave Act.

## **Personal Appearance of Employees**

Each employee's dress, grooming, and personal hygiene shall be appropriate to the work situation. The City's public image is a product of its staff. A professional appearance is key to creating and maintaining a favorable image. 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. While body art has grown in popularity, the City in selected circumstances may have legitimate business reasons for establishing restrictions in the workplace for selected positions, particularly those that come in contact with the public. Unless otherwise prohibited by law however, options are available with

reasonable accommodations made for addressing body art. Employee's assigned uniforms must wear them correctly and keep them well maintained. Uniforms shall be neat and clean when the employee reports to work. When uniform items become unserviceable or unsightly, employees shall report such to their supervisor/department head to authorize replacement. Uniforms issued to employees by the City are to be worn by the employee only and for work only, including work-related training activities, and shall not be worn for personal use, other than to and from work.

## **Security**

At all times when interacting with the public outside a City office, employees below the Director level shall wear a City security badge or uniform identification. Employees are responsible for the security of their City uniforms, badges, and keys. All serviceable uniform items, badges and keys shall be returned by employees upon separation from City employment.

## **Personal Belongings**

Employees should refrain from bringing excessive personal property (including valuables and collectible items) to the office. Although Employees may be provided locations for the convenience of the employee while at work, this should not be relied upon as a safe place to store personal property. The City is not responsible for personal items brought to or left in the office that may be lost, stolen or damaged. While the City stresses security, each individual is responsible for the prevention of loss of personal items. The City's insurance policies cover only loss due to fire or theft of items necessary to the conduct of its business. The loss of personal property or cash is not covered.

## **Violence in the Work Place**

The safety and security of City employees and those interacting with them are of vital importance. Acts or threats of physical violence, including intimidation, harassment and/or coercion, will not be tolerated from anyone. Even jokes about committing violence are prohibited and will be taken seriously. The prohibition against threats and acts of violence applies to all persons involved in the operation of the City, and anyone else on City property.

## **Sexual & Other Unlawful Harassment**

The City is committed to providing a work environment that is free of discrimination and harassment. No harassment will be tolerated, including actions, words, jokes, or comments based on an individual's gender, race, ethnicity/national origin, age, religion, genetic information, disability, pregnancy, military status or any other legally protected status. The City will take direct and immediate action to prevent such behavior and to investigate and remedy reported instances of workplace harassment. Supervisory

personnel are required to take immediate and positive steps to eliminate any form of sexual or other workplace 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.

Examples of sexual harassment could include, but are not limited to: unwelcome sexual flirtation, touching, advances or propositioning; verbal abuse of a sexual nature; graphic suggestive comments about an individual's dress or body; sexually degrading words describing an individual or demeaning comments based upon a person's gender.

Whenever possible, employees encountering harassment, whether sexual or other unlawful harassment, should tell the person that his or her actions are unwelcome and offensive. 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 or the Human Resources Department. The supervisor shall also immediately notify Human Resources. This will ensure that steps may be taken as necessary to protect the employee from further harassment, and appropriate investigative and disciplinary measures initiated. If it is not practical or is uncomfortable for the person being harassed to tell his or her supervisor, the employee shall instead file a complaint directly with the Human Resources Department. The Human Resources Department will be responsible for the investigation of any complaint alleging harassment. All reports will be promptly investigated in as confidential a manner as possible, while still conducting a prompt and thorough investigation.

Employees may raise concerns and make reports of unlawful harassment without fear of reprisal. Anyone engaging in sexual or other unlawful harassment or retaliation will be subject to disciplinary action, up to and including termination of employment.

## **Fraternization**

The City recognizes that some working relationships may also become social or romantic relationships. Sometimes these social or romantic relationships can result in misunderstandings, conflicts of interest, complaints of favoritism, claims of sexual harassment, and employee morale and dissension problems. Therefore, the City requests that an employee who is romantically involved with another employee, immediately and fully disclose the relevant circumstances to Human Resources or a Department Head. The City may take whatever action deemed appropriate when, in the opinion of the City, a social or romantic relationship may create a conflict of interest, causes disruptions, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale. Failure by an employee to disclose facts may lead to disciplinary action, up to and including separation of employment.

Because certain behaviors often lead to inefficiencies and claims of sexual harassment, supervisors are prohibited from dating, or having intimate or sexual relations with subordinates. Dating, and/or intimate or sexual relationships between a married City employee and a non-spouse City employee (married or unmarried) is prohibited. Additionally, all employees are cautioned to avoid relationships which create or give the perception of favoritism, discrimination, disharmony, interfere with or damage the delivery of municipal services or bring discredit upon the City.

## **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 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 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, including having illegal drugs in one's system. Further, off-duty employees are prohibited from purchasing or from being served alcohol while wearing City-issued uniforms, or other attire displaying the City of Clute name, logo, or other such identifying marks associating them with the City of Clute.

The City will consider violations of this policy to constitute severe misconduct and will take appropriate 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 or over-the-counter drugs when not taken as intended or as directed by the employee's doctor, illegal inhalants, and illegal drugs. The term "illegal drugs" means controlled substances as defined by federal and state law.

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 such impairment or potential impairment to their immediate supervisor, department head, or to the Human Resources Department. The City reserves the right to limit, suspend, or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk.

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. Such disclosures must occur PRIOR to the City discovering a violation of this policy.

Under the Drug-Free Workplace Act, an employee must notify the Human Resources Department of a criminal conviction for drug-related activity within five days of the conviction.

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

1. Pre-employment or post-offer alcohol and drug tests may be conducted on all job candidates as a condition of employment, or upon candidates for promotion.



**NOTE: Should an employee leave the employment of the City for any reason prior to successfully completing their introductory evaluation period, the City will seek reimbursement for the cost of the pre-employment drug screening.**

2. Upon recommendation of the Department Head to the City Manager, alcohol and drug tests may be conducted on all employees as soon as practical following an injury or an accident, including motor vehicle or motorized equipment accidents, resulting in more than one day off work and/or significant property damages.
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.
4. Employees who are covered by the U.S. Department of Transportation's regulations on drug testing (operators of heavy equipment, CDL drivers of certain passenger vehicles, etc.) and certain employees in safety-sensitive positions may be selected at random for drug and/or alcohol testing at any interval determined by the City.

Employees 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.

## **Work Place Searches**

The City has an overriding interest and responsibility in the prevention of any activities which may interfere with effective, efficient and safe operations in the City. 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 including cell phones, offices, desks, files, file cabinets, lockers, cabinets, storage areas, City-owned or City-leased vehicles and equipment. In most cases, 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 including cell phones and/or other City property. Password protection or locks with any device or location in no way guarantees an employee privacy on City-owned or City-leased devices and are subject to City oversight, investigation, and access when deemed appropriate and necessary.

## **Smoke / Smokeless Tobacco**

The City of Clute is committed to providing a safe and healthy workplace and promoting the health and well-being of its employees and citizens. The personal health hazards related to all tobacco products designed to be inhaled, which include but are not limited to, smoking (e.g. cigarettes, pipes, cigars, e-cigarette products, other synthetic and natural products designed to be smoked or inhaled etc.) and/or using smokeless tobacco (e.g. snuff, chew, etc.) have been well documented. The health hazards related to smoking impact both the smoker and the non-smoker who is exposed to second-hand smoke. We care about the health of each and every employee, and it is our intent to provide all employees with a work environment conducive to good health.

No employee or member of the public shall smoke any tobacco product or e-cigarette products or other synthetic or natural products designed to be smoked or inhaled inside a public building, or in an outdoor area within 30 feet of a main exit, entrance, or operable window of a public building or in a vehicle or equipment owned or leased by the city. This policy includes any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, or any other form of tobacco or other synthetic or natural products designed to be smoked or inhaled which may be utilized for smoking, chewing, inhalation, or another manner of ingestion.

In general, no use of tobacco or e-cigarette products or other synthetic or natural products designed to be smoked or inhaled shall be allowed in fueling areas during the fueling of vehicles or equipment in the field. In areas where smoking is permitted, the area shall be maintained in a clean and sanitary condition. Users of smokeless tobacco shall not spit their waste in areas

where others may walk or work. Use of tobacco products is not allowed in city-owned or leased vehicles or equipment.

Department Heads and Supervisors shall be responsible for informing their employees of and the enforcement of this Administrative Policy.

Compliance with the smoke-free workplace policy is mandatory for all employees and persons visiting the City, with no exceptions. Employees who violate this policy are subject to disciplinary action up to and including termination. Any questions concerning the use or non-use of tobacco products or other synthetic or natural products designed to be smoked or inhaled of any kind should be directed to your immediate supervisor.

## **Political Activity**

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

1. Employees shall refrain from publicly using their positions or influence for or against any candidate for public office in any jurisdiction.
2. No employee may be permitted to take an active part in any political campaign for an elective position in the City. "Active Part" means making contributions, political speeches, passing out literature, writing letters, signing petitions, soliciting votes, and make public remarks about candidates for such elective positions, unless specifically authorized by law to do so. Any employee who violates the provisions of this section may be subject to disciplinary action up to and including termination.
3. 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.
4. Employees shall not in any manner contribute City money, labor, time, or other City resources to any person for City of Clute election purposes, unless specifically authorized by law to do so.
5. No employee may hold an appointed or elective City of Clute office, nor hold an office from any jurisdiction or any other office where service would constitute a direct conflict of interest with City of Clute employment, as determined by the City Manager, either with or without remuneration. Upon announcement of his or her intention to assume such City of Clute office, or to assume any other described office, an employee shall request an unpaid leave of absence, resign at the time of

announcement or upon election if a leave has been granted, or shall be dismissed upon failure to do so.

*Any appointed or elected officer of the City, or an employee of the City of Clute who holds another paid office, or a position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.*

6. No city employee shall contribute, directly or indirectly, to any political fund or offer any political service to any person or party. Any personnel employed with the City of Clute, who attempts to require such contribution may be subject to disciplinary action up to and including termination.
7. Nothing within this political activity policy shall be construed to affect an employee's right to vote.

## **Garrity Warning**

All employees must report to their department head any allegations of criminal activities against themselves or against another employee. When City management becomes aware of an instance when a City employee may have involvement in an alleged criminal matter, an Administrative Inquiry shall be conducted. This inquiry will include having the employee sign a written *Garrity* Warning, which allows the City to question the individual for employment/administrative purposes only about criminal matters without violating the employee's Fifth Amendment right against self-incrimination when the questions pertain to employment matters. Information obtained from the questioned employee may not be used against the employee for prosecution in criminal matters. In this way, the *Garrity* doctrine protects the Constitutional rights of City employees in criminal prosecutions while permitting the City to conduct investigations into possible criminal misconduct in the workplace.

## **Firearms**

The City of Clute prohibits City employees, other than police officers, from carrying firearms, including concealed handguns, inside City-owned or controlled premises without proper authorization from the City Manager. Where weapons are prohibited by Section 46.03 and 46.035 of the Texas Penal Code (such as schools, election polling places, courts and court offices, and government meetings), having a Concealed Handgun License is not a defense. The City may take whatever steps reasonable and necessary to deny entry into or onto City-owned or controlled premises and/or any other prohibited location.

Employees who hold a concealed handgun license (CHL) or who may otherwise lawfully possess a firearm or ammunition may transport or store a firearm or ammunition in a locked, privately owned motor vehicle in a parking lot, garage, or other parking area provided by the City with notification to the Department Head. Employees are responsible for the firearms stored in their vehicle while at work and may be subject to personal civil liability for any resulting damages.

## **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 may 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 Absence without Approved Leave.
2. At the time the City is made aware of a City employee's arrest or conduct constituting a criminal offense, the City Manager 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 or without 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 the commission of 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.

## **Visitors, Children, Animals or Pets in the Workplace**

The City wishes to foster an environment of flexibility and openness. However, it also is concerned with security, liability, and health and safety issues for its employees. For this reason, we discourage employee's bringing in their

children, pets, and other non-City employees into the office for a full day without prior approval. Of course, this does not mean we do not enjoy visitors from time to time, including children.

### **Pets in the Workplace**

Employees are prohibited from bringing pets to the workplace, including but not limited to city buildings, city worksites, or in city owned vehicles without City Manager approval.

#### ***Rationale***

- With consideration of Health and Safety issues, pets can spur allergic reaction among co-workers, which can cause interruptions to their ability to work effectively.
- Work is disrupted because of the need to supervise or take pets outside.
- Some employees and/or citizens have a genuine fear of dogs, cats, etc., which needs to be respected.
- Finally, there are concerns of liability for the City should an employee be bitten or injured by a pet brought to work.

#### ***Exceptions to this Policy:***

- Animals used in the line of city work, such as a police dog; and/or
- Service Animals that perform a task or tasks for a person with a disability to help overcome limitations resulting from the disability. Federal law defines service animal as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability.”

Violation of this policy will result in disciplinary action up to and including termination.



## **CHAPTER 5 - CONDITIONS OF EMPLOYMENT**

### **Fitness for Duty**

It is the continuing responsibility of each City employee to maintain the standards of physical and mental health fitness required for performing the essential duties of his/her position. An employee who becomes aware of a medical or mental condition that may affect the ability to perform the essential duties of the position must inform his/her supervisor and/or department head. When it is suspected that the health condition of an employee constitutes a hazard to persons or property, or prevents the employee from effectively performing the essential assigned duties, the employee may be required to submit to a health examination to determine fitness for duty. 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 employees to return to a physician or health care provider for additional evaluation or information.

The City Manager, department heads, or the Human Resources Department may require City employees 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 requirements, with or without reasonable accommodation, may result in medical separation, and failure to comply with the examinations may result in disciplinary action.

If an employee is unable to perform the essential duties of the assigned position, reasonable accommodations may be made by the City to provide for the employee to perform such duties. The City may also, when available and in its sole discretion, temporarily assign alternate or light duty to employees if the condition is of a temporary nature. If reasonable accommodation cannot be made, or if a temporary assignment is not appropriate or available, the employee may be placed on limited leave or medically separated.

## **Proof of Right to Work**

Under federal law, all new Employees must produce original documentation establishing their identity and right to work in the United States, and complete USCIS Form I-9, swearing that they have a right to work in the United States. New hires may establish their identity and right to work in the United States by:

- ❑ Providing documentation that establishes both their identity and employment authorization (List A documents on the I-9 form); or
- ❑ Providing documentation that separately establishes their identity (List B documents on the I-9 form) and their employment authorization (List C documents on the I-9 form).

Documentation must be produced within three business days of hire, or on the first day of employment if the period of employment is anticipated to be less than three business days. Required documentation must be presented to Human Resources, which will be responsible for processing the documents.

The City will process the information collected from the I-9 through E-Verify, which is a federal electronic web-based employment eligibility program.

Employees who are re-hired must provide acceptable documentation according to the version of the I-9 form that is in effect at the time of re-hire. Employees who presented documentation that has expired or is about to expire must provide proper documentation according to the applicable I-9 form at the time of re-verification. Additionally, re-hired Employees and Employees subject to re-verification may also be required to complete a new I-9 form if the I-9 form previously completed is no longer accepted by the United States government.

## **Residency/Response Requirements**

To the extent permitted by federal and state law, department heads, with the approval of the City Manager, may designate certain positions where it is appropriate that City employees reside within thirty minutes of the City of Clute. Essential personnel or City employees 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 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 Manager also may require a City employee 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 or contract.

## **Separation of Employment**

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

An employee may leave City service in good standing with approval of his or her supervisor and by submitting a written resignation, giving at least ten working days' notice to the City employee's department head and the Human Resources Department. The City may waive any portion of the notice period. An employee resigning without the required notice shall be ineligible for reinstatement unless the notice requirement 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, security badges, keys, electronic equipment, or other instruments belonging to the City of Clute that are in the possession of the separated employee 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):**

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

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

**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, with or without reasonable accommodation. A physical examination by a physician specified by the City may be required by the City Manager to determine if the City employee is capable of performing 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.

## **Exit Interview**

Voluntary exit interviews will be conducted when an employee leaves the City. From the City's perspective, the primary goal of exit interviews is to seek information to understand the reasons behind the employee's decision to leave. Exit interviews provide the employee an opportunity to explore their experience of working for the City, share insight into what the City did well and reveal what could be improved upon (in their opinion). As a result of their impending 'exit', employees who take part in these voluntary interviews are encouraged to be honest and open to offering suggestions for improvements. Confidentiality will be maintained with respect to all information collected via the exit interview process. In instances where the exit interview raises significant matters, this will be referred immediately to the City Manager for review.

## **Reemployment**

Former City employees will not be given consideration for reemployment, except as provided within these policies, and at the discretion of the City Manager. 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 30 calendar days from the original separation/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.





## CHAPTER 6 - APPLICATION & EMPLOYMENT PROCESS

### Application Requirements

It is the City's policy to provide equal employment to all applicants and employment shall be based on merit, ability, and fitness. This policy outlines the process for selecting and disqualifying applicants that have applied to the City of Clute. 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. It is necessary that the candidate provides previous experience on the Application for Employment. All information submitted in connection with applying for City positions is subject to verification.

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

The City relies upon the accuracy of information contained in the employment application, and throughout the hiring process and employment. An applicant shall be disqualified from consideration for employment, or if the person has been hired, employment may be terminated for the following reasons:

- ❑ Misrepresentations, falsifications, or material omissions;
- ❑ Does not meet the job qualifications;
- ❑ Has committed or attempted to commit a fraudulent act at any stage of the selection process; and/or
- ❑ Is not legally permitted to work in the United States.

### Employment Categories

For the purpose of compensation administration, the City classifies employees as exempt or nonexempt and as:

- ❑ **full-time** (on the average works 40 hours per week, either salaried or hourly, paid bi-weekly, with full benefits). The 40-hour workweek requirement does not apply to firefighters or police officers.
- ❑ **part-time** (on the average works fewer than 20 hours per week and 1000 hours per year, paid bi-weekly on an hourly basis, with no benefits unless required by law or a benefit plan).
- ❑ **seasonal or temporary** (works part-time or full-time in a position that is expected to be funded for less than six months or 1000 hours per year, paid bi-weekly on an hourly basis, with no benefits).

## **Job Evaluation**

It is the policy of the City to periodically evaluate all job classifications in order to establish a consistent basis for measuring and ranking the relative worth of each job. Employee compensation within any classification is based on factors such as merit, experience, training, individual productivity, length of service, and external market factors.

## **Vacancies**

The City's Human Resources Department will coordinate with department heads and/or the City Manager to identify and 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.

Employees shall be selected on the basis of job-related qualifications and fitness for the position. The City of Clute encourages promotion from within for qualified candidates with good service records. Job postings may be made internally, externally or both, depending on the situation. Each announcement shall contain a statement affirming the City's commitment to a policy of Equal Employment Opportunity.

## **Recruitment / Selection Process**

It is the policy of the City of Clute 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 Clute strives to promote from within whenever possible and select the best candidates for employment.

## **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), the City Manager, or the Municipal Court Judge 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 two (2) years 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, unless waived by the Director and the City Manager; or
3. Where one of the employees has access to confidential records, or is in the position to make personnel, benefits, or other decisions affecting the other, unless exempted by law or the City Manager. For purposes of this provision, "confidential records" are those deemed confidential by the Texas Public Information Act, Chapter 552, Texas Government Code.

For purposes of this policy, please refer to the definition of "immediate family" in the definitions section (Chapter 3 – Glossary of Terms) above in this document. Changes in an employee's status relative to this policy must be disclosed to the Human Resources Department and the City Manager. The foregoing provisions apply to all classifications and status of City employees.

### **City Charter: Section 15.05. - Persons indebted to the city shall not hold office or employment.**

No person shall be qualified to hold a municipal office or serve the city in any other capacity for which compensation is paid who is in arrears in the payment of taxes or other liabilities due to the city, or may become so while in the service of the city.

### **Medical/Psychological Examination**

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

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

A qualified licensed healthcare professional of the City's choice will perform all medical and psychological examinations. Any offer of City employment and/or subsequent assignment of duties are contingent upon acceptable completion,

to the City of Clute's standards, of the medical and/or psychological examination.

## **Background / Reference Checks**

The City of Clute may conduct background and/or reference checks on prospective employees in order 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. Employment shall be contingent upon satisfactory findings.

Employees contacted by outside sources, whether personally known or unknown, requesting an employment reference or employment verification for a current or former Employee shall not provide any information to the requesting individual or organization. Instead, Employees should refer the requesting individual or organization to Human Resources. No Employee, other than Human Resources is authorized to provide employment references or employment verifications for any current or former Employee. Employees wishing to receive either an employment reference or verification should provide a signed written authorization to the City.

## **Hiring/Requirements of Employment**

It is the policy of the City to be an equal opportunity employer and to hire individuals solely on the basis of their qualifications, fitness for the position and ability to do the job to be filled. Employment with the City of Clute is considered to be at-will, so that either may terminate the relationship at any time and for any lawful reason.

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

- A. Be at least 16 years of age for part-time and/or seasonal and 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 Manager, if requested;

- E. If requested, 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 permitted by law;
- 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 Manager;
- J. Be at least 21 years of age to be a commissioned police officer in the Clute Police Department;
- K. Be at least 18 years of age to be employed in any other City service or City department to fill a regular, full-time position, unless waived by the City Manager.

## **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 and approved by the employee's supervisor, and shall be in conformance with the City's adopted Code of Ethics and as specified by these policies. If any employee or supervisor has a question about whether the outside position conflicts with or interferes with the employee's primary job with the City, the issue must be brought to the City Manager for a determination.

- A. Each full-time City employee shall understand that his/her position with the City of Clute is his/her primary occupation and it shall take precedence over all secondary/outside jobs at all times. 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 supervisor or department head. A City employee is permitted to engage in any business, trade, occupation or profession, including self-employment, provided prior written approval of the supervisor is secured and placed in

the employee's personnel file. Failure to acquire prior approval is grounds for disciplinary action.

1. 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 Clute and shall fulfill that obligation if called to work for the City during these hours even while working on the second/outside job.
  2. 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. Fatigue, scheduling conflicts, inability to focus or lack of attention to work duties are some examples of situations which outside employment interferes with employees City work duties.
  3. 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 or unpaid leave of any kind, except for vacation, comp time or holiday leave, without approval from the Human Resources Department. A City employee shall not perform any outside work or engage in extra-duty employment within eight hours after the City employee's missed work period with the City due to the employee's illness or injury, except with HR approval.
  4. 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 12 months, nor may the employee appear as a witness except by court order in any proceeding as a result of such employment.
  5. No City employee shall identify himself/herself with his/her position, department or the City of Clute 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.
  6. No City employee at any time shall use or utilize City property, equipment, vehicles, clothing, goods or services in the performance of his/her secondary/outside employment.
  7. These rules apply whether or not the outside work is paid or unpaid.
- B. Department Heads and Directors are prohibited from engaging in any form of secondary/outside employment except as may be specifically approved by the City Manager.



- C. An appointed or elected officer of the City, or an employee of the City of Clute who holds another paid office, or a position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.



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

### **Status Changes**

The City strives to maintain accurate employment status information on all employees. To ensure that information is current, a Personnel Change Notice must be completed to make any changes in a City employee's record. City employees are responsible for reporting personal status changes, e.g. address, phone number and beneficiary changes to the Human Resources Department. 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 accounting to ensure the Federal Withholding Exemption Certificates and all other applicable tax, insurance, or legal documents are up to date.

### **Employee Orientation**

The City provides a general orientation to all new employees. City employees learn about the City of Clute guidelines, policies, procedures, and benefit programs and receive this Employee Personnel Policy Handbook, and are encouraged to ask questions. All City employees must sign the Employee Acknowledgment Statement at the back of this Handbook for inclusion in their personnel file. As benefits and policies change, the Employee Personnel Policy Handbook and departmental manuals will be updated and notices to employees will be made available.

### **Introductory/Probationary Evaluation Period**

Every person, initially appointed to, transferred or promoted in the City service shall be required to successfully complete an introductory/probationary evaluation period of at least six months. A longer introductory evaluation period may be required for certain positions or within certain departments, when it is determined by the City Manager that it is warranted.

All appointments, except temporary appointments and reappointments, shall comply with the introductory/probationary evaluation period. An extension may be granted in individual cases, upon approval of the City Manager. An employee shall be retained beyond the introductory evaluation period and granted regular full-time status only on the basis that the services of the employee have been satisfactory and approved by the City Manager. Supervisors shall evaluate employees upon completion of the introductory evaluation period and submit employee status change forms to the Human

Resources Department. Employees who have successfully completed the introductory evaluation period remain at-will employees of the City.

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 or if the employee fails to fulfill other conditions of employment contained herein. 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. 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 Manager.

## **Evaluation Process**

The work performance of employees shall be evaluated in accordance with the Employee Performance Appraisal 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.

## **Seniority**

City employees' seniority status is based on their full-time date of hire. A City employee's seniority status within a department may be considered for purposes of determining shift and work assignments, transfers, and time-off requests, for example, but in no way guarantees promotion or compensation increase opportunities. Seniority status may be affected if transferred to a different department and job description, based on that department's established policy.

## **Transfer / Promotion**

It is the policy of the City of Clute 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 having the same pay range and generally the same duties and responsibilities. Promotions are position changes resulting in higher pay and a higher level of duties and responsibilities.

City employees may apply in writing 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. An employee on a performance improvement plan or disciplinary probation will not be considered eligible for transfers/promotions. 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 or to evaluate the viability of an employee filling a position permanently. Temporary promotions are intended to be temporary and shall not be utilized to circumvent the established selection process.

## **Demotion**

A demotion is the 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). With the approval of the City Manager 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:** may or may not require an appropriate salary reduction to be determined by the department head and City Manager. The demoted employee's salary should not be greater than the maximum of the lower classification.

**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 Manager. 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 through the grievance procedures.

## **Personnel Records**

The City maintains personnel records for applicants, employees, and past employees in order to document employee-related decisions and comply with record keeping and reporting requirements. 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. Disclosure may occur only with the permission of the City employee involved, or as provided by the Public Information Act.

A City employee shall have a right of reasonable inspection of his or her official personnel file under procedures prescribed by the Human Resources Department.

## **Confidentiality of Employee Records**

All employee information shall be kept secured in the Human Resources Department. Employee records containing medical information will be kept in a confidential file separate from the personnel file, and locked by physical and/or electronic means.

Access to City employee 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 Manager, Assistant City Manager, Department Heads, and Human Resources staff, in their regular course of business and job responsibilities. In addition, upon request, individual City employees 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 City Hall, except as necessary in the course of litigation or other such legal procedure.

## **Release of Employee Information**

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 the last rate of pay
- ☐ title of the last job held

Additional information will be provided only if a former or present City employee submits a signed authorization requesting in writing the specific information to be released, except as required by law. Requests under the Public Information Act must be in writing and are to be referred to the City Clerk'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 or not the employee has family members. All information not protected by a City employee's signed statement or the law will be furnished upon request.



## **CHAPTER 8 - COMPENSATION**

### **Compensation Plan**

It is the goal of the City of Clute to provide fair and competitive wages for all City employees. The City Manager and/or his or her designee shall administer a comprehensive compensation plan for City employees as prescribed in these policies, and as approved by City Council each year during the annual budget process.

### **Objectives**

The basic philosophy and objectives of the City's compensation system are:

1. To attract and retain qualified workers;
2. To provide fair salaries for all workers of the City;
3. To motivate and reward high-level performance;
4. To maintain a competitive position with other employers in the geographic area; and
5. To account for cost of living factors.

Salary ranges established for any given year are best maintained if adjusted periodically to reflect the movements of wages occurring in the competitive marketplace. No such adjustments shall be granted by the City Manager unless the City budget is adopted and provides for funds to cover these increases. No automatic increases will be given.

### **Pay Procedures/Advance Pay**

It is the policy of the City of Clute to pay regular employees bi-weekly by check or direct deposit every other Friday. The seven-day workweek begins at 12:00 a.m. on Thursday and ends at 11:59 p.m. on Wednesday.

Time worked shall be rounded to and paid in quarter-hour increments. Any payment of compensation, including overtime recommended by a department head, shall comply with the provisions of this handbook.

The City of Clute expressly prohibits payments to employees that would constitute an advance in salary, wages, or compensation of any kind, without authorization by the City Manager during a declared emergency.

The City also recommends that employees review each of their paychecks and corresponding paystubs at the time they receive them for accuracy of rate of pay, hours worked, deductions and other information. Any questions or concerns should be brought to the immediate attention of the Payroll

Administrator. Any payment errors must be reported to payroll within 14 days.

## Overtime

It is the general policy of the City of Clute to limit overtime. Employees may not work "off the clock", and any overtime must be approved in advance, before it is worked. Employees authorized to receive overtime and required to work scheduled or emergency overtime shall receive compensatory time off at the rate of time and one-half or monetary reimbursement at the rate of time and one-half for all overtime worked in excess of 40 hours per work week, at the City's choice. For non-police personnel, the seven-day work period for purposes of calculating overtime is 12:00 a.m. Thursday through 11:59 p.m. Wednesday.

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 actually on duty at the City's establishment or other prescribed workplace. "Hours of work" does **NOT** include vacation days, un-worked holidays, sick days, compensatory time off, bereavement leave, jury leave, or other occasions in which an employee received compensation even though the employee actually performed no work or services.

When overtime is required, it 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.** Salaried, exempt employees, normally do not receive overtime; in rare circumstances, when the City Manager determines that overtime is warranted during a declared disaster, salaried, exempt employees may be paid overtime for hours worked over 45 hours per workweek. 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 (FLSA).

## Compensatory / Discretionary Time

**Non-Exempt Employees:** Compensatory time is time off earned by a non-exempt employee in lieu of overtime pay, when an agreement is reached between the employee and at the discretion of the City before the performance of the work, and is an expressed condition of employment. Compensatory time off shall not be counted as hours worked when used during the applicable workweek or work period when calculating overtime compensation.

Non-exempt employees shall be permitted to use accrued compensatory time within a reasonable time period after making a request, if using the compensatory time does not unduly disrupt the operations of the City. Employees may also be required at any time to use their compensatory time to bring down accrual levels. The City may also, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued compensatory time.

Police Officers are subject to a 480-hour cap (320 hours of overtime) on accrual of compensatory time. Other employees are subject to a 240 hour cap (160 hours of overtime). Overtime hours worked beyond the applicable cap must be paid. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals shall be monitored at the department level and maximum hours accrued (caps) will be restricted based on the requirements of this policy. Use of compensatory time as a method of payment to employees for each department must first be approved by the City Manager.

Payment for overtime worked and/or the use of compensatory time shall be itemized separately on the employee's time sheet in the form required by accounting.

**Exempt Employees:** Exempt employees are not eligible for and do not receive compensatory time. Overtime pay may be paid in rare circumstances, when the City Council determines that overtime is warranted during a declared disaster. Additionally, at his/her sole discretion, the City Manager may approve paid discretionary time for an exempt employee if an excessive number of extra hours were required during a specific work period. Discretionary time cannot be traded, accumulated, or banked based on extra hours worked, and should be used within a reasonable time agreed upon by both the employee and his or her supervisor. Outstanding discretionary time will not be paid on a final termination check.

**Movement from a Non-Exempt to an Exempt Position:** An employee whose job status changes (or has changed) from non-exempt to exempt shall receive monetary compensation for accrued compensatory time earned while in a non-exempt position; thereby, resulting in a zero balance of accrued compensatory time earned while in a non-exempt position.

## **Hours of Work/Travel Time**

The City of Clute 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 according to any applicable law.

Ordinary commuting time is not considered "hours of work" except in the case of emergency call-backs. Work-site to work-site travel is included in "hours of work" after the first worksite is reached.

Out-of-town work-related travel and meeting time is work time, but time spent in voluntary receptions or resting is not.

## **Emergency Call Back / Disasters**

Non-exempt employees who work emergency duty on Saturday or Sunday, or those who are called back to work in emergencies, shall be compensated for actual time worked. During certain disasters and upon approval by the City Council, exempt employees may be paid for overtime hours worked. In the event that a disaster or a state of emergency is proclaimed or declared by the President that includes the City of Clute, exempt employees shall be compensated for the overtime hours that they work as disaster service workers for those hours actually worked in excess of forty-five (45) hours during their normal work week and the hourly rate of pay shall be calculated by dividing the exempt employees current pay-period salary by 80 (straight time). Exempt employees working as disaster service workers may, at the option of the City Manager or the Clute City Council, elect to take said overtime pay as described in this policy or compensatory time off at the equivalent rate of pay.

## **On-Call Status / Pay**

On-Call meal periods are hours of work for FLSA nonexempt employees engaged in law enforcement activities. Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. Although federal law doesn't require a lunch break, it does address compensation for time off for meals during the workday. The FLSA says that if an employee is required to be available for work while eating lunch, then the lunch period must be compensable time and cannot be deducted from hours worked. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period.

Employees may not work "off the clock," and employees may not work overtime without the permission of their supervisor except in cases of emergency.

## **On-Call Provisions**

Non-exempt employees who are severely restricted during their off-duty time and in their personal activities, and who are engaged by the City to wait to perform assigned duties, shall be considered in a working status and shall be governed by the compensation policies for hours worked. Employees who are not absolutely restricted during their off-duty time or in their personal activities, yet who may be required to be available only should their services be required, shall be considered as waiting to be engaged to perform their assigned duties and shall not be entitled to compensation unless such employee is actually engaged to perform such required services.

## **Call-Back Provisions**

Non-exempt employees who are unexpectedly called back to their assignment after normal working hours shall be paid the greater of:

- (A) The equivalent of two (2) regular hours of work; or,
- (B) The actual number of hours worked at the rate of one and one-half (1.5) times of the employee's regular rate of pay.

Another call-out is considered to have occurred whenever the employee must leave his/her residence in response to a work call outside normally scheduled working hours.

Scheduled overtime and the requirement to report to work early shall not constitute call-out.

## **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 Manager, City employees who are unable to report to work because of weather conditions will be granted an authorized unpaid absence, which may become paid time through the mandatory use of compensatory time, or the voluntary use of vacation time.

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 category of pay will be determined at the discretion the City Manager.



## **Mileage Reimbursement**

City employees generally take a City vehicle for City authorized travel. The City reimburses employees for mileage at the IRS rate for driving their personal vehicle to a remote alternate work site or meeting location when authorized by the City Manager. Mileage will be calculated from the City's location to the alternate location. If an employee chooses to drive when airfare plus related expenses (rent car, airport parking, etc.) would cost less than mileage, the employee is responsible for mileage costs over the total cost of flying to the location. The Employee Expense Report will be completed within a reasonable time following each trip to be eligible for reimbursement.

## **Expense Reimbursement**

The City reimburses employees for regular expenses incurred during approved business travel or for approved business purchases. Business travel must be approved in advance, with air travel requiring pre-approval by the City Manager, and will be reimbursed according to IRS and state guidelines. The Employee Expense Report will be completed within a reasonable time following each trip to be eligible for reimbursement.

Employees shall receive a per diem at the rate determined by the City Manager for meals during approved business travel. Hotels and public transportation expenses must be preapproved. Additional travel or business expenditures will be reimbursed upon approval by the department head and/or City Manager and presentation of the appropriate receipts.

**The following expenses are not allowable for reimbursement without pre-approval by the City Manager: entertainment, alcoholic beverages, laundry service, more than one personal land-line phone call per day, and additional travel expenses for a spouse or guest.**

## **Separation Pay**

All employees who leave City service for any reason shall receive all pay that legally may be due them. Any indebtedness to the City which an employee may have incurred shall be deducted from the final paycheck according to the terms of the Wage Deduction Agreement. By accepting City employment, an employee agrees to these terms. Final pay for City employees who are involuntarily terminated will be issued on the next payday or within six (6) calendar days, whichever comes first. City employees that voluntarily separate employment will be paid on the next regular payday.

All City employees who resign shall give at least ten working days' written notice before the effective date of resignation to leave in good standing. After a City employee gives the required notice, a department head or the City Manager may choose to waive the required notice, as deemed necessary. If the City waives the ten working days' notice, with the exception of the terms established in the City Manager contract, a City employee shall not be compensated for such period. Voluntary exit interviews will be conducted when an employee leaves the City.

Employees upon separation shall be paid for the following:

- a. Outstanding Worked Time
- b. Compensatory Time
- c. Eligible Sick Time (see pages 81-82)
- d. Earned Vacation
- e. Accrued Vacation to date of termination
- f. Earned Employee Personal Choice Day time (see page 78)
- g. Accrued Longevity Pay to date of termination (effective: 01/01/2018)
- h. Or any other requirements of law
- i. Less: Any Outstanding Indebtedness to the City

Employees who have not met the terms of their probationary period will NOT be paid for any accrued sick leave, personal choice time, vacation or longevity pay, but will be compensated for any outstanding work or compensatory time, or other requirements of law.

## **Direct Deposit**

All new employees regardless of status are required to enroll in direct deposit.



## CHAPTER 9 - EMPLOYEE BENEFITS

### Insurance

All regular, full-time employees are eligible for and are covered by the City medical, dental, accidental death and dismemberment, and life insurance for up to one year's salary after the applicable waiting period has been met under the City's group insurance policies. The City's coverage allows the option of additional insurance for dependents at the employee's expense through payroll deduction. If major medical dependent coverage is elected, the employee will pay 100% of the additional premium per month. **It is the Employee's responsibility to make sure all policy requirements are met to qualify for any insurance coverage, including dependent coverage.** Detailed information concerning City employee insurance programs may be obtained in applicable insurance manuals or in the Human Resources Department.

### FICA / Medicare

All employees with probationary or regular status will have deductions made by payroll, and filed with the Social Security/Medicare system. The City will match the employee's contribution as required by Federal Law.

### Unemployment Compensation Insurance

All employees, when qualified, are also covered under the Texas Workforce Commission's unemployment compensation insurance program.

### Workers' Compensation Insurance

The City pays the entire amount of the employee's workers' compensation insurance premium that provides benefits to Employees who experience injury or illness connected with employment. To be eligible for workers' compensation benefits, the injury must be a direct result of the job. It is essential that employees report all work-related accidents, injuries and illnesses immediately to their Department Head or Human Resources and a First Report of Injury Report is completed and reviewed by the employee, then forwarded to Human Resources within two (2) working days of the incident.

Employees who are injured on the job are required to be evaluated and treated at an industrial medical clinic appointed by the City for that purpose. The City has selected a network of health care providers, known as a Medical Provider Network or MPN, to treat Employees who are injured on the job. Employees may choose an appropriate provider from the City's MPN list after the first medical visit directed by the City. If an Employee is treating with a non-MPN health care provider for an existing work-related injury, the Employee may be

required to change to a health care provider within the MPN. Further information on the City's MPN is available from their Department Head or Human Resources.

Employees wishing to predesignate a health care provider (rather than being evaluated and treated at an industrial medical clinic appointed by the City) must provide the City with a written notice of the predesignation prior to the date of injury. The predesignation must include the health care provider's signature of agreement to the predesignation and the health care provider must be the Employee's regular health care provider or primary care provider who has previously directed the Employee's medical treatment and retains records of the Employee's treatment and medical history. Employees should check with their Supervisor, their Department Head, or Human Resources for additional information on the predesignation option.

Employees should be aware that it is a felony to file a knowingly false or fraudulent claim for workers' compensation benefits or to submit knowingly false or fraudulent information in connection with any workers' compensation claim. Violation of this law is punishable by imprisonment and a severe fine. Filing a false or fraudulent workers' compensation claim is also a violation of City policy, and will result in disciplinary action, up to and including immediate separation of employment.

### **Sick Leave and Workers' Compensation Benefits**

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an Employee reports a work-related illness or injury, the employee will be sent for medical treatment, if treatment is necessary. The employee will be paid regular wages for the time the employee spent seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If the employee has accrued, unused sick leave, the additional absences from work will be paid for with the use of sick leave.

If the employee does not have accrued paid sick leave or if the employee has used all of his or her sick leave, the employee may choose to substitute vacation or comp time off for further absences from work related to the workplace illness or injury.

## **Benefits Continuation (COBRA)**

Covered employees and their qualified beneficiaries have the opportunity to continue health insurance coverage under the City of Clute'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 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. If continuation is elected, 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 when the employee becomes eligible for coverage under the City's health insurance plan.

Federal law and Texas state law require that most employers sponsoring group health plans, or their insurance carrier, offer employees and their families the opportunity to elect a temporary extension of health coverage (called "continuation coverage" or "COBRA coverage") in certain instances where coverage under the plan would otherwise end. Employees will have to pay the entire premium for their continuation coverage and additionally, may be responsible for an administrative fee. The Benefits Coordinator can assist with respect to COBRA or Texas-COBRA needs.

It is the Employee's responsibility to notify the Benefits Coordinator in writing of any qualifying events which include, but are not limited to resignation, separation of employment, leave of absence, shortened work hours, divorce or death of a covered spouse or a dependent reaching 26 years of age, and to keep the Benefits Coordinator informed of current addresses for the Employee and all dependents.

## **Retirement**

### **Texas Municipal Retirement System (TMRS)**

All employees who are regularly engaged in a position that normally requires more than 1,000 hours per year at the city, either probationary or regular status, will be enrolled as a member of the Texas Municipal Retirement System. Participation is compulsory requiring members to deposit by payroll deduction seven percent (7%) of their gross salary. The City will match such

deposit in an amount to be determined by state law, TMRS, and City Council ordinance.

If an employee leaves the service of the City, they may withdraw their deposits, plus interest earned on those deposits. In 2009, the TMRS Act was amended to guarantee a minimum annual 5% interest credit to member accounts. You can only receive the City's matching funds if you retire and receive a monthly retirement benefit.

Employees become vested in the system after five years of employment and will be eligible to retire when meeting either of these qualifications: (1) You are age 60 with 5 years of service, or (2) You have 20 years of service at any age.

Members may be responsible for paying taxes on amounts withdrawn and should talk with TMRS in regards to taxation questions, other information regarding refunds, retirement benefits, or when preparing for retirement. 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.

Employees on leave without pay are not eligible to make contributions to the Texas Municipal Retirement System.

### **ICMA Retirement Corporation (ICMA)**

The City makes available and administers a Section 457 plan through the ICMA Retirement Corporation which is designed to supplement your retirement income. While a pension, including TMRS, and/or Social Security may go a long way for retirement, they are unlikely to be enough. Contributions are made by the employee on a pre-tax and post-tax basis and participation is strictly voluntary.

### **Flexible Spending Account**

The City offers flexible spending accounts, which allows deductions of premiums for health, self-funded dental insurance before Federal taxes are calculated, which may increase employee's take home pay.

The City offers a Flexible Spending Account on the plan year October 1 through September 30, including the use of pre-tax dollars for:

- ❑ Out-of-pocket medical expenses
- ❑ Day care expenses for childcare and/or elder-care
- ❑ Reimbursement of health, dental or vision insurance premium through source other than the City of Clute.



## **Holidays Observed / Paid**

It is the policy of the City of Clute that full-time 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 the majority of 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 may be authorized to use accrued leave, other than sick leave, or to take time off without pay.

### **The City of Clute observes the following holidays:**

New Year's Day  
Martin Luther King Day  
Presidents' Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Christmas Day  
Employee Personal Choice Day <sup>1</sup>  
One day to be designated annually by the City Council

*<sup>1</sup>Optional; can be rescheduled at mutually convenient time through arrangements with Supervisor. The Personal Choice Day is earned on the employee's birthday and must be taken before an employee's next birthday.*

Additional days may be designated as holidays by City Council.

The City also reserves the right to add or delete holidays from the above list as it deems appropriate.

### **The following rules apply to Holidays and Holiday Pay:**

1. If a holiday falls on Saturday, it will be observed on the preceding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday.
2. A holiday is defined as a regular shift for an employee up to a maximum of twelve (12) hours.

3. Holidays must be taken in full days as defined by an employee's regular shift.
4. If an employee is scheduled to work on a holiday and he takes off, it will be counted as a holiday.
5. To maintain continuous services to the citizens of Clute, some City employees may be required to work on a holiday.
6. If a Non-Exempt employee is scheduled to work on any City-recognized holiday, he/she will receive the regular day's pay for the holiday plus one-and-one-half times the regular rate of pay for the hours worked on such holiday.
7. New full-time employees are eligible for paid holidays during their introductory/probationary period.
8. Part-time and Temporary employees are not eligible for Holiday Pay, but may be granted unpaid holidays.
9. An employee on leave of absence without pay shall not receive holiday benefits.
10. 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, unless their absence was attributable to pre-approved time off.
11. 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 eligible paid leave. However, employees on continuous leave of absence will not be granted additional time off because of the occurrence of a holiday during the leave of absence. For example, an employee on 12 weeks of new baby leave will not have extra days added to the leave to account for holidays occurring during the leave.
12. Employees desiring to observe holidays not coinciding with official City holidays may be authorized to use accrued leave, other than sick leave, or to take time off without pay, with the approval of the City Manager.
13. Holiday Pay is not considered as "hours worked" for the purposes of calculating overtime for Non-Exempt employees.

14. Holidays falling when an Employee is on vacation will not be charged as a vacation day. If the holiday falls on a day which is a regular week day off for an Employee, he/she will be given a different day off.
15. Outstanding Holiday Hours not taken as of October 1<sup>st</sup> of each year will be lost.

## Vacation

It is the policy of the City of Clute to grant 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 accrue vacation leave. All Full-Time employees accrue vacation time from the date of employment, with each employee earning vacation hours annually on their individual anniversary date. Full-Time employees shall earn vacation computed as follows:

Years of Service	Vacation (Hours)
0.5 - 1	8
1	72
2	96
3 - 4	112
5 - 9	128
10 - 12	144
13	152
14	160
15	168

Each additional year of service beyond 15 years and up to 25 years earns eight additional hours of vacation per year up to a maximum of 248 hours earned of vacation time per year. Employees may elect to carry over up to 40 hours past his or her yearly anniversary date. More than the allowable maximum will be lost, unless an extension of such vacation carry over is authorized by the City Manager for a specified time.

The minimum amount of vacation that an Employee shall be allowed to use at one time is four hours, with all vacation requiring approval by the Department Head prior to being taken, who shall consider the needs of the City, the number of personnel needed to effectively operate his/her department, and the schedule and desires of the employee.

After three years of service, any Full-Time Employee may elect to receive up to 40 hours of pay in-lieu of 40 hours of vacation, with approval of the City Manager. This may occur only once per calendar year, except in the most extraordinary circumstances, and must be approved by the City Manager.

The borrowing of vacation against future earnings is prohibited without the written consent of the City Manager.

If a holiday falls during the period an Employee is on vacation, the holiday shall be handled in accordance with the Policy on holidays and will not be charged against the Employee's vacation time.

Employee's that have satisfied their probationary period shall be paid for all vacation earned up to the date of separation of employment. Payment will be made on their final separation check.

## **Sick Leave**

Regular full-time employees accrue sick time at 4.62 hours per pay period for a total of 120 hours per year. Sick leave may accumulate for regular, full-time employees not to exceed one-thousand forty (1,040) hours. Hours may be carried over each year, but can accumulate to no more than one-thousand forty (1,040) hours. Sick leave hours will accumulate, but may not be taken during the introductory/probationary evaluation period (i.e., first six months of City employment for most employees), unless the City Manager grants his/her prior approval on a case by case basis.

Sick leave may be used when an 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 employee is required to attend to immediate family members who are ill.

Employees shall not earn sick leave while on leave of absence without pay without the consent of the City Manager. Sick leave shall not be counted as hours worked during the applicable work week or work period when calculating overtime compensation. Additionally, the City does not permit the granting or the transferring of sick time from one employee to another employee.

After holiday, compensatory time, and sick leave have been exhausted, earned vacation may be used as sick leave. When absence due to illness exceeds the amount of earned paid leave, the employee shall be placed on unpaid leave of absence for the remainder of their allowed time off from work (see Chapter 10 for unpaid leaves of absence and limits on time off).

City employees are required to communicate with their immediate supervisor or department head that they will be absent as soon as the employee knows of the need for absence. In no event shall notification occur later than one hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy, unless a justifiable excuse is presented. The City may require proof of illness or of the need for attending to a family member, and/or a doctor's release to return to duty at any time. Employees on sick leave for more than three consecutive days, or who show a pattern or other indication of sick leave abuse, may be required to present a doctor's statement upon return to work. Failure to present a doctor's statement when

requested may result in the absence being considered Absence without Approved Leave.

After five (5) years of service, upon separation other than for termination for cause, full-time regular employees will be paid for accrued but unused sick leave up to a maximum of 80 hours.

***PLEASE NOTE: The City has a generous sick leave program for full-time employees and does not expect employees to consistently make full use of all annual sick leave hours. Employees are encouraged to reserve their unused sick time up to the maximum in the event of unforeseen long-term or catastrophic illness or injury that would normally cause them to incur financial hardship. Abuse of sick leave will not be tolerated. Sick leave is not to be used as vacation time. Employees who claim sick leave for purposes other than those intended by this policy may be disciplined, up to and including termination.***

## **Longevity Pay**

With employees no longer staying at jobs as long as they used to, it's even more critical to recognize their continued loyalty and work. The City of Clute values our employees and provides longevity pay to all full-time regular employees in recognition of the value of long-term service. Longevity pay will be accrued at a rate of \$4.00 per month per year for each consecutive year of service, payable once per year on the first pay period in December.

## **Employee Training**

The City of Clute encourages training and employee development programs for City employees, as well as succession planning within each department. These programs will be directed toward skill development, knowledge enhancement, enrichment and/or job performance improvement. Such training is recognized to be in the best interests of the employee and the City.

Supervisors shall work with employees to develop an individualized plan regarding any training and development opportunities and needs they feel would be beneficial to the employee's position and to accomplish future goals related to their job or an approved career path program. The City may offer training to employees, at City expense, that directly benefits the employee and his/her job performance for the City.

## **Employee Certification & Licensing Pay**

The City of Clute provides pay for certain certifications and licenses obtained by employees either at their own initiative, or in the course of employment with and at the expense of the City. Contact Human Resources for a list of current incentives.

## **Employee Communication**

It is the policy of the City of Clute to provide effective methods of communication to employees. Methods of communication may include, but are not limited to, postings on departmental bulletin boards, staff meetings, periodic employee meetings, e-mail, website postings, safety training, interoffice memos, and other communication plans.

## **Exceptions**

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

## CHAPTER 10 – LEAVES OF ABSENCE

### General Leave of Absence

- 1. No holiday, vacation and/or sick leave will accrue during any leave without pay without the consent of the City Manager.**
- 2. Employees are ineligible to request or take any form of leave without pay unless all outstanding vacation, sick leave, comp-time, or holidays have been used first.**

#### **Authorized Leave without Pay**

Authorized leave without pay means a temporary absence from an employee's duties without pay that is granted only in the City's sole discretion. In circumstances not falling within other provisions of this handbook, the City Manager may, upon recommendation from the appropriate department head, authorize an employee to take leave without pay under mutually agreeable terms, and only upon exhaustion of appropriate accrued leave benefits. The City Manager has the discretion to revoke the authorization at any time. Discretionary leave without pay is granted only in rare circumstances.

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 department and that he/she will be returning to City employment after the leave. The position of any City employee who is out on authorized leave without pay may be filled on an interim basis. All employee requests for authorized leave without pay shall be in writing, with sufficient detail, and shall be submitted to the department head for approval well in advance. An employee's absence without department head approval will be considered as Absent without Approved Leave.

A General Leave of Absence without Pay may be granted for a period not to exceed 45 consecutive calendar days. If an employee does not return to work within three workdays of the agreed upon return date without notification, the employee shall be considered to have resigned. While out on authorized leave without pay, an employee shall remain eligible for health insurance benefits; however, the employee's portion of premiums shall be paid by the employee during this leave.



### **Absence without Approved Leave**

Absence without approved leave means an unauthorized absence without pay. An employee shall not be absent from job duties at any time without the prior approval of the employee's department head. An employee who fails to report to work 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 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 required by law.

The City is authorized to investigate any sick leave claimed by an employee 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, or if the employee fails to return to work after a doctor's release, the employee's absence shall be considered Absence Without Approved Leave up to resignation and may result in disciplinary action and/or termination.

An employee, not on Worker's Compensation leave, whose absence is due to an illness or injury without a definite return date shall give notice on a daily basis to his/her supervisor or department head no later than one 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 absence without leave and may subject the employee to disciplinary action.

**At the City Manager's discretion, employee's may be responsible for any costs incurred by the City while absent without approved leave, including but not limited to Health and Dental Insurance Premiums, which will be deducted from their next payroll check received.**

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

The federal Family and Medical Leave Act (FMLA) requires protected leave time for employees in certain situations.

In order to be eligible for FMLA leave, a City employee:

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

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

1. Birth of a child of the employee in order to care for such child (leave must be taken within a 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 12-month period after placement);
3. To care for the employee's spouse, child or parent who has a serious health condition;
4. When the employee is unable to work because of the employee's own serious health condition;
5. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

**B. Service member Family Leave** - Eligible employees who are the spouse, child, parent, or next of kin of a covered Service member are entitled to up to 14 weeks of additional leave during a single 12-Month Service member Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Service member who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Service member Period, which begins on the first day of leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Service member Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Service member Family Leave may be limited to an aggregate of 26 weeks.

**C. Definitions**

1. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken.
2. "12-Month Service member Period" means a single 12-month period measured forward from the first day Service member Family Leave is taken.
3. "Child" means a child either under 18 years of age or older than 18 who is incapable of self-care because of a disability, for whom the

employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on active duty or call to active duty contingency leave, or for Service Member Family Leave, the child may be of any age.

4. "Parent" means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
5. "Next of Kin" means the nearest blood relative of a Covered Service member.
6. "Covered Active Duty" means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
7. "Covered Service member" means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or, 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
8. "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.
9. "Serious Injury or Illness" means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.
10. "Qualifying Exigency" includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and, 6) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.

11. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider.

**D. The provisions for using FMLA leave are as follows:**

1. An employee who has no accrued paid leave will receive unpaid family and medical leave up to a maximum of 12 work weeks (or 26 weeks if combined with Service member Family Leave time);
2. An employee will be required to use accrued paid leave (including paid vacation, sick leave, compensatory time and workers' compensation) for any part of a family/medical leave. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Service member Family Leave time).;
3. An employee who has more than 12 weeks (or 26 weeks if combined with Service member Family Leave time) of accrued paid leave may use the accrued paid leave over and beyond the FMLA time, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Manager. Time used beyond what is required by the FMLA is not protected by federal law, and the employee's job may or may not be held open during such unprotected time, at the discretion of the City Manager; and
4. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City.

- E.** 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. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the City. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered

family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.

**F. Medical and Military Certification** - To be eligible for FMLA leave, proof of a serious health condition must be certified by a health care provider, as defined by the FMLA. The employee also may be required to submit periodic written status reports to the Human Resources Department during the leave.

1. **Certification of Serious Health Condition:** For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the certification to the City. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.
2. **Company May Require Second Opinion:** The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
3. **Certification Related to Covered Active Duty or Call to Covered Active Duty:** The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
4. **Certification for Extended Service member Family Leave:** Employees requesting extended Service member Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the

member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.

5. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.
- G. 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.
- H. 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. Employee contributions will be required either through payroll deduction during paid leave or by direct payment to the City during unpaid leave. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.
- I. Upon return on or before the expiration of 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. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.
- J. It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.

## **Military Leave**

The City of Clute complies with the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and with Texas law affecting public sector employee's paid military leave. This policy covers employees who serve in the

uniformed services on a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

**A. Paid Military Leave.** All regular full-time 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 15 work days per fiscal year subject to the following conditions and in accordance with applicable State and Federal laws:

1. Employees preparing to take authorized military leave shall provide the City with as much advance 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 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, but employees may use available sick leave.
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. Military leave time over and above the 15-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.
7. An employee is eligible for paid military leave beginning on the first day of City employment.

**B. Unpaid Military Leave.** In accordance with federal law, and after all paid military leave is exhausted, members of the Uniformed Services may serve a total of five years of active duty in the armed forces, and still be eligible for reappointment to his/her City position. However, temporary employees who have brief or non-recurrent positions with the Agency and who have no reasonable expectation that their employment with the Agency will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy.

1. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City



are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. In most cases, an 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:

- ☐ Is physically and mentally qualified to perform the essential duties of the position;
- ☐ Was discharged, separated, or released from active military service under honorable conditions;
- ☐ Provides documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the Agency if the military leave lasted more than 31 calendar days.
- ☐ Has not been in active military service for more than five years; and
- ☐ Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service according to the following schedule:

Length 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

2. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual.
2. Rights to Continued Employment. Employees who serve in the military for more than six months will not be discharged by the City without cause

for one year following the date of their reemployment. Employees who serve for between one and six months will not be discharged without cause for six months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.

4. **Changed Circumstances.** If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

## **Jury Duty**

The City of Clute recognizes the responsibilities of each individual to perform civic duties as called upon. Employees shall be granted job-protected paid jury leave when summoned for jury duty; however, it will not be considered time worked in the computation of any overtime.

The 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 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 employee.

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

## **Voting**

With regard to voting, the City encourages all 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 provide employees paid leave for the number of hours necessary for the employee to vote during working hours.

Employees should request time off to vote from their supervisor/department head at least two 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.

## **Pregnancy Leave**

Pregnancy is treated in the same manner as any other illness or temporary disability. An 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 employee must request a leave of absence, which shall include a statement of the employee's intentions concerning the resumption of work. An employee shall be allowed six weeks off after delivery of a child before the employee would be expected to return to work, or as required by the Family and Medical Leave Act (FMLA), whichever is longer.

A pregnant employee 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. The leave of absence may qualify under the FMLA. If the leave does not fall under FMLA, the employee may apply for a general leave of absence without pay.

**Paternity:** Regular Full-Time Employees are allowed up to 10 days of sick leave earned for the birth and care of a child or the placement of a child under the age of 18 years of age with an employee in connection with adoption or foster care.

## **Bereavement Leave**

The City allows all employees up to five (5) days paid time off as bereavement leave to be granted in the event of death in the employee's immediate family. For purposes of bereavement leave, "immediate family" is defined on page 22. Paid bereavement leave will not be considered time worked in the computation of any overtime.

## **Limitations on Leaves of Absence**

With the exception of leaves of absence for military or jury duty, no leave of absence or other period of inability or failure to perform full-duty work, by itself or in combination with other periods of leave, may last longer than six months. Any employee who for any reason or combination of reasons misses a total of six months of full-duty work in a 12-month period, or a total of nine months of full-duty work in an 18-month period, at the City Manager's discretion, may be separated from employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able

to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

The City will comply with the Americans with Disabilities Act (ADA) when additional, limited time off is necessary to accommodate an employee's disability, such leave is for a specified time period, the leave can be granted without undue hardship to the City, and the employee is otherwise qualified for the position.

## **Effect of Leave on Accrual of Fringe Benefits**

1. **Health benefits plan.** Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages. Failure to make timely premium payments may result in a lapse or termination of benefits.
2. **Accrual of paid leave.** Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

## **Automatic Termination of Employment**

An employee's employment automatically terminates if he does not return to full active employment status at the conclusion of his leave of absence or extended leave of absence. This does not affect the employee's ability to reapply for the position at a later time. Further, employees with circumstances that warrant special consideration should bring those circumstances to the attention of the City Manager.

## CHAPTER 11 - SAFETY

### 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. Employees are expected to comply with all safety and health requirements and are subject to discipline for failure to do so.

The City has a sincere concern for the welfare and safety of its employees 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.

Employees are required to report safety violations or unsafe conditions. The City will not retaliate against a City employee because that employee 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.

### Workplace Incidents / Injuries

All Employees are required to immediately report **ANY and ALL** work-related safety incidents and injuries to their immediate Supervisor. No matter how minor an on-the-job injury or incident may appear, the City requires that all incidents and injuries be reported immediately. A First Report of Injury filing is required to Human Resources within two (2) working days for any first report of injury filing that occurs on the job.

### Workers' Compensation

The City is covered by the Texas Workers' Compensation Act (the Act). Workers' compensation benefits will be paid in accordance with the Act. If an employee becomes disabled or otherwise unable to work because of a 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 Texas Workers' Compensation Commission.

**An employee must report all work-related injuries to the employee's supervisor or department head immediately so that the required forms can be timely submitted. Failure to provide the City with prompt notification may disqualify the employee from receiving benefits.**

In the event of a work-related injury or illness, employees are covered by Workers' Compensation Insurance, instead of the City's group health insurance, which covers only non-work-related injuries and illnesses. During this injury leave, Worker's Compensation Insurance shall pay the employee benefits as prescribed by the Texas Worker's Compensation Act, which includes payment of all of the qualified employee's medical expenses and, under certain circumstances, disability pay. The City will make payments to an employee for accrued time off to cover the first eight (8) days of non-payment by the Workman's Compensation insurance carrier for an employee's disability that resulted from a compensable, work-related injury.

**Supplemental Insurance Coverage while on Workers' Compensation:** Employee's qualifying for Workers Compensation due to a work related injury must continue to pay their portion of supplemental benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages. Failure to make timely premium payments may result in a lapse or termination of benefits.

**Limitations on leave from full duty.** The length of injury leave shall be established by a medical doctor, but in no case shall injury leave exceed 180 days in duration. An employee who misses a total of six months of full-duty work in a 12-month period, or a total of nine months of full-duty work in an 18-month period, will be separated from employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

**Light Duty.** As appropriate and available, the City will expect employees to return to modified or limited duty for work-related injuries or illnesses when an employee is unable to perform the essential functions of his or her current job. A doctor's release to return to modified and/or full duty shall be required before an employee may return to work. Time spent on light duty will not count as full-duty work for purposes of the City's limitations on leave.

## **Other Claims, Suits, & Demands involving the City**

Employees should inform the City of any and all claims, suits, or demands involving the City within the lesser of:

- (ii) 180 calendar days from the date that the employee knew or should have known about the basis for the claim, suit or demand, or
- (iii) the applicable statute of limitation.

## **CHAPTER 12 - CITY PROPERTY**

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

City equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees must exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Employees must promptly notify their supervisor or department head if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. 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. An employee's driving record may be checked annually by the Human Resources Department.

City vehicles and heavy equipment will be used for official business only, and within the limits of traffic law and safety regulations. Each employee who drives a City vehicle or heavy equipment must be at least 18 years of age and possess a valid state driver's license, and/or, a CDL license if required for the particular vehicle. City employees will be personally responsible for any fines incurred as a result of driving or parking violations while driving a City vehicle.

### **Loss of Driving Privileges**

An employee of the City required to drive a City vehicle shall not drive such without a current and valid driver's license or, otherwise, without the privilege to drive in the State of Texas.

In the event an employee's driver's license or driving privilege is canceled, suspended, or revoked, or an employee is otherwise prohibited from driving a motor vehicle by a court of competent jurisdiction or by the Texas Department of Public Safety, the employee must promptly notify his/her Department Head or Director; and the employee shall refrain from any further driving of a City vehicle. Any employee found driving a City vehicle without being in possession of a current and valid license shall be subject to termination.

If an employee's driver's license or privilege to drive is canceled, suspended, or revoked, or an employee is otherwise prohibited from driving a motor vehicle by a court of competent jurisdiction or the Texas Department of Public Safety and if the Department Head determines that the employee's job requires driving a City vehicle or that a driver's license is a minimum requirement for the job, the affected employee may be subject to reassignment, demotion, suspension without pay, or termination. However, in



the event a regular, full-time employee's driving privilege is canceled, suspended, revoked, or such employee is otherwise prohibited from driving a motor vehicle by a court of competent jurisdiction or the Texas Department of Public Safety, resulting as a first offense and such employee is in good standing, having no other previous discipline or employment deficiencies, the employee, if suspended without pay, shall be authorized to use accumulated leave, excluding sick leave, during such suspension.

## **City Vehicles - General Cleanliness/Maintenance**

Employees using City vehicles are responsible for the cleanliness and general maintenance of the vehicle. Prior to returning a vehicle, employees will remove all personal items, dispose of any trash and insure that the fuel level is adequate (individual departments may impose different or higher vehicle care and return standards which will supersede this section).

Employee's found not maintaining the general cleanliness of a City vehicle could lose their driving privileges which could result in discipline up to and including termination.

## **City Charter: Section 15.16. - Officers, etc.; improper acts of.**

No elected official or employee of the City of Clute shall use City equipment or services for outside employment, nor shall it or employees be used for personal purposes, shall be deemed guilty of a misdemeanor and upon conviction thereof shall forfeit his office or employment and be punished by a fine not exceeding two hundred dollars (\$200.00).

## **Premises and Property Surveillance**

The City is committed to providing a workplace that promotes safety and security for all of its Employees and citizens. The City also stresses the importance of serving all citizens in a courteous and efficient manner. In order to accomplish these objectives and safeguard the safety of employees and citizens, the City has installed or may install visual and/or audio surveillance systems, including the monitoring of e-mail and voicemail transmissions and internet activity and that Employees' actions and activities while on the City's premises may be observed and/or recorded. Vehicles may or may not include tracking devices to monitor employee activity. Employees should understand that these security measures assist in monitoring the City and its property. It is the sincere hope of the City that this will enable the City to protect the interest of Employees, citizens, and the City.

## **Computer Use / Internet Use / Social Networking**

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

The City's electronic communication and storage systems, which include, but are not limited to, the computer system and related equipment, Internet access, telephones and voice mail, wireless devices, emails, texts and instant messaging ("e-systems"), is intended for official City business use. All data and information contained therein are subject to the Public Information Act.

The City provides e-systems to its employees to assist and facilitate business communications and work-related research. These services are for legitimate business use only in the course of an employee's assigned duties. All materials, information, and software created, transmitted, downloaded or stored on the City's e-systems are the property of the City and may be accessed only by authorized personnel. Employees are reminded that they have no reasonable expectation of privacy in information created, downloaded or stored on the City's e-systems, and all such information remains the property of the City. The City reserves the right, at its discretion, to monitor, access, retrieve, intercept, read and delete any communication that is created on, received through, or sent from the e-systems.

Employees who post material on social networking and other Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the City in any manner, whether during or after their working hours. On-line behavior, whether on or off duty, must not disparage, reflect badly upon, or misrepresent the City or its interests in any manner. Harassing or disparaging coworkers through on-line posting is prohibited. The City has the right to monitor such sites and protect its interests.

Employees may use City systems to access the Internet for limited non-business use during meal time, before or after work, so long as such personal use does not interfere with the job duties of the employee or coworkers, the personal use does not constitute social networking, and all other provisions of this policy are followed, which include, but are not limited to:

1. Absolutely NO inappropriate e-systems usage which includes: transmitting obscene, harassing, offensive or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; accessing, displaying, downloading or distributing any sexually explicit material; engaging in activities designed for personal profit; transmitting any of the City's confidential information.

2. The City reserves the right to monitor employee use of its e-systems or the Internet at any time. Employees should not consider their Internet usage or e-mail communications to be private.
3. Any software or other material downloaded onto 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 authorization from the City Manager'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. No employee shall send communications under another's name without authorization.
5. Any expense incurred as a result of personal use of the City's e-systems must be reimbursed immediately.
6. Any violation of this policy may result in loss of computer access and disciplinary action, up to and including termination of employment.

## **Telephone and Mail Use**

A City employee's personal use of the City's telephone equipment is restricted. When personal usage of City telephone facilities is unavoidable, City employees must properly log any user charges and reimburse them to the City. Personal long-distance telephone calls should normally be either placed by the employee's personal cell phone, collect or charged to the caller's home phone. Excessive use of the telephone for personal matters may result in disciplinary action, up to and including termination of employment.

City employees may not use City stationery or postage for personal letters. Personalized stationery and business cards may only be issued by the City. City employees should exercise care so that no personal correspondence appears to be an official communication of the City.

## **Cell Phone & Pager Use**

The City will issue cell phones or a reimbursement program to approved employees for business use, as necessary. Established guidelines on the acquisition and use of wireless service and equipment will be followed at all

times. **Excessive personal cell phone use during work time is prohibited.** City-related emails and texts are subject to the Texas Public Information Act, even when sent or received on non-City devices. This policy applies to all City Departments, City employees, and its City representatives.

### **Cell Phone Use While Driving**

The use of a cell phone while driving can cause distraction to the driver, and can result in accident and injury. To maintain safety for our employees and others on the road, the use of any cell phone or other handheld devices while driving a City vehicle is to be kept to a minimum.

***Texting while driving is strictly prohibited.***

### **Publicity**

In the course of advertising, public relations or other similar conduct for business purposes, the City may utilize media resources. The City may use Employees' photographs, pictures, and/or voice transcriptions for promotion or advertising at any time without compensation.

### **City Logo Use**

It is the policy of the City to exercise due diligence to prevent misuse of its Logo or other approved logos representing the City, such as Police and Fire; the Logo will not be used without express written authorization of the City Manager. Additionally, creation and use of any new logo representing the City requires approval of the City Manager.

### **Material Salvage/Surplus**

It is the policy of the City to sell or reuse materials to the City's best financial advantage. When material is removed from service on work orders or construction projects, such materials shall be returned to the City and is solely the property of the City. The City Manager or designee shall determine what materials are no longer of value and shall be scrapped. Useful materials shall be returned to stock. No City employee may purchase materials from the City at less than market value. Materials determined to be of no value shall be disposed of without undue delay.



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

### **Fair and Equitable Standards**

It is the intent of the Discipline and Appeal Procedures to safeguard the rights of all employees, to ensure that all employee actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis. Although all employees remain employed on an at-will basis, the City will still strive to maintain these standards when possible.

### **Grievances**

A grievance is an allegation regarding the violation, misinterpretation or improper application of a specific state or federal law, regulation, or City ordinance or policy provision. This does not include questioning the substance of policies or complaints regarding an employee's individual working conditions. An employee shall, within five working days of an incident when the employee 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 does not agree with the decision of the Department Head or fails to get a response from the Department Head within three (3) working days, he/she may appeal to the City Manager within five working days. The City Manager shall respond to the grievance in writing within a reasonable amount of time. For appeals of disciplinary actions, see the procedures below.

### **Pre-Clearance by Human Resources and/or City Manager**

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

### **Types of Disciplinary Action**

The City Manager, or his or her designee, may take disciplinary action against any City employee 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 without resort to a progressive discipline system or to begin at any point in the process.

- A. In making a decision as to what type of discipline should be imposed, a Department Head should consider such factors as the type, frequency, and severity of the offense, the employee's work record, and any mitigating circumstances that may be relevant.
- B. The following disciplinary actions are not exclusive and may be initiated against an employee 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 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 and Human Resources personnel 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 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 of each specific violation 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 and the right to appeal. The employee shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining supervisor/department head and the employee should sign the written reprimand. If an employee refuses to sign, the department head should so note on the report and initial the notation. Copies of the written reprimand and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file.

**4. Unpaid Suspension**

A suspension is intended to bring about a change in behavior and results in time off without pay. The employee 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. Departmental management may suspend a non-exempt



employee without pay for a period of not less than one hour or more than ten working days for disciplinary reasons. Exempt employees should not be suspended for periods of less than three (3) days. Prior to suspending an employee, the Department Head shall confer with the Human Resources Department and the City Manager. Suspension for more than ten working days requires the written approval of the City Manager. The Department Head contemplating a suspension shall give written notice to the employee 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 right to appeal to the City Manager within a specified time, (5) and the finality of the action if the employee fails to appeal within the specified time period. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing.

An employee on unpaid suspension forfeits all claims to use of vacation, holiday, or sick leave for the duration of the suspension. In no case shall vacation, holiday, or sick time be granted an employee during the course of an unpaid suspension as a means to supplement pay lost as a result of the suspension.

## **5. Demotion**

Departmental management may demote an employee 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, the Department Head shall confer with the City Manager regarding the proposed demotion. Demotions may be either permanent or for a pre-determined specified period of time and may result in a reduction of salary. The Department Head contemplating a demotion shall give written notice to the employee 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 right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing. The demotion documents shall become a permanent part of the employee's personnel file.

## **6. Termination**

Prior to terminating an employee, the Department Head shall confer with the Human Resources Department and the City Manager. A Department Head contemplating a termination shall give written notice to the employee 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 right to appeal to the City Manager within the specified time,
- (5) the finality of the action if the employee fails to appeal within the specified time period, and
- (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing.
- (7) the rights of the employee to request a review of termination by City Council as stated in Section 15.19 of the City Charter.

The termination documents shall become a permanent part of the employee's personnel file.

### **City Charter: Section 15.19. - Review by City Council of Termination for Cause**

Any regular employee terminated for cause may request to appear before the City Council as provided in Section 15.19 of the Charter of the City (see page 116) and in accordance with the Texas Open Meetings Act. A majority of the City Council may reinstate the terminated employee and impose a lesser penalty.

## **7. Resignation In-Lieu of Termination**

Under limited circumstances, resignation by an employee in-lieu of termination may be used by the City. Be advised, that this would be a voluntary decision by the employee and would negate his or her right of appeal under Section 15.19 of the Clute City Charter.

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

- A. Any employee dissatisfied with any written reprimand received by that employee may file a written appeal to his Department Head within five working days of the action taken. In the event the Department Head has rendered a written reprimand, the employee may appeal the reprimand to the City Manager. A reprimand from the City Manager shall not be appealable.

- B. The written appeal must be submitted to the Department Head and 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.
- C. A Department Head shall within a reasonable time discuss the facts surrounding the disciplinary action with the affected employee. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Head. A Department Head, when possible, shall respond in writing to the employee, stating the disposition of the written reprimand within five working days of the discussion. The Department Head may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be appealed beyond the City Manager.

## **Procedures to Appeal a Termination, Demotion or Unpaid Suspension**

- A. Any employee, other than a Department Head or other employee who reports directly to the City Manager, who is terminated, demoted or suspended without pay, shall have a right to appeal that decision to the City Manager. The right to appeal must be exercised within five working days of the date of the decision, by filing a written request with the City Manager 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 Manager shall hear the appeal within a reasonable amount of time. The City Manager may sustain, reverse, modify or amend the action taken.
- C. Any hearing conducted by the City Manager 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 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 Manager 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.

### **City Manager's Review and Determination**

Upon conclusion of the appeal hearing, the City Manager shall have a reasonable amount of time in which to make a determination. After reviewing the evidence presented, the City Manager 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.

### **City Charter: Sec. 15.19. - Review of the termination of city employees.**

If, any discharged employee of the city desires a review of such termination by the City Council, the employee shall present a written petition for review to the city clerk within ten (10) days of the date of such termination, setting forth all grounds upon which the employee believes that such termination was in error. The city clerk shall notify the mayor and all members of the city council of the filing of such petition by sending a copy of such petition to each member. Each member shall then notify the city clerk within five (5) business day in writing their request or lack thereof to hear said petition. The city clerk, at the request of the mayor or at least three (3) members of the city council, shall place the review of such termination on the agenda for the next regular or, at the mayor's option, an earlier special city council meeting. The terminated employee shall be notified prior thereto within five (5) business day of the date and time of such review, if any, and shall have the opportunity to present evidence and argument in person or through legal counsel. Such review shall be conducted privately in accordance with the Open Meetings Law of the state [V.T.C.A., Government Code Ch. 551] unless prior thereto the terminated employee files with the city clerk a written request that it be open to the public. At the conclusion of such review, the city council shall by

majority vote of its members present and voting either affirm such termination or reverse such action and reinstate the terminated employee, in which event any other disciplinary measure permitted by the applicable employee policy manual may be imposed by the city council.

### **“Working Days” Defined**

“Working days,” as referenced in this section, is defined as regular business hours, Monday through Friday, not including official City holidays. Time limits begin to run the working day following the incident, event, hearing or notice.

### **Time Limits**

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

### **Inapplicability**

A reduction in force is not an appealable or grievable personnel action, and any employee separated from City employment as a result of a reduction in force has no right to appeal or grieve such separation, except through Section 15.19 of the Clute City Charter.

An administrative leave with pay is not an appealable or grievable personnel action. Management reserves the right to suspend with or without pay pending the investigation of an incident.





## **ORDINANCE NO. 2018-001**

**AN ORDINANCE OF THE CITY OF CLUTE, TEXAS, CONTAINING A PREAMBLE; COMPLYING WITH SECTION 5.02, ITEM 31 OF THE HOME RULE CHARTER OF THE CITY OF CLUTE, TEXAS, BY ADDING TO CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY A NEW ARTICLE VI ESTABLISHING AN ETHICS POLICY FOR ALL APPOINTED OR ELECTED OFFICIALS, BOARDS AND COMMISSIONS, AS WELL AS EMPLOYEES WHEN REPRESENTING THE CITY OR DOING BUSINESS FOR THE CITY IN ANY CAPACITY; REQUIRING THAT SUCH ORDINANCE BE REVIEWED AND READOPTED ANNUALLY, AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.**

**Whereas, it is important that the public have confidence in the integrity of its government; and**

**Whereas, the City of Clute, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,**

**Whereas, Sections 51.072 and 342.011 of the Local Government Code of Texas and Sections 2.01, 5.01 and 5.02, Item 31, of the Home Rule Charter of the City of Clute, authorizes the City Council thereof to adopt the provisions of this Ordinance: and,**

**Whereas, the proper operation of government requires that all City Officials, including elected officers, appointed officers, boards and commission members, and employees be independent and impartial, and that governmental decisions and policy be made within the proper channels of the government structure; and**

**Whereas, the citizens of the City of Clute have voted and approved to amend the Home Rule Charter in a Charter Election held on May 6, 2017, to establish an Ethics Policy for the City by ordinance, to be reviewed and readopted annually; and**

**Whereas, the intent of this ordinance is to establish a set of general principles and guidelines pertaining to ethical conduct, responsibility, fair and equitable standards, and duty; and**

**Whereas, the City of Clute desires to adopt said policy to govern the actions of City Officials, including elected officers, appointed officers, boards and commission members, and employees and to memorialize their dedication and service to the citizens of the City; and**



**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLUTE, TEXAS:**

**First**, a new article, to be known as Article VI, is hereby adopted and added to Chapter Two of the Code of Ordinances of the City of Clute, Texas, consisting of two (2) divisions, which shall read as follows:

**ARTICLE VI. CODE OF ETHICS**

**Division 1. – General Provisions.**

**Sec. 2-218. - Definitions.**

**The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:**

**Benefit** means anything reasonably regarded as economic gain or economic advantage, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution to expenditure made and reported in accordance with law.

**Board** means a board, commission, or committee:

- (1) Which is established by city ordinance, city resolution, charter, interlocal contract, or state law, or
- (2) Which serves as the board of a nonprofit development corporation that acts as an instrumentality of the city, and
- (3) Any part of whose membership is appointed by the city council, but does not include a board, commission, or committee which is the governing body of a separate political subdivision of the state.

**Censure** means an official condemnation, reprimand, or expression of adverse criticism, usually by a legislative or other formal body, of the conduct of one of its members or of someone whose behavior it monitors.

**City (“the City”)** means City of Clute

**City Official** means the Mayor, members of the City Council, employees, and individuals appointed to serve on the city's boards, commissions, committees, task forces, and other appointed advisory groups

**Employee** means a person employed and paid wages by the City whether under civil service or not, including those individuals on a part-time basis, but does not include an independent contractor or city council member.

**Fair and Equitable Standards** means the intent of the City of Clute to safeguard the rights of all citizens, to ensure that all citizen's actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis.

**Negotiating concerning prospective employment** means a discussion between a city officer or employee and another employer concerning the possibility of the city officer or employee considering or accepting employment with the employer, in which discussion the city officer or employee responds in a positive way.

**Officer or official** means any member of the City Council and any appointed member of a board, committee, or commission set up by ordinance, resolution, charter, state law or otherwise, on a regular basis, excluding those boards and commissions not operating under the direct authority of or subject to the direct control of the City Council.

**Working Days** means regular business hours, Monday through Friday, not including official City holidays.

**Sec. 2-219. – The Purpose of the Ethics Policy.**

(a) The code of ethics has five purposes:

1. To encourage ethical conduct on the part of City Officials and employees;
2. To encourage public service with the City;
3. To establish standards of ethical conduct for City officials and employees by defining and prohibiting conduct that is incompatible with the interests of the City;
4. To require disclosure by City Officials and employees of their economic interests that may conflict with the interests of the City; and
5. To serve as a basis disciplinary action against those who fail to abide by its terms.

(b) The code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with the administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

(c) **Ethics Policy Statement**: It is the policy of the City that all City Officials and employees shall conduct themselves both inside and outside the City's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the City and the public trust which the City holds.

(d) It is further declared to be the policy of the City that proper operation of democratic government requires that:

1. Officers, officials, and employees be independent, impartial and responsible;
2. Governmental decisions and policy be made using the proper procedures of the governmental structure;

3. No officer or employee have any financial interest, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;
  4. Public office is not used for personal gain; and
  5. All boards of the City are at all times maintained as a nonpartisan body.
  6. The policy of the City to upholds, promotes, and demands the highest standards of ethical behavior from its Mayor, members of the City Council, employees, and individuals appointed to serve on the City's boards, commissions, committees, task forces, and other appointed advisory groups. Honesty, integrity, fairness, equity, and transparency of action are the hallmarks of public service in Clute.
- (e) The Appearance of impropriety. Public service is a public trust. All City Officials and employees are stewards of the public trust. They have a responsibility to the citizens of the City to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each City Official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.
- (f) To implement this article, the City Council has determined that it is advisable to enact this code of ethics for all City Officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who fail to abide by its terms.
- (g) Notwithstanding any other provision of this article, a member of the board of directors of a reinvestment zone established under the tax increment financing act, as amended, **may:**
1. Own property within that reinvestment zone; and
  2. Participate in discussions and voting on matters before the board of directors that may directly or indirectly affect the member's property within the reinvestment zone.

**Secs. 2-220—2-229. - Reserved.**

## **Division 2. – Ethics Administration.**

### **Sec. 2-230. - Standards of conduct.**

- (a) An officer or employee of the City shall not:
1. Accept or solicit a benefit that might reasonably influence the officer or employee in the discharge of his official duties.

2. Use his official position to secure special privilege or exemptions for himself or others.
3. Grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the granting of fringe benefits to City employees a part of their contract of employment or as an added incentive to the securing or retaining of employees. This further shall not prohibit the City or Clute EDC from entering into Chapter 380 agreements or other economic development agreements authorized by statute and found to be in the best interest of the City and its citizens.
4. Disclose information that could adversely affect the property or affairs of the City, or directly or indirectly, use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
5. Transact any business on behalf of the City in his official capacity with any business entity of which he is an officer, agent or member or in which he has a financial interest. In the event that such a circumstance should arise, then he shall make known his interest, and:
  - a. In the case of a City Official leave the room during debate or hearing, refrain from discussing the matter at any time with the members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or
  - b. In the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.
6. Personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the body or department of which the City Official or employee is a member. This restriction does not apply to outside employment of a City Official if the employment is the City Official's primary source of income.
7. Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty.
8. Personally participate in a decision, approval, disapproval, recommendation, investigation, or rendering of advice in a proceeding, application, request for ruling or determination, contract, claim, or other matter under the jurisdiction of the City, if the City Official or employee is negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by the city manager that a conflict of interest exists. If a City Official or employee begins negotiation or enters an arrangement concerning prospective employment with a person or organization that has a financial interest in a

matter in which the City Official or employee has been participating, the City Official or employee shall:

- (i) In the case of an employee, immediately notify the City Official responsible for appointment to his position of the nature of the negotiation or arrangement and, if the city manager determines that a conflict of interest exists, follow the instructions of the city manager with regard to further involvement in the matter; or
  - (ii) In the case of a board member, immediately notify the board of which he is a member the nature of the negotiation or arrangement and:
    - (a) Refrain from discussing the matter at any time with other board members or members of the City Council if the City Council will also consider the matter;
    - (b) Leave the room during debate hearing on the matter; and
    - (c) Abstain from voting on the matter; or
    - (d) In the case of a member of the City Council, file an affidavit with the City Clerk regarding the nature of the negotiation or arrangement and:
      - (i) Refrain from discussing the matter at any time with other council members or members of a board that will consider the matter;
      - (ii) Leave the room during debate or hearing on the matter; and
      - (iii) Abstain from voting on the matter.
9. Receive any fee or compensation for his services as a City Official or employee of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit his performance of the same or other services for a public or private organization that he performs for the City if there is no conflict with his City duties and responsibilities.
10. In the case of a member of the City Council or an employee, personally represent, or appear on behalf of, the private interest of others:
- (a) Before the City Council or any City board or department;
  - (b) In any proceeding involving the City; or
  - (c) In any litigation to which the City is a party.
11. In the case of a board member, personally represent or appear on behalf of, the private interests of others:

- (a) Before the board of which he is a member;
- (b) Before the City Council;
- (c) Before a board which has appellate jurisdiction over the board of which he is a member;  
or
- (d) In litigation or a claim to which the City or an employee of the City is a party if the interests of the person being represented are averse to the City or an employee of the City and the subject of the litigation or claim involves the board on which the board member is serving or the department providing support services to that board.

- 12. Use the prestige of his position with the City on behalf of any political party.
- 13. Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules or regulations or the achievement of official City programs.
- 14. Use City supplies, equipment or facilities for any purpose other than the conduct of official City business.
- 15. Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City or that reflects discredit upon the government of the City.

**Sec. 2-231. - Exceptions.**

- (a) The restrictions in this section do not apply to business associates of officers or employees, but only personally to the officers and employees themselves.
- (b) The restrictions and requirements of 2-230(a)(5) do not apply to an officer or employee of the City serving as a member of any board, commission, or other entity when transacting business on behalf of the City in an official capacity with that board, commission, or entity, if the officer or employee:
  - (1) Was appointed by the mayor, City Council, or city manager to represent the City on the board, commission, or entity; and
  - (2) Has no financial interest in the board, commission, or entity or in the business being transacted.

**Sec. 2-232. - Financial interests.**

Any City Official, whether elected or appointed, who has a financial interest in any matter that is pending before, or that might be considered by, the body of which the officer is a member shall:

- (a) Disclose such interest to the other members of the body;

- (b) Refrain from discussing the matter at any time with any other member of the body of which the City Official is a member or with a member of any other body that might consider the matter;
- (c) Leave the room during debate or hearing; and
- (d) Refrain from voting on the matter.

**Sec. 2-233. - Political activities of City Officials.**

- (a) In elections other than for City Council, a member of the City Council may not:
  - (1) Use the prestige of the member's position with the City on behalf of a candidate;
  - (2) Solicit or receive contributions; or
  - (3) Serve as the designated campaign treasurer for a candidate as required by V.T.C.A. Election Code, Ch. 14.
- (b) In any election, a member of a city board, commission, or committee, whether governmental or advisory, may not:
  - (1) Use the prestige of the member's position with the city on behalf of a candidate;
  - (2) Serve as the designated campaign treasurer for a candidate as required by V.T.C.A. Election Code, Ch. 14;
  - (3) Personally, solicit or receive contributions for a candidate. A member, however, is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.
- (c) Subsections (a)(1) and (b)(1) do not prohibit a member of the City Council or of a board from lending the member's name in support of a candidate so long as the office held with the City is not mentioned in connection with the endorsement.

**Sec. 2-234. - Additional employment.**

An employee of the City may accept employment from a public utility corporation enjoying the grant of a franchise, privilege, or easement from the City if:

- (1) The employee performs the duties of a security guard for the public utility corporation; or
- (2) The employment complies with the Personnel Policy Handbook; and



- (3) The employment does not conflict with his duties as an employee of the City.

**Sec. 2-235. - Restrictions on contracting with the City or providing the representation of others.**

- (a) An City Official or employee in a position that involves significant reporting, decision-making, advisory, or supervisory responsibility who leaves the service or employment of the City may not, within 12 months after leaving that service or employment, represent any other person or organization in any formal or informal appearance:
  1. Before the City concerning a project for which the person had responsibility as a City Official or employee; or
  2. Before any other agency on a project for which the person had the responsibility as a City Official or employee.
- (b) A former City Official or employee who is subject to the requirements of subsection (a) shall, during the 24 months after leaving the service or employment of the City, disclose the City Official's or employee's previous position and responsibilities with the City when representing any other person or organization in any formal or informal appearance before a City agency.
- (c) A member of the City Council or an employee may not, within 12 months after leaving the service or employment of the City, either individually or as the officer or principal of a private business entity:
  1. Submit a proposal, on behalf of the member or employee or on behalf of a private business entity, to make any city contract that is not required by state law to be competitively bid;
  2. Negotiate or enter into any city contract that is not required by state law to be competitively bid; or
  3. Have or acquire any financial interest, direct or indirect, in any city contract that is not required by state law to be competitively bid.

**Sec. 2-236. - Limitations on employee political activity and on the holding of elective public office by an employee.**

- (a) An employee of the City shall immediately request an unpaid leave of absence, resign at the time of announcement or upon election if a leave has been granted, or shall be dismissed upon failure to do so, if:
  1. The employee becomes a candidate for election to the City Council; or

2. The employee becomes a candidate for nomination or election in a partisan election for public office within the county or in a partisan election for a public office, the constituency of which includes all or part of the county; or
  3. The employee becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the City; or
  4. A managerial or supervisory exempt City employee becomes a candidate for nomination or election to an elective public office of an entity having contractual relations with the City that involve the employee's department.
- (b) No employee may hold an appointed or elective City of Clute office, nor hold an office from any jurisdiction or any other office where service would constitute a direct conflict of interest with City of Clute employment, as determined by the City Manager, either with or without remuneration.

**Sec. 2-237. – The Penalty for violation of article; appeals.**

- (a) The failure of any City Official or employee to comply with this section or the violation of one or more of the standards of conduct set forth in this article, which apply to him, shall constitute grounds for all legal remedies provided by law which may include, if permissible, expulsion, reprimand, censure, removal from office, or discharge. In the case of a City Council member, the matter shall be decided by a vote of two-thirds of the entire membership of the city council.
- (b) The City Council hereby adopts the following procedures to implement a censure policy:
1. Two or more City Council members may file a written notice of censure against another City Council member with the city clerk. The written notice shall set forth the allegation(s) of conduct which the accused council member shall have allegedly violated. A copy shall be delivered to all council members. A written response to the allegation(s) may be filed by the accused council member ten days after receipt thereof. A copy of the notice of censure and response thereto shall be delivered to each council member within three (3) working days after the response is filed.
  2. On the first regularly called meeting of the City Council, which complies with the Texas Open Meetings Act, after the filing of the notice and response, the Mayor shall formally read the notice and response into the public record. The City Council, by majority vote, shall thereafter determine whether or not good cause shall exist to set a formal hearing on the merits of the notice of censure or dismiss the allegation(s). If it is determined, based upon the merits that a formal hearing is required, a public hearing shall be set on the allegation(s) by the City Council. A vote to hold a public hearing shall not be construed to be a vote of censure.

3. At a formal public hearing, the accused City Council member has the right to be represented by legal counsel, present witnesses, as well as cross-examine any and all other witnesses relative to the allegation(s).
  4. A formal public hearing on the allegation(s) and response shall be held at either a regular or special called meeting of the City Council and shall be open to the public.
  5. At a formal public hearing, the Mayor of the City of Clute shall be the presiding officer, and the City Council will hear evidence concerning the notice of censure. The City Council members proffering the charges shall present evidence in support of the allegation(s) contained in the notice of censure. The council member who is the subject of the censure shall have the opportunity to present evidence to support his or her position with respect to the notice of censure and challenge the evidence presented against him/her. After receiving evidence at an open public meeting, the City Council shall then take a roll-call vote, after motion duly made and seconded, two-thirds of all members of the city council shall be required to sustain the censure of the council member.
- (c) In the case of an employee of the City, disciplinary action and appeals therefrom shall be in conformance with procedures established by the City Charter and personnel rules and regulations.
- (d) In the case of members of boards or committees, the member shall be presented written notice of the allegations and shall be afforded the opportunity to provide a written response. The City Council shall review the written allegations and written response in making a decision. The matters shall be decided by a majority vote of the City Council.
- (e) The decision of the bodies authorized to hear violations shall be final.

#### **Sec. 2-238. - Annual Review and Approval.**

The City Council shall review and discuss this ordinance annually during a regular City Council meeting, as an enumerated item on the agenda. Such annual consideration must occur each year within 60 days of the anniversary date of original passage of this ordinance. After discussion the City Council shall take a vote to retain the ordinance without changes. Regardless of the result of that vote, this ordinance shall remain in full effect unless and until there is due notice and public hearing to make changes to this ordinance.

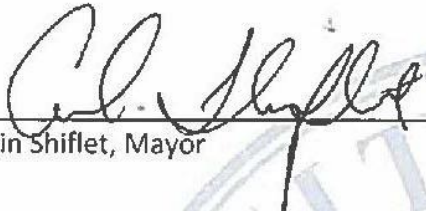
#### **Secs. 2-239—2-249. - Reserved.**

**Second**, should any article, section, part, paragraph, sentence, phrase, clause, or word of this ordinance, or any appendix thereof, for any reason be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provisions herein continue to be held unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and


valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

Third, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.


READ, PASSED AND ADOPTED this 11<sup>th</sup> day of January, 2018.

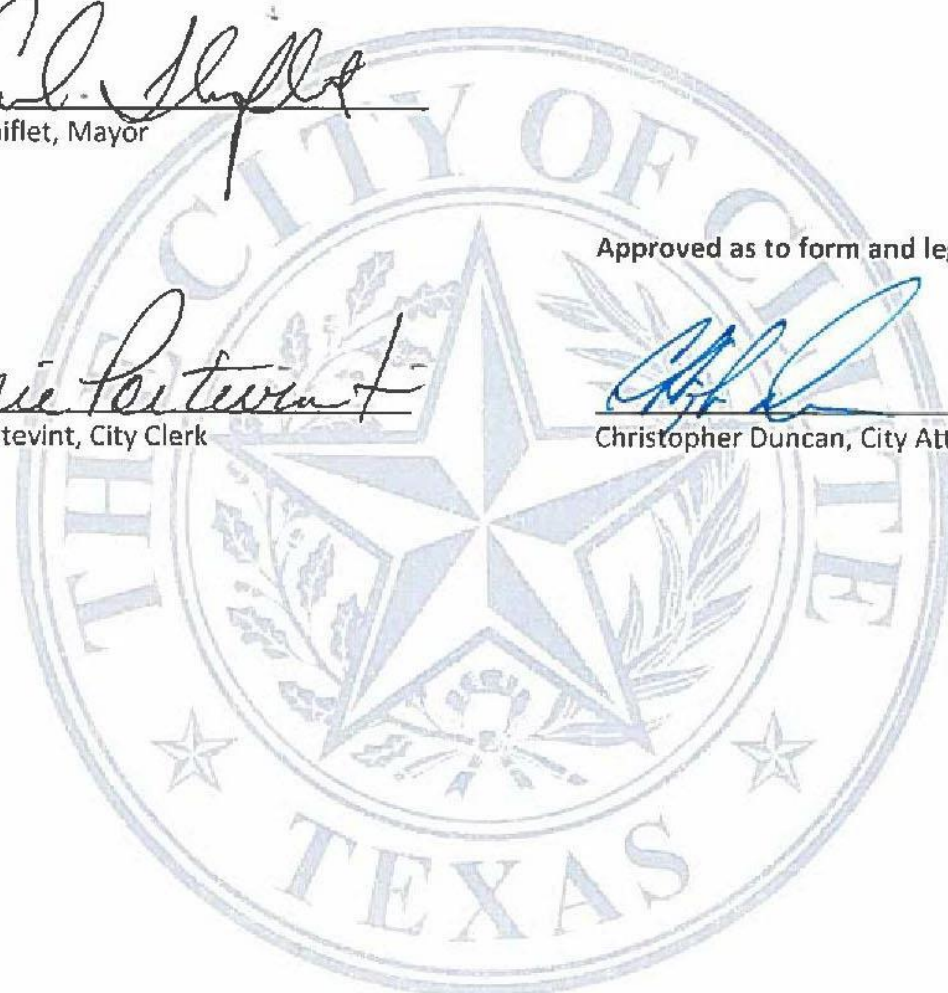
  
\_\_\_\_\_  
Calvin Shiflet, Mayor

ATTEST:

  
\_\_\_\_\_  
Rosie Poitevint, City Clerk

Approved as to form and legality:

  
\_\_\_\_\_  
Christopher Duncan, City Attorney





## **EMPLOYEE ACKNOWLEDGEMENT STATEMENT OF RECEIPT OF PERSONNEL POLICIES AND PROCEDURES MANUAL**

I hereby acknowledge receipt of one copy of The City of Clute Personnel Policy and Procedure Manual ("Personnel Policy 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 Clute ("the City") 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 but do not create contractual rights regarding termination or an expectation that the employee will be terminated for cause.

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 and any of its employees. 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 with the City any time, the City may terminate my employment at any time. I further understand and acknowledge that the City 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 Clute 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.

***I further authorize and instruct the City of Clute, if I resign or otherwise terminate my employment with the City, to deduct any outstanding debts I owe the City from my final regular earnings paycheck and/or accrued annual leave paycheck, and I will remain responsible for any additional amounts owed the City following the issue of my final check.***

---

Employee's Name (PLEASE PRINT)

---

Employee's Signature

---

Date

***COPY #1: FOR YOUR RECORDS***

**Sign COPY #2 (below) and return to Human Resources within three (3) business days.**

## **Wage Deduction Authorization / Agreement:**

As a condition of employment, I authorize the City of Clute to take payroll deductions from my pay in compliance with law for reasons that fall into the following categories.

1. To reimburse the City for any premiums paid by the City on the employee's behalf for group medical, dental, vision, long term disability, short term disability, life insurance, etc., plans or court-ordered child support.
2. To reimburse the City for any contributions paid by the City on the employee's behalf to a retirement or pension plan sponsored, controlled, or managed by the City.
3. To reimburse the City if the employee receives an overpayment of wages or expense reimbursements for any reason.
4. To reimburse the City for any expenses incurred by the City on the employee's behalf while on General Leave without Pay.
5. To reimburse the City for the costs of personal long-distance calls the employee may make on City phones or on City accounts, of personal faxes sent by the employee using City equipment or accounts, or costs of non-work related access to the Internet or other computer networks by the employee using City equipment or accounts.
6. To reimburse the City for the cost of repairing or replacing any City supplies, materials, equipment, money, or other property, including cell phones and uniforms, that the employee may damage (other than normal wear and tear), lose, fail to return within one week of request by the City, or take without appropriate authorization from the City during employment.
7. To reimburse the City for the paid vacation or sick leave the employee may receive in advance of the date the employee would normally be entitled to it, if the employee separates from the City before accruing time to cover such vacation or leave.
8. To reimburse the City for the cost of pre-employment drug screening/testing for employees that did not meet the terms of their probationary period.
9. In the case of the Police and/or EMS Department(s): To reimburse for training costs incurred by the City for training for the undersigned employee, as well as 1- 8 above.

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Employee's Name (PLEASE PRINT)

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Employee's Signature

---

Date





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

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

\_\_\_\_\_  
Date

**COPY #2: TO BE PLACE IN YOUR PERSONNEL FILE IN HUMAN RESOURCES**

**Sign both sides and return *this copy* to Human Resources within three (3) business days.**



## **Wage Deduction Authorization / Agreement:**

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12. To reimburse the City if the employee receives an overpayment of wages or expense reimbursements for any reason.
13. To reimburse the City for any expenses incurred by the City on the employee's behalf while on General Leave without Pay.
14. To reimburse the City for the costs of personal long-distance calls the employee may make on City phones or on City accounts, of personal faxes sent by the employee using City equipment or accounts, or costs of non-work related access to the Internet or other computer networks by the employee using City equipment or accounts.
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Employee's Name (PLEASE PRINT)

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Employee's Signature

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Date