



**It's real.**

# **EMPLOYEE GUIDELINES**

December 18, 2024

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## **WE ARE AN EQUAL OPPORTUNITY EMPLOYER**

It is the continuing policy of the City of Seguin to provide equal employment opportunity to all persons without regard to their race, religion, color, national origin, sex, age over 40 years, or disability (if otherwise qualified for the job).

This policy refers without reservation to all recruitment, selection and placement, training, promotions, compensation, benefits, transfers, layoffs, termination, and any other matter affecting employees within the City of Seguin. This policy will be administered to provide employees with the necessary opportunities for growth and advancement on the basis of individual merit, ability, and capability.

The City of Seguin maintains an Equal Employment Opportunity Plan restating our commitment to apply every effort to the continued development and support of results-oriented programs and procedures designed to assist in providing equal opportunity. This program requires positive efforts on the part of all management to take such action as is necessary to ensure the rights and the rightful place of minorities and females in the workforce.

Our Equal Employment Opportunity Plan also requires our efforts to employ and advance in employment Veterans of the Vietnam Era and qualified disabled individuals. Any applicant or employee wishing to avail themselves of the opportunities for veterans and/or the disabled is encouraged to notify the Human Resource Department of their status and interest.

## **100 AUTHORITY AND ADMINISTRATION**

### **101 SCOPE OF POLICIES**

These policies shall apply to all employees of the City of Seguin.

### **102 OBJECTIVES**

These policies are established to bring understanding, cooperation, efficiency, and teamwork to City service through consistent, uniform application of personnel practices.

Our goals are:

- to promote quality public service;
- to provide equal employment opportunity for all persons;
- to ensure a classification and compensation plan based on individual merit; and
- to promote pride and high morale among City employees.

### **103 MISSION STATEMENT**

The City of Seguin Strives:

- to be prudent in the use of resources, both natural and fiscal;
- to cooperate with other governments, public and private entities, fellow citizens, and co-workers;
- to work with the safety, health, and well-being of our community foremost in our minds; and
- to provide quality services in a courteous and efficient manner.

### **104 ADMINISTRATION**

The City Manager is responsible by authority of the charter for the proper administration of the City. Final authority and responsibility for the administration and enforcement of the policies set forth in this guide, and all other aspects of the City's operation, shall lie with the City Manager. The Director of Human Resources will assist the City Manager in setting and enforcing standards of employee conduct, welfare, and morale in all departments. The Human Resource Department will be consulted regarding all departmental personnel actions. The Human Resource Department will also see that necessary records are established and maintained.



## 200 BENEFITS AND LEAVES

### 201 VACATION

Vacation time provides employees with an opportunity to rest, relax, and refresh themselves, which benefits both the employee and the City. All employees are encouraged to take their earned vacation.

Subject to the terms and conditions set forth below, regular, full-time employees are entitled to vacation with pay according to the following schedule:

| <u>Anniversary Date</u>   | <u>Vacation Time Allowable</u> | <u>Bi-Weekly Accruals</u> |
|---------------------------|--------------------------------|---------------------------|
| 1st through 4th years     | 80 hours                       | 3.08 hours                |
| 5th through 14th years    | 120 hours                      | 4.62 hours                |
| 15th and succeeding years | 160 hours                      | 6.16 hours                |
| <b>Police:</b>            |                                |                           |
| 1st through 14th years    | 120 hours                      | 4.62 hours                |
| 15th and succeeding years | 160 hours                      | 6.16 hours                |
| <b>Fire/EMS:</b>          |                                |                           |
| 1st through 14th years    | 180 hours                      | 6.93 hours                |
| 15th and succeeding years | 240 hours                      | 9.24 hours                |

Vacation leave accrues with each paycheck according to the above schedule. Employees are eligible to begin using accrued vacation after six months of continuous employment.

Vacation leave may accrue from one year to the next to a maximum of two times the employee's current annual vacation. Vacation leave must be earned before it is used. When the maximum accrual is reached, no additional vacation leave accrues until the employee uses vacation leave.

Regular, part-time employees earn paid vacation leave in proportion to the number of hours worked. Temporary and seasonal employees do not earn vacation benefits.

It is likely that the City will be able to permit employees to take earned vacation during the time period requested, and the City will make every effort to comply with the employee's wishes. Naturally, the efficiency of the department and the needs of the public come first, and the City reserves the right to set the times when vacations may be taken. Approval of any paid leave is subject to the operational requirements of the department, and any request for paid leave may be denied or rescheduled due to staffing needs and work scheduling of the department. All requests for leave must be submitted within the time designated by the department.

If a holiday occurs during an employee's vacation, the holiday is not chargeable as vacation time, but rather counts as a paid holiday. Employees who are confined to bed during their vacation time due to illness or injury may request that the time of illness or injury be charged to sick leave. The

request must be approved by the immediate supervisor and must be supported by a doctor's

certification that the employee was confined to bed during that period of time.

Employees on a leave of absence exceeding 30 calendar days (paid or unpaid) will cease earning additional vacation until they return to active employment.

Upon resignation, an employee may receive pay for any unused vacation leave provided they give two (2) weeks written notice of their resignation and are not subject to discharge for misconduct. An employee may not take vacation leave during this two (2) week period since the purpose of a two (2) week notice is to enable the City to find a replacement for the vacated position. Any waiver of this rule must be approved by the Department Director and the Director of Human Resources. Employees who are separated from employment and have not completed their six-month evaluation period will not be eligible for accrued vacation pay.

## **202 PERSONAL DAYS**

After one (1) year of employment, a Director is eligible for five (5) personal days of paid leave per calendar year. Any unused personal days will not be carried forward to the next year.

## **203 HOLIDAYS**

The City will designate official paid holidays for regular employees as determined by the City Council. The City also provides regular employees with a floating holiday that may be observed on any other day with prior supervisory approval. Employees are not eligible for the floating holiday until completion of six months of continuous employment. Temporary and seasonal employees will be paid for a holiday only if required to work.

As many employees as possible will be given each holiday off, consistent with the maintenance of essential City functions. An employee who works on a holiday as directed may receive equivalent compensatory time off or receive straight time pay at the discretion of the department head. Compensatory time off for holidays, which include award, floating, holiday option and wellness holiday must be taken **by March 31st of the following year or be forfeited**. The maximum balances of each holiday leave bank that may be carried over annually is as followed:

|                         | <b>Employee (8-hour Shift )</b> | <b>Fire (24-hour Shift)</b> | <b>Police (11-hour Shift)</b> |
|-------------------------|---------------------------------|-----------------------------|-------------------------------|
| <b>Award Holiday</b>    | 8 hours                         | 24 hours                    | 11 hours                      |
| <b>Floating Holiday</b> | 8 hours                         | 24 hours                    | 11 hours                      |
| <b>Holiday Option</b>   | 24 hours                        | 72 hours                    | 33 hours                      |
| <b>Wellness Holiday</b> | 16 hours                        | 48 hours                    | 22 hours                      |

For positions who may not be on any of the referenced shift schedules above, the hours will be adjusted accordingly.

Upon termination, an employee will be paid for all Holiday Hours option not previously taken or paid for as these are physically worked hours.

Recognized holidays falling on a Saturday per the calendar year, will be recognized on the previous Friday. Recognized holidays falling on a Sunday per the calendar year, will be recognized on the following Monday. Holidays falling within an employee's vacation period or within a period of absence properly chargeable to some other leave will be paid as a holiday and will not be counted against that leave. An employee on unpaid leave on either side of a holiday is ineligible to receive pay for the holiday occurring during the leave.

Employees who are members of religious faiths which celebrate widely recognized religious holidays, that are not also City holidays, may take leave for those days and charge such time against accrued holiday, floating holiday, or vacation leave.

### **203.1 How to enter Holiday Time**

Below are some examples of how to enter Holiday time into the Employee Self Service (ESS) Time Entry System. The examples provided are for an 8-hour employee who is either off on a Holiday or worked on a Holiday.

#### **Holiday Time Entry examples for an 8-hour employee**

- A. Employee is off the entire day for the holiday - Holiday Regular (HR) number of hours off.

For an 8 hour a day employee he or she would enter Holiday Regular (HR) for 8 hours.

Time Entry– Holiday Regular 8 hours

- B. Employee is off half of the holiday, 4 hours, and worked the other half of the holiday, 4 hours, and would like to “bank” the hours worked on the holiday to take later. Please note that these “banked” hours must be used by the March 31st deadline as per the City of Seguin Employee Guidelines.

For an 8 hour a day employee he or she would enter Holiday Regular (HR) for 4 hours and then add another line and enter Regular Shift Hours Worked (RSW) for 4 hours and then add another line and enter Holiday Earned (HE) for 4 hours. Therefore, for a holiday to be “banked” the employee would need to enter 3 different entries into the time keeping system for he or she to be paid for their hours worked on the holiday, hours off on the holiday and then to bank the hours worked to be taken later.

Time Entries - Holiday Regular 4 hours

Regular Shift Hours Worked 4 hours

Holiday Earned 4 hours

- C. Employee is off half of the holiday and worked the other half of the holiday and would like to be compensated for the hours worked on the holiday.

For an 8 hour a day employee he or she would enter Holiday Regular (HR) for 4 hours and then add another line and enter Regular Shift Hours Worked (RSW) for 4 hours and then add another line and enter Holiday Earned (HE) for 4 hours. Next another line would need to be entered into ESS in which Holiday Paid (HP) for 4 hours would be utilized. Therefore, for a holiday to be compensated appropriately per City of Seguin Employee Guidelines, the employee would need to enter 4 different entries into the time keeping system in order for he or she to be paid for their hours worked on the holiday, paid for their hours off on the holiday, show hours earned on the holiday and then to be paid at straight rate for the hours he or she physically worked on the holiday.

Time Entries - Holiday Regular 4 hours

Regular Shift Hours Worked 4 hours

Holiday Earned 4 hours

Holiday Paid 4 hours.

### **203.2 Wellness Holiday**

The Wellness Holiday promotes wellness and recognizes exemplary attendance among employees. An employee is ineligible for the Wellness Holiday if he or she has utilized Workman’s Comp (WC) or Leave Without Pay (LW) within a calendar year.

A regular full-time employee can earn either one or two days of Wellness Holiday only if a certain amount of leave is taken from Sick Leave (SL) and or Sick Family (SF).

Eligible regular full-time employees earn the Wellness Holiday according to the following schedule within a calendar year:

| <b>Total Annual Leave Used (SL, SF)</b>                                                | <b>Wellness Holiday Awarded</b> |
|----------------------------------------------------------------------------------------|---------------------------------|
| 0 up to 8 hours (0-12 hours. Firefighters)<br>(0-11 hours. Police Officers)            | Two (2) days                    |
| 9 hours – 16 hours (12 hours-24 hours. Firefighters)<br>(11-22 hours. Police Officers) | One (1) day                     |

The Wellness Holiday is awarded annually and must be used by March 31st of the following year in which it is earned, or it will be forfeited.

### **204 PAID SICK DAYS**

A regular employee who is unable to work due to personal injury, illness, pregnancy, or the injury, illness, or pregnancy of a member of their immediate family, is eligible to receive paid sick days as

described below. Immediate family (for paid sick day purposes) is defined as spouse, child or parent.

Regular full-time employees earn paid sick days at the rate of one working day for each full month of continuous service with the City. Regular part-time employees earn paid sick days in proportion to the number of hours worked. Eligibility for paid sick days begins after six months of continuous employment. ("Working day" for Fire/EMS personnel is equivalent to 12 hours.)

In order to receive paid sick days, employees must notify their supervisors of their request as required by the Attendance Guidelines in Section 2002. Absences of three or more consecutive days must be documented by a physician's statement. The statement must include the dates of disability, and if applicable, release the employee to return to work without limitations. A supervisor may at any time require satisfactory proof of the proper use of sick days and may disallow use of sick days in the absence of such proof.

The employee will submit all sick day absences in the Tyler Employee Self-Service (ESS) portal for approval and is responsible for providing a physician's statement upon return to work to his/her supervisor and the Human Resources Department.

A maximum of sixty (60) accumulated paid sick days may be carried forward from one year to the next. Paid sick days must be earned before being granted. When the maximum accrual is reached, no additional paid sick leave accrues until the employee uses sick leave. Earned unused paid sick days are not paid upon termination of employment for any reason. Employees on a leave of absence exceeding 30 calendar days (paid or unpaid) will cease earning additional sick leave until they return to active employment.

An employee becomes ineligible for paid sick day benefits upon giving notice of resignation. Any waiver of this rule must be approved by the Department Director and the Director of Human Resources.

Paid sick day benefits are not to be used for any purposes other than medical conditions of the employee or their immediate family as defined above. Employees who are off of work for a paid sick day may not work secondary employment, or engage in any activity, that is inconsistent with restrictions as prescribed by the employee's treating physician. Any attempt to obtain paid sick day benefits by fraud will subject the employee to dismissal.

Paid sick days may be utilized for medical/dental appointments. Medical/dental appointments should be scheduled when the absence will least impact the department's activities. Employees should consult with their supervisor before scheduling such appointments.

Please note, the City of Seguin reserves the right to make a case-by-case determination of leave due to unexpected or extraordinary circumstances.

## **204.1 Wellness Incentive Leave**

Wellness Incentive Leave (WI) promotes wellness among employees. This is a paid leave that allows time off for wellness check-ups without it affecting a regular employee's ability to receive the

Wellness Holiday (Section 203.1 Wellness Holiday for more information) awarded for those who qualify.

Wellness Incentive Leave is available when the following criteria below are met.

1. Medical visits that qualify as a wellness check-up and the allotted number of times per calendar year a staff member may code their time as a qualifying visit are below:
  - Annual physical exams (1x year)
  - Well woman exams (1x year)
  - Mammograms (1x year)
  - Dental cleaning/exams (2x year)
  - Eye exams (1x year)
2. The leave taken due to a wellness check-up can be no more than 4 hours per occurrence. Hours will be coded on the time sheet as **WI** and will be charged to the employee's sick leave bank. Employee must enter a description when coding their time, for example: WI - Dental Cleaning and provide proof of their wellness check-up.
3. A Medical Certification Form or a physician/dentist note signed by the provider must be submitted to the Human Resources Department. The medical certifications and physician/dentist notes referenced are due during the payroll process to ensure the WI code used on an employee's time sheet is warranted.

## **205 LEAVES OF ABSENCE**

### **205.1 Family & Medical Leave**

Family and Medical Leave provides employees with leave benefits pursuant to the Family and Medical Leave Act of 1993, as amended ("FMLA"). FMLA is subject to the conditions set forth below, eligible employees who need to care for family members or themselves may be granted up to twelve (12) weeks of unpaid leave per year. FMLA may be utilized for an employee's spouse, son, daughter, or parent.

In addition, employees who need to care for covered service members in the Armed Forces, National Guard or Reserves who are injured while on active duty may be granted up to twenty-six (26) weeks of unpaid leave per year.

For Family and Medical Leave, eligible family members are defined as follows:

**Spouse:** A husband or wife as defined or recognized under State law for purposes of marriage in the state where the employee resides, including common law marriage or an individual who was legally

married to a person of the same gender in a state that recognizes same gender marriage.

**Son or Daughter:** For the purpose of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter is defined as a biological, adopted or foster child, a stepchild, a legal ward, or child of an employee who is standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that the FMLA leave is to commence.

**In loco parentis:** In loco parentis refers to a person who provides either day-to-day care or financial support to a child. The status does not require a biological or legal relationship. Whether an employee stands in loco parentis to a child will depend on the particular facts.

**Parent:** For the purpose of this policy, “parent” is the biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This does not include parents “in law.”

To qualify for FMLA, the employee must have been employed by the City for at least twelve (12) months total time, have worked at least 1,250 hours within the last twelve (12) month period and have an FMLA qualifying event.

The 12 months employed need not be consecutive. However, employment prior to a break in service of seven years or more will not be considered when determining whether an employee has worked for the City for at least twelve (12) months. Employees who do not meet this requirement should refer to the other types of leave discussed below.

Employees are entitled to take up to 12 weeks unpaid family and medical leave a year for the following qualifying events:

1. For incapacity due to pregnancy, prenatal medical care or childbirth;
2. To care for the employee’s child after birth, or placement for adoption or foster care; within one year of birth or placement
3. To care for the employee’s spouse, son, daughter, or parent, who has a serious health condition;  
or
4. For a serious health condition that makes the employee unable to perform the employee’s job.

An employee’s entitlement to intermittent leave for the birth or placement for adoption or foster care begins on the date of birth or placement of the child and ends 12 months later (a.k.a. Bonding Time).

A husband and wife who are employed by the City and are eligible for FMLA leave, will be limited to a combined total of 12 weeks of leave to care for family members during a 12-month period.

Employees are entitled to take up to 26 weeks of unpaid family and medical leave a year for FMLA Military Family Leave Entitlements for the following:

1. Absence related to the fact that a spouse, son, daughter, or parent on active duty, or called to active duty from the National Guard or Reserves, in a foreign country, including, but not limited to:
  - a) Short-notice deployment (7 days or less)
  - b) Military events and related activities

- c) Childcare and school activities
- d) Financial and legal arrangements
- e) Counseling
- f) Post-deployment activities

2. Absence to care for a covered service member

- a) Who has a serious injury or illness incurred in the line of duty
- b) Provided by a spouse, son, daughter, parent or next of kin (i.e. closest blood relative)
- c) During a single 12-month period for up to 26 weeks

A husband and wife who are employed by the City and are eligible for FMLA leave, will be limited to a combined total of 26 weeks of leave to care for a covered service member during a 12-month period.

The term "year" for the purpose of FMLA entitlement is referred to as the "FMLA year" and is calculated on the date the employee begins a Family & Medical Leave rather than a calendar year. The next FMLA year begins the first time FMLA leave is taken after completion of the prior FMLA year.

If the reason for FMLA leave is foreseeable (such as planned surgeries or normal births), eligible employees must provide at least 30 days' notice or as soon as practicable, of their intention to take FMLA leave. When a 30-day notice is not possible and the need for leave is unexpected (such as a serious injury in a car accident or a premature birth), you must notify the City as soon as possible and, in no event, more than two days after knowing of the need for leave. For unforeseeable unscheduled leave, the employee must follow normal call-in procedures.

Employees are responsible for submitting the following forms in a timely manner to the Human Resource & Risk Management Administrator:

- 1. City of Seguin – FMLA Request Form; and
- 2. Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act), or Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act).

Medical certification will be required for leaves due to the employee's own serious health condition or that of a covered family member, or the need to care for a covered service member. If certification is not provided in a timely manner, FMLA leave may be denied.

The City of Seguin FMLA Request Form(1) and Certification Form (2) referenced above must be provided with an Eligibility Notice within five (5) days of the request for leave.

The form must be completed by your physician and returned to Human Resources within fifteen (15) calendar days. If the leave qualifies as FMLA leave based on a subsequent certification, Human Resources will notify the employee, within five (5) business days of receiving the certification, that the leave will be designated as FMLA leave.

The City reserves the right, at the City's expense, to require a second medical opinion. If the first and second opinions differ, the City may request a third opinion from a healthcare provider designated or approved by both the City and the employee, at the City's expense, which is then binding. An



employee off work on approved FMLA leave may not work secondary employment, or engage in any activity, that is inconsistent with restrictions as prescribed by the employee's treating physician.

Employees are required to communicate regularly with their supervisor and the Human Resource & Risk Management Administrator; and provide any updates pertaining to FMLA leave as he/she becomes aware of them regarding the status of their medical condition or that of their immediate family member. All leave extension requests should be submitted prior to the original/previously approved FMLA leave end date.

Prior to returning to work, employee's must submit a Work Capabilities Form, that must be completed by their treating Health Care Provider and submitted to the Human Resource & Risk Management Administrator to establish a full duty or transitional/modified duty release.

Employees are required to use all paid sick days and then all paid accruals which include but are not limited to vacation days, personal days, comp time and holidays at the outset of the leave. Such vacation and sick days will run concurrently with the 12 or 26 weeks leave.

The City will continue the employee's health insurance under the same conditions as if the employee were working. The employee must continue to pay the portion he or she normally pays toward their dependent health insurance premiums and any other voluntary benefit premiums, or risk cancellation of these benefits during the leave. If the employee elects not to return to the job, then the employee will owe the health insurance premiums paid to maintain the coverage during the leave, except where the failure to return to work is due to:

- a) continuation, recurrence, or onset of a serious health condition that would entitle the employee to Family and Medical Leave (either affecting the employee or an immediate family member);  
or
- b) circumstances beyond the control of the employee.

Contact Human Resources for information regarding payment for employee benefits while on FMLA leave. An employee may take FMLA leave intermittently or on a reduced work schedule. The City reserves the right to temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

An employee returning immediately following the approved leave not exceeding 12 or 26 weeks for FMLA is entitled to return to the same or equivalent position with equivalent pay, benefits, and other employment terms. If the absence is for the employee's serious health condition, a work release and/or a fitness for duty certification may be required to return to work.

If, however, the employee does not return prior to the expiration of FMLA leave or immediately following, there is no guarantee of reinstatement. If the employee is medically released to return to work prior to the expiration of your FMLA leave and fail either to report to work or to call in with a satisfactory explanation, the City will treat this as a voluntary resignation.

Employees should notify Human Resources of their intent to return to work, two weeks prior to the

anticipated date of return, or of any medically necessary changes in the date of return. If the leave was due to your serious health condition, we will require a work release from your health care provider, verifying your ability to return to work, with or without restrictions. The City reserves the right, at the City's expense, to require a "fitness for duty" certification. The failure to obtain a "fitness for duty" certification may result in the employee not being restored to their employment.

## **205.2 Other Types of Leave**

A leave of absence for a reason acceptable to the City, may be granted to regular full-time and regular part-time employees. To request leave of absence, the employee must make his/her request in writing and at least ten (10) days prior to the requested absence, except in emergency situations. The leave of absence request must be approved in advance by the Department Director after consultation with the Director of Human Resources. Leaves of absence in excess of 30 calendar days, or extensions of previously authorized leaves, must be approved by the City Manager. In order to be granted leave without pay, all leave balances must be exhausted.

If a leave of absence exceeds thirty (30) calendar days, an employee does not earn any additional fringe benefits such as vacation or paid "sick" days. An employee on unpaid leave on either side of a holiday is ineligible to receive pay for the holiday occurring during the leave. Except where applicable law requires otherwise, employees on leave without pay may continue enrollment of themselves and their dependents under the City's group health plan for ninety (90) calendar days if the applicable premiums are paid. An employee off work on an approved leave of absence may not work their secondary employment, attend any in-person school/training, or engage in any activity, that is inconsistent with their leave request and/or any medical restrictions as prescribed by the treating physician.

An employee who does not return to work on the first regular working day following the end of the approved leave of absence shall be discharged unless an extension is requested in writing by the employee and granted by the City Manager before the expiration of the originally approved leave.

The City will attempt to place an employee returning from a leave of absence in the same job as was held prior to the beginning of the leave, or in a job comparable to that which the employee held before the leave. Except as required by law, however, the City gives no guarantee in this

regard. Positions vacated by employees on leave of absence may be filled by temporary or regular hires (normally after ninety (90) calendar days) depending on the needs of the department. The City Manager will decide on filling the vacancy upon the recommendation of the Department

Director or Director of Human Resources. If a position is offered to an employee returning from a leave of absence and the employee fails to accept such offer, he/she will be considered as having voluntarily quit his or her employment with the City.

There are seven (7) categories of leave that the City may grant:

1. Personal Medical Leave
2. Military Leave
3. Personal Leave

4. Bereavement Leave
5. Jury Duty Leave
6. Paid Administrative Leave
7. Leave of Absence Without Pay

### **205.2 (1) Personal Medical Leave**

Medical leaves of employees eligible for a Family and Medical Leave will be handled as set forth above. The medical leaves of employees who are not eligible for Family and Medical Leave.

In the event a regular employee becomes physically or mentally disabled from working for more than three (3) consecutive days due to personal sickness, injury off the job, or pregnancy, the employee may be granted a medical leave of absence for so long as he/she is unable to perform his/her job, up to a cumulative maximum of twelve (12) weeks. To qualify for a personal medical leave, the employee must report his/her need for medical leave to the supervisor or manager as soon as possible and must, within one (1) week after the absence begins, furnish the supervisor a doctor's certificate showing the nature of such medical condition and the estimated length of time the employee is likely to remain disabled. During such medical leave, the employee may be required to furnish a similar report from a doctor whenever requested by the City. Depending on the circumstances, moreover, the City may require an employee to submit to an examination by a doctor of the City's choosing at any time, in order to verify the employee's current physical condition. Employees are required to report weekly to their supervisor regarding the status of the medical condition and their intent to return to work.

Accrued paid sick days may be utilized for personal medical leave when medically certified and if the employee has completed six months of continuous employment.

The City of Seguin offers a salary continuation program for employees that are injured and qualify for WC Injury or Illness Leave payments during their course of employment with the City of Seguin. Salary continuation is designed to provide income protection while not exceeding regular pay. Employees who qualify will agree to endorse and return any payment from the City's workers' compensation carrier (TML-IRP) to the Human Resources Department. The City of Seguin will pay the employees base salary, less the deductions for income tax, social security, Medicare, retirement, dependent health coverage (if applicable) and any other deductions

applicable to the employee until the employee returns to work. For more information, contact the Human Resources Department.

The City may require a temporarily, partially-disabled employee to return to active duty, consistent with his or her current physical limitations and safety. An employee who fails or refuses to return to "modified/transitional duty" (see explanation for modified/transitional duty under section 2015) or regular status when requested will be considered to have resigned from employment.

If an employee is released by his/her doctor for return to work, either with or without temporary medical restrictions, the employee must present a doctor's certification of his/her condition to his/her supervisor immediately.

The City will attempt to place an employee returning from a medical leave of absence in the same job as was held prior to the beginning of the leave, or in a job comparable to that which the employee held before the leave. Except as required by law, however, the City gives no guarantee in this regard. Positions vacated by employees on leave of absence may be filled by temporary or regular hires (normally after ninety (90) calendar days) depending on the needs of the department. If a disabled employee is released to return to work and their position has been filled, they will be placed on "Available for Placement Status" (see explanation of available for placement status in section 602.1). An employee who is medically unable to return to their job may apply for a disability retirement under Texas Municipal Retirement System guidelines.

### **205.2 (2) Military Leave**

A leave of absence for service in the Armed Forces or National Guard, or for attendance at regular annual military encampment or cruise, and the terms of reinstatement, shall be governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other applicable laws. Such leave is granted upon written notice to the supervisor and presentation of appropriate military orders.

Employees absent for reserve duty in the U.S. Armed Forces, the Texas National Guard or State Guard will receive paid military leave. Employees must present a copy of their orders for military duty to their Department Director at least two (2) weeks before the date they must report for duty. Should military leave exceed fifteen (15) working days, the employee will have the option of continuing their salary by utilizing accrued leave balances.

To retain re-employment rights under USERRA, the employee must:

1. After periods of 30 days of service or less, return to work at the beginning of the first regularly scheduled work day after time for safe travel to his or her residence and 8 hours of rest time;
2. After periods of 31 to 180 days, make application for re-instatement no later than 14 days after completion of military service; or
3. After periods of 181 days or more, make application for re-instatement no later than 90 days after completion of military service.

An employee entitled to re-employment under USERRA, who performed military service of less than 91 days, is entitled to the job the employee would have attained absent the military service, provided the person is, or can become, qualified for that job. This includes any pay raises that would have been given based solely on time in the position, but not raises that would have been based on performance in the job. For periods of 91 days or more, the returning employee may be placed in a position of like seniority, status, and pay.

### **205.2 (3) Personal Leave**

The granting of leaves for personal reasons is solely within management's discretion and may not, in any event, exceed 30 calendar days in any calendar year. Personal leaves of absence will be granted sparingly and will require the approval of the City Manager.

## **205.2 (4) Bereavement Leave**

Regular full-time employees may receive leave with pay upon the death of a member of their immediate family. "Immediate family" for the purpose of bereavement leave is defined as a:

- child
- parent
- sibling
  
- grandparent
- grandchild
- spouse
  
- spouse's parent
- spouse's sibling
- spouse's grandparent

Any waiver or exception to this policy will be recommended by the Department Director and approved by the Director of Human Resources. The supervisor may require the employee to provide proof of death, such as an obituary notice. The employee's supervisor will approve the appropriate amount of time off for bereavement, but bereavement leave shall not exceed three (3) calendar days.

Upon the death of an employee or of an employee's immediate family member, the City of Seguin shares in the grief experienced. The City will send a flower arrangement or a plant on behalf of the City of Seguin to an appropriate location. It is the responsibility of the employee's supervisor to contact the Human Resources Department upon being informed of an occurrence. Upon notification, the Human Resources department will coordinate the arrangement of flowers or a plant to be sent.

## **205.2 (5) Jury Duty Leave**

All employees will be excused from work for whatever time is necessary when they are called to jury service or subpoenaed as a witness in a court of law. Employees receiving notice of jury call or witness duty are expected to notify their supervisor at the earliest opportunity, and keep their supervisor informed of their expected date of return, so that replacement personnel can be arranged if required.

Regular employees will receive leave with pay to appear in court as a party defendant, or when they are subpoenaed to testify as a non-party witness if any of the incidents or matters about which they are expected to testify occurred while the employee was acting within the authorized course and scope of their employment with the City. Employees who are parties to litigation, or are subpoenaed to appear in court in other circumstances, will not be paid unless they use vacation leave, personal leave, or accumulated compensatory time. Regular employees called for jury service may receive pay.

Employees who work overnight, and are scheduled for jury duty the following morning, may request to leave half (1/2) way through their shift, to allow time for rest. Approval for leaving half-way through the shift will be determined by the needs of the department and at the discretion of the

Department's Director. In order to receive such pay, an employee must present to their supervisor a statement from the court clerk verifying their attendance and days of service.

### **205.2 (6) Paid Administrative Leave**

Administrative leave is paid leave which is not charged against vacation or medical leave benefits, and which is granted for various administrative purposes, including, but not limited to:

- inclement weather or disaster—as determined by the City Manager;
- to attend conferences, conventions, or seminars which will enhance the employee's job performance (paid administrative leave for any one conference, convention, or seminar may not exceed ten (10) working days);

The employee will need to provide an agenda that exhibits the classes, sessions and/or events he or she may be enrolled in at the conference, convention, or seminar to receive paid administrative leave. Time Entry for a conference, convention or seminar is paid administrative leave only if the employee is in attendance. If the employee is not attending the conference and going to other events or places of interest, then that time is coded to the employee's accrued leave time.

- to represent the City or department at meetings relating to matters of concern to the City or department;
- to attend public relations events beneficial to the City; and
- disciplinary proceedings.

### **205.2 (7) Leave of Absence Without Pay**

In certain justifiable cases, after all available leave has been used, regular full and part time employees having satisfactory job performance and attendance records may be allowed periods of time off without pay. All such leaves must be requested in writing and require prior approval of the department Director, Director of Human Resources and the City Manager. Requests for a leave of absence without pay must specify the length of the leave requested and must be made at least ten (10) days prior to the beginning date of the leave of absence, except in emergency situations. Contact the Human Resources Department for information regarding employee benefits while on leave of absence without pay.

## **206 SHARED SICK LEAVE POOL**

The Sick Leave Pool is a benefit that provides eligible employees with additional sick leave in the event of a catastrophic injury or illness that exhausts all other accrued paid leave. A pool of leave is accumulated through voluntary donations of accrued sick leave from active and separating employees. Employees will authorize the donations using the "Authorization to Transfer Sick Leave to Sick Leave Pool" form. This form is available during open enrollment on the Employee Benefit Center (EBC) website.

Employees must contribute leave annually to be considered a Sick Leave Pool Member. Guidelines for

making donations to the pool are as follows:

- Contributions to the Pool are voluntary and must be submitted via the Employee Benefit Center (EBC) during open enrollment;
- Employee must have a minimum of 80 hours of sick leave remaining in their balance following donation (120 hours for Fire/EMS schedule);
- Employee may contribute not less than 8 hours (12 hours Fire/EMS schedule) nor more than 40 hours (60 hours Fire/EMS schedule) to the Pool for annual membership;
- Contributions must be made in increments of eight (8) hours (24 hours for Fire/EMS); and
- Employees may not stipulate who is to receive their contributions to the Pool.

Employees may request an amount equal to their leave balance at the onset of an extended illness or disability, not to exceed 480 hours (720 hours for employees on the Fire/EMS schedule). The amount of leave that an employee is eligible for is based on their contribution (see chart below).

|                 | Contribution | % of sick leave in balance at time of illness/injury that will be eligible to be matched by pool |
|-----------------|--------------|--------------------------------------------------------------------------------------------------|
|                 | 8 hours      | 20%                                                                                              |
|                 | 16 hours     | 40%                                                                                              |
|                 | 24 hours     | 60%                                                                                              |
|                 | 32 hours     | 80%                                                                                              |
|                 | 40 hours     | 100%                                                                                             |
|                 |              |                                                                                                  |
| <b>Fire/EMS</b> | 12 hours     | 20%                                                                                              |
| <b>Fire/EMS</b> | 24 hours     | 40%                                                                                              |
| <b>Fire/EMS</b> | 36 hours     | 60%                                                                                              |
| <b>Fire/EMS</b> | 48 hours     | 80%                                                                                              |
| <b>Fire/EMS</b> | 60 hours     | 100%                                                                                             |

Shared leave may be used intermittently as may be needed for on-going treatment. Requests for shared leave must be made on the "Request for Shared Sick Leave Benefit Form" and submitted to the City of Seguin Benefits Office. Any sick leave granted under this policy shall run concurrently with any leave an employee is granted under the Family and Medical Leave Act.

All requests will be considered based on the following:

- Only Sick Leave Pool Members are eligible to withdraw leave;
- Only one request or pull from the Sick Leave Pool is allowed annually;
- Employee has been employed full-time for twelve (12) continuous months;
- Total medical disability, of employee or eligible dependent, will exceed four (4) weeks and proper documentation is submitted by the attending physician - eligible dependent is defined as legal spouse, natural child, adopted child, or child for whom the employee is the legal guardian;
- Shared leave has not been utilized within last twelve months; and
- The amount of leave in the pool at the time of the request for leave.

Participation in this plan shall terminate, and the remaining balance of shared leave returned to the pool, if any of the following occurs:

- The participant receives full medical release from treating physician;
- The participant returns to work;
- The participant's employment is terminated;
- The employee/participant fails to provide medical documentation as requested by the plan administrator or otherwise violates City policy regarding medical leave; or
- On the date of the participant's death.

## **207 HEALTH, DENTAL, LIFE, AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE**

The City provides health, dental, life, and AD&D insurance to all regular full-time employees, and regular employees who work a minimum of forty hours per week, beginning the first day of the month following the completion of thirty continuous days of employment. Dependent coverage is also available, however, the employee must pay the premium. Copies of insurance policies are available to all employees via the Employee Benefit Center (EBC) website.

## **208 CONTINUATION OF HEALTH PLAN COVERAGE**

A federal law commonly referred to as "COBRA" requires that most employers who sponsor group health benefit plans must offer employees and their enrolled family members an opportunity to obtain a temporary extension of coverage under the plan (called "continuation coverage") at group rates upon the occurrence of certain "qualifying events" where coverage under the plan would otherwise terminate. This section describes some of the highlights of this law. **You are instructed to provide this notice to your spouse, if any, upon his or her enrollment in any of our group health benefit plans.**

If the qualifying event is a reduction of hours or a termination of employment for reasons other than gross misconduct, the employee and/or his or her insured spouse and/or insured dependents may maintain continuation coverage for up to 18 months. Additionally, if a second qualifying event occurs during such an initial 18-month period of continuation coverage, such as where a dependent child ceases to be a dependent child under the plan, the continuation coverage can be extended for the affected individual(s) for up to a total of 36 months from the date of the initial qualifying event (the employee's termination or reduction in hours).

If the Social Security Administration determines that any of the affected plan beneficiaries was temporarily or permanently disabled at the time of the employee's termination or hours-reduction, or if an affected plan beneficiary becomes disabled at any time during the first sixty (60) days of continuation coverage under COBRA, continuation coverage may be maintained for the disabled individual(s) (and for enrolled non-disabled family members) for up to an additional 11 months (for a total of 29 months), except that the right to continuation coverage beyond 18 months ceases if and when the Social Security Administration determines that the disabled beneficiary is no longer disabled. In order to obtain such an extension, the disabled plan beneficiary must notify the Plan Administrator of the disability determination, providing such notice before the expiration of the



initial 18-month period and within 60 days after the determination of disability. The disabled individual must also provide notice to the Plan Administrator within 30 days after any final determination that the individual is no longer disabled.

If the qualifying event is the employee's death, divorce or legal separation; the employee gaining eligibility for Medicare; or a dependent child ceasing to be a "dependent" under the plan, the employee's covered spouse and/or insured dependents may elect continuation coverage for up to 36 months. Moreover, if the employee becomes entitled to Medicare benefits under Title VIII of the Social Security Act, the continuation period for the employee's spouse and/or dependents may be continued for 36 months after the employee's entitlement to Medicare benefits.

Upon being notified of a qualifying event, the Plan Administrator will submit a notification to our third-party administrator regarding COBRA. The third-party administration will send the employee an election form to the affected plan beneficiaries. To obtain continuation coverage for the employee and/or dependents, the employee will have to complete the election form and return it to the third-party administrator within 60 days. If you and/or your spouse or dependent(s) elect to obtain continuation coverage, you will be required to pay the full applicable monthly premiums (the City's then current group rate for the coverage(s) elected, plus 2% administrative fee, as allowed by law). The initial premiums must be paid within 45 days of the election of continuation. The premium amount may change in accordance with any premium rate changes for the group plans.

Failure to timely pay all premiums due for the initial period will result in cancellation of the continuation coverage, retroactive to the time when coverage would expire if continuation were not elected. Subsequent payments will be due on the first day of each succeeding calendar month. Failure to make timely payments will result in termination of coverage.

In those instances, where there is a choice among different types of coverage under an employee's benefit plan(s), each plan beneficiary is entitled to separately elect which type or types of coverage to continue.

All questions about COBRA continuation coverage and all notifications required under this law should be directed to the attention of the:

**Human Resource Department**  
City of Seguin  
205 North River/ P.O. Box 591  
Seguin, Texas 78156

## **209 RETIREE HEALTH INSURANCE**

Health insurance coverage refers to the standard group health insurance policy provided by the City of Seguin to its active, regular employees, which offers coverage for a wide range of medical care, services and supplies. Such coverage is subject to the exclusions and limitations of the standard group health insurance policy currently held by the City of Seguin.

Medicare eligible retirees will have the option of electing a Medicare supplement in lieu of group coverage.

### **209.1 Eligibility**

Any employee eligible for retiree health insurance will be notified in writing by the Human Resource Department. The notification will explain his/her eligibility to elect retiree health insurance, the applicable monthly premium rates for the coverage the employee is eligible to continue, and the procedures the employee must follow in order to elect retiree health insurance. Criteria for eligibility are:

- Employee must be eligible for service retirement from Texas Municipal Retirement System and must have a retirement date of December 31, 2002 or later.
- Eligibility to be covered under the COS retiree plan will cease if the retiree becomes eligible for coverage under another group plan.

### **209.2 Enrollment**

- Retirees may enroll themselves and their eligible dependents for coverage on the day the employee retires from the City of Seguin but no later than the last day of the month in which the employee has coverage as an active employee with the City of Seguin.
- The retiree must be enrolled for eligible dependents to be enrolled.
- Retirees are not eligible for participation in the City's plan if eligible for coverage through another employer.
- If coverage for the retiree or eligible dependents is cancelled or the retiree discontinues coverage, there is no re-enrollment right.
- Retirees who elect COBRA (continuation coverage) cannot later elect retiree coverage.

### **209.3 Premiums/Contributions**

Monthly premiums for retiree and dependent coverage will be actuarially established and adopted annually by City Council/City of Seguin Employee Benefit Trust. The retiree group will be separate from the active employee group health premiums. At no time will the contribution made by the City of Seguin for a retiree exceed the amount contributed for a regular active employee.

#### **Retiree Premium**

The City of Seguin will make contributions towards the premium for the retiree coverage for employees hired prior to January 1, 2008 according to the following schedule. The City contribution will continue until the employee becomes Medicare eligible at which time the employee will have the option to obtain a Medicare supplement or continue on the City's retiree plan at their own expense. Employees hired on or after January 1, 2008 will not receive a City contribution and will be responsible for payment of the actuarially established premium for retiree and dependent coverage.

| MINIMUM # OF YEARS<br>CONTINUOUS SERVICE | MINIMUM AGE | CITY CONTRIBUTION |
|------------------------------------------|-------------|-------------------|
| 20                                       | 57          | 50%               |
| 25                                       | 57          | 100%              |

\*The City contribution towards retiree coverage is based on a percentage of the city contribution made for active duty employees. Retiree rates will be actuarially established and adopted annually by the City Council/Employee Benefit Trust. Active-duty employees contemplating retirement should be aware that qualification for a 100% contribution entitles the retiree to 100% of the contribution made for an active employee but does not necessarily mean retiree insurance coverage will be at no cost.

Dependent Coverage

- The City of Seguin will not pay for any portion of the cost of dependent coverage for a retiree.
- Employees will be allowed to maintain the level of dependent coverage in which they are enrolled at the time of retirement.
- Employees will not be able to add dependents at the time of retirement.
- Upon the death of the retiree the dependent will be allowed to continue coverage until such time as:
  - a. The spouse remarries or becomes eligible for group coverage through another employer.
  - b. Coverage for eligible dependents may continue as long as all eligibility requirements of the City’s group plan are met.

Payment

All payments for retiree coverage and/or dependent coverage will be due on or before the 10th of the month for coverage of that month. Participants who fail to make payment by the last day of that month will have their coverage cancelled for non- payment. Payments will be made to the City of Seguin/Group Health Insurance Fund.

*(Policy revised November 2010)*

**210 EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) is designed to provide all regular employees with professional, cost-effective assistance in resolving difficult personal problems.

All employees and dependents who are covered under the City's Group Health Benefits Plan are eligible for EAP services. Including six free counseling sessions, per problem, per family member, per year. Employees experiencing personal and/or psychological problems may call the EAP twenty-four hour hotline at 379-1010 or 1-800-246-1010 to arrange a confidential interview with a referral counselor.

## **210.1 Participation**

Self-referral – When an employee or family member is experiencing a personal or job-related problem, the employee may contact the EAP provider to schedule an initial appointment. Appointments may be made during scheduled work hours, should staffing levels permit, and employee is required to use accrued time, if available for the absence.

Informal referral – If an employee initiates discussion about a personal problem with a supervisor, the supervisor may recommend that the employee use the EAP service. The supervisor may also assist the employee by offering to contact the EAP provider. Appointments may be made during scheduled work hours, should staffing levels permit, and employee is required to use accrued time, if available for the absence.

## **210.2 Records of EAP Referral/Use**

All records pertaining to the EAP will be treated with a high degree of confidentiality.

## **211 RETIREMENT**

The City of Seguin is a member of the Texas Municipal Retirement System, a cooperative organization of Texas cities and towns formed and operating under the provisions of H.B. 166, Act of the 51st Texas Legislature (1949). The purpose of this system is to provide an adequate and dependable plan for the retirement of Texas municipal employees. This plan requires an employee contribution through payroll deductions. An amount is also contributed by the City, and these funds are the basis for the monthly benefits of employees retired under the system. Membership in the retirement system is mandatory for all regular employees who work a minimum of 1,000 hours per year. The employee's contribution to the system is seven percent (7%) of their gross salary. The City matches the employee's contribution on a percentage determined by the City Council. Employees who leave City employment prior to retirement will, upon request, be refunded their portion of the retirement account plus interest earned on their portion.

Employees are eligible to retire when they have reached at least 60 years of age and have at least 5 years of credited service or at least 20 years of credited service, regardless of age.

When an employee on leave has exhausted all sick and vacation leave and is not receiving pay from the City, TMRS contributions are suspended.

TMRS provides Supplemental Death Benefits which in the event of the death of an employee are paid to the beneficiary. If circumstances cause an employee to be absent from city employment for an extended period of time, coverage under the Supplemental Death Benefits program may be extended if certain conditions are met. An application must be made in writing by the employee to the Board of Trustees.

Additional information regarding the Texas Municipal Retirement System may be obtained from the Human Resource Department.

## **212 DEFERRED COMPENSATION PLAN**

This program provides that regular employees may defer part of their salary for payment at a future date. The deferral allows the employee to enjoy a tax savings by reducing their taxable income, and therefore, their tax liability in the year of the deferral. Deferred income is taxable upon receipt of the benefits. All deductions are to be made only in accordance with a signed participation agreement.

## **213 WORKERS' COMPENSATION INSURANCE**

In the event of an occupational injury or illness all employees will be afforded the protection guaranteed by the applicable Workers' Compensation laws of the State of Texas. Employees who sustain an injury at work may be eligible to receive medical care, as reasonably required, to cure and relieve the effects of the injury/illness, disability (pay under certain circumstances), and/or death benefits.

In conjunction with the legally required benefits, the City of Seguin provides a salary continuation plan. (Refer to section 205.2 (1) Personal Medical Leave)

### **Employee Responsibilities**

Any employee who sustains an occupational injury, regardless of how minor, and who is physically able, must report the injury to their supervisor immediately. Failure to report an injury may disqualify the employee from receiving benefits and may also subject the employee to disciplinary action. Once the injury has been reported, the City will make every effort possible to insure that the employee receives prompt medical attention as requested.

An employee on injury leave must contact their supervisor, and the Human Resource Department, to inform them of their condition and their expected date of return to work. This verbal notification must be followed up by a written physician's statement stating the type and extent of injury and an estimate of the period of time the employee will be unable to perform their duties. After submitting the physician's statement, the employee will be required to communicate regularly with their supervisor and the Human Resource & Risk Management

Administrator; and provide any updates pertaining to their work injury/illness status, progress and return to work capabilities. Employees must submit a written physician's statement following each doctor's visit for treatment and/or consultation or upon request.

An employee who has suffered an occupational injury or occupational illness will be permitted to return to work only when they have furnished the city a physician's statement releasing him/her to perform the essential functions of the employee's job. If the employee receives a light duty release with the restrictions, the policy regarding light duty will apply. Upon a full release, the employee may also be required to go through "Fit for Duty" testing (Refer to section 2009 Fitness for Duty) before being allowed to return to work.

Employees are expected to adhere to City policies; salary continuation may be denied or revoked, benefits may be lost and/or disciplinary action may be taken, up to and including termination, for any of the following reasons:

- Failure to observe safety policies/procedures or because the employee was engaged in horseplay.
- Failure to follow treating physician's orders.
- Refusal to perform "modified/transitional" duty when authorized by physician and offered by the City.
- Refusal to submit to a doctor of the City's choice for an evaluation.
- Falsification or misrepresentation of physical condition.
- Failure to communicate with Supervisor and Human Resource Department as required.
- Refusal or failure to return to work on the date the employee is released by physician.
- It is determined that the injury occurred while under the influence of alcohol or other intoxicating substance.
  - Working another job while collecting compensation from an occupational injury/illness.

## **214 UNEMPLOYMENT INSURANCE**

Texas law provides that, under certain conditions, weekly payments may be made to unemployed individuals from an unemployment insurance fund administered by the Texas Workforce Commission.

# **300 CLASSIFICATION AND COMPENSATION**

## **301 PURPOSE**

The purpose of the classification and pay plan is to organize personnel matters and to make personnel decisions in an orderly and fair manner for all City employees. Specific objectives of the classification and pay plan are to:

- Properly determine the duties, responsibilities, and necessary qualifications for each position within the City;
- Assist employees and job applicants in understanding each job and the relationships among jobs;
- Group similar positions into classes that can be described by the same job titles, organize these positions, and assign them to pay groups with other classes that should be paid approximately the same;
- Provide an organized system of pay groups and steps to be used to:
  - assure equity across departmental lines; and
  - reward employees for exceptional performance through pay for performance; and
- Establish procedures for administering and updating the plan.

## **302 HIRING**

New employees are hired into classified positions unless specifically designated as unclassified.

New employees are hired at step one of the pay group to which their position is assigned. A new employee may not be hired above step one in the appropriate pay group without approval from the City Manager. The City Manager's approval to hire above step one will be conditioned upon the following:

- The prospective employee's qualifications and/or level of experience exceed the minimum requirements posted for the position or the labor market value has been determined to be higher than step one of the pay group;
- Hiring above step one will not disrupt current internal salary relationships;
- Funds are available in the City's personnel budget to finance the higher pay rate for the remainder of the fiscal year; and
- The action is in the best interest of the City.

A department director must submit justification based on the above criteria to the Director of Human Resources who, after careful review, submits a recommendation to the City Manager.

### **303 HIRING IN A LOWER PAY GROUP**

A new employee, or existing employee being considered for promotion, whose qualifications and/or experience for the position sought are marginal, may be placed at a pay group on the plan below the pay group for the position. An employee will be advanced to the proper pay group after proper qualifications and/or experience is obtained.

### **304 HIRING INCENTIVE PROGRAM**

The Hiring Incentive Program is a recruitment tool intended to attract a larger, more qualified pool of applicants from which vacancies can be filled more efficiently, reducing the man-hours and demands associated with new recruits.

The Hiring Incentive Program applies to all applicants:

- for positions where a shortage of qualified applicants has been identified.
- hired on or after January 16, 2007, who meet or exceed the minimum requirements of the position as advertised.

The hiring incentive pay will be paid out as follows:

- 50% will be paid with the first paycheck after the employee is hired and begins duties with the City of Seguin; and
- 25% will be paid after the employee has completed six (6) months of employment; and
- 25% will be paid after twelve (12) consecutive months of employment with the City of Seguin.

**TERMS**

1. All applicants who qualify for the Hiring Incentive Program must sign the Hiring Incentive Agreement.
2. The Hiring Incentive Agreement will be effective and remain in force until the employee has completed twelve (12) consecutive months of employment.
3. If the employee voluntarily leaves employment within the first twelve months of employment, or if any part of his/her application is found to be falsified or invalid, the City of Seguin has the right to withhold the amount of the hiring incentive payment from any sum owed to the employee.
4. The receipt of a hiring incentive payment and the agreement to repay the hiring incentive does not create any type of contract or guarantee of continued employment with the City of Seguin.
5. Eligible positions will be determined by the City Manager at the time the “Request to Advertise Position Vacancy” is completed. Incentives will be granted in accordance with the following schedule dependent upon selected applicant’s credentials:

| <b>POSITION</b>               | <b>HIRING INCENTIVE</b> |
|-------------------------------|-------------------------|
| Police Officer                | up to \$2,000           |
| PO - 3 years TCOLE experience | up to \$3,000           |
| Firefighter/Paramedic         | up to \$2,000           |
| Journeyman Lineworker         | up to \$2,000           |
| Telecommunications Operator   | up to \$1,000           |
| TO - 3 years TCOLE experience | up to \$3,000           |

All previously separated employees of the City of Seguin shall be ineligible for the Hiring Incentive Program until such time as the individual has been separated from employment with the City of Seguin for twelve (12) consecutive months.

**305 MAINTENANCE OF CITY’S PAY PLAN**

At least annually, the Director of Human Resources will review the classification and pay plans of all city positions and may recommend changes.

This review, and where appropriate, recommendations will include:

- Positions to be designated unclassified; and
- Reclassification of positions to a lower, higher, or different class based on changes in the duties and responsibilities of the position; and
- Reallocation of classes to new pay groups if changes in the prevailing rates of pay for certain pay classes have rendered the original placement in a pay group obsolete; and
- Percentage changes in the entire pay schedule to adjust pay rates to be comparable with other organizations in the market or to recognize changes in the cost of living; and
- The continuing validity of the procedures for classification and pay administration.



### **306 PUBLIC SAFETY STEP PLAN – SWORN PERSONNEL**

Effective 02/05/2023 sworn public safety personnel will move from a Pay for Performance system to a Step Plan. Employees identified within these positions will no longer receive merit raises or pay for performance; they will move up in the designated pay scale by steps based upon his/her time in rank. Positions identified for the Step Plan in the Fire Department and Police Department are as followed:

#### **Fire:**

Firefighter/EMT; Firefighter/Paramedic; Fire Apparatus Operator (FAO); Lieutenant; Captain; Battalion Chief (BC).

#### **Police:**

Police Officer (PO); Corporal; Sergeant; Lieutenant.

Employees will move up a step for each year of service in rank. Once an employee reaches the top step of the pay scale, he/she will be at their maximum earnings for that position. For the remaining 2022-2023 fiscal year, employees that have anniversary dates between 1/1/2023 and 9/30/2023 will receive their employee evaluation in the quarter they are due.

Beginning 10/01/2023 sworn public safety personnel will receive their “step” and their employee evaluation, on the anniversary date of their rank. For employees at an entry rank, they will receive their “step” and their employee evaluation, on their anniversary date of hire. All Department Supervisors and eligible staff are responsible for completing the employee evaluations and submitting the evaluations to the Human Resources Department no later than the second Thursday of the pay period in which the employee's anniversary date falls. Please note that there will be no retro pay for late submissions. An employee’s new pay rate will become effective on the first day of the pay period following their anniversary date.

### **307 DEVELOPMENT OF JOB (CLASS) DESCRIPTION**

It will become necessary to develop a new job description when:

- A new position is created;
- A current position is divided into two positions or two positions are combined into one; or
- A job description no longer accurately reflects the actual responsibilities and duties of a position.

To develop a job description the supervisor should describe the new job using the current job description format. The new description then should be reviewed by the appropriate department head and submitted to the Human Resource Department for review.

### **308 PROMOTION**

A promotion is a change in the duty assignment of an employee from a position in one classification to a higher position in another classification in a higher pay group. A promotion recognizes advancement to a position requiring higher qualifications and involving greater responsibility. A typical promotion increase is the greater of either five percent or Step 1 of the new pay grade. (For exceptions involving marginally qualified current employees, see section 303 Hiring in a Lower Pay Group.)

### **309 DEMOTION**

A demotion is a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower pay group. An employee who is demoted involuntarily will have his or her pay reduced to a rate at least one pay- step below the rate received before demotion. Involuntary demotions are made at the recommendation of the Department Director, with the approval from the Director of Human Resources and the City Manager. An employee accepting a voluntary demotion will be placed in the lower pay group at the same pay-step as was previously held. Voluntary demotions will not be approved during the initial six months of employment.

### **310 MERIT INCREASE**

Merit increases may be granted in any year in which the City Council appropriates funds. A merit increase is an advancement to a higher step in the same pay group and is granted to recognize good performance in the same position. Merit increases are granted in conjunction with the formal annual performance evaluation of the employee for the current evaluation period.

### **311 COST OF LIVING ADJUSTMENT**

Cost of Living Adjustment (COLA) increases may be granted in any year in which the City Council appropriates funds. A COLA is an adjustment increase to the overall pay schedules. The adjustment to the pay schedules is typically done at the beginning of each calendar year.

### **312 BILINGUAL PAY PROGRAM**

The City of Seguin employs positions that require a demonstrated knowledge and ability to communicate in Spanish or American Sign Language (ASL). The City of Seguin recognizes the importance of providing services to our residents in foreign languages that may be prevalent in the Seguin community. Additionally, this provides an opportunity for eligible employees to earn incentive pay for having foreign language skills that are relevant, but not required, for the position they hold.

## Eligibility

The Bilingual Pay Program does not apply to every employee who is fluent in Spanish and/or American Sign Language.

To qualify for the bilingual pay program:

1. the employee must be in a position where the staff member routinely engages with the public and this language requirement has been identified,
2. the employee's department Director must submit all candidates to the Director of Human Resources for approval, and
3. the employee must pass a language skills proficiency test provided by a third party.

Departments that hold positions eligible for the Bilingual Pay Program include:

|                 |                              |
|-----------------|------------------------------|
| CVB             | Police                       |
| Electric        | Police – Telecommunications  |
| Facilities      | Utility Administration       |
| Fire            | Utility Billing              |
| Library         | Utility Services             |
| Municipal Court | Water/Wastewater Maintenance |
| Planning        | Wastewater Treatment Plant   |

All qualifying personnel will be assessed on their oral and written skills for Spanish and sign skills for American Sign Language. Upon testing, the *Bilingual Pay Program Test & Acknowledgement Form* must be completed, and a photo I.D. presented upon arrival at the testing site.

All criteria for receiving bilingual incentive pay in a specific foreign language must be fully met and verified and approved by the Director of Human Resources.

The Bilingual Pay Program is a stand-alone incentive pay program. An employee's bilingual incentive pay does not count towards the Certification Pay limit that an employee can be compensated for.

All employees approved for the Bilingual Pay Program should communicate with bilingual customers of the City clearly and accurately, to the best of the employee's ability.

## Funding

Fees incurred to assess personnel for bilingual pay eligibility will be funded through the Human Resources Department budget. It can be expected that the number of bilingual tests administered each year will vary according to the overall needs of the departments and the approved annual budget.

Employees who are approved to receive bilingual pay will receive payment on a per pay period basis. City Departments eligible to participate in the Bilingual Pay Program will allocate funds in

their department budget annually to cover bilingual incentive funds paid out to departmental staff participating in the Bilingual Pay Program. The bilingual incentive pay amount is \$25 per pay period. The bilingual incentive pay is authorized for the duration of the program. An employee's bilingual incentive pay may end, independent of the duration of the program, if any of the following occurs:

- The employee receiving bilingual pay incentive changes positions.
- The position no longer requires the designated language proficiency.
- Budget constraints require elimination of bilingual incentive pay.

A candidate may be denied or delayed in testing based on:

- The number of bilingual positions within the department.
- Department budget constraints.

A candidate may be re-evaluated for the Bilingual Benefit Program if any of the following occur:

- Employee transfer, promotion, reclassification, reassignment, or other changes affecting the position.
- Based upon department needs and/or budgetary constraints.
- At the discretion of department management.

### **Participating Department Responsibility**

The participating department will be responsible for the following:

- Identify the positions and personnel eligible for bilingual incentive pay in their department.
- Ensure there is adequate staff to communicate in Spanish to fulfill providing services to our citizens efficiently.
- Responsible for maintaining confidentiality of language proficiency test results.
- Monitor the performance of employees receiving bilingual incentive pay.

### **Human Resources Department Responsibility**

The Human Resources Department will be responsible for the following:

- Manage the third-party test vendor selection process.
- Monitor, process and validate designation for eligible language(s), positions, and employees.
- Coordinate and schedule third party assessment of language skills proficiency test.
- Receive tests results and advise departments of results.
- Confirm employees receiving bilingual incentive pay have passed the language skills proficiency test.
- Monitor and advise departments about any changes in the program or bilingual incentive pay amount.

### **Re-testing**

An employee may retest up to a maximum of two (2) times for the duration of their employment.

**Ending Bilingual Incentive Pay**

The department may end an employee’s bilingual incentive pay if justified by changes in the position’s language skills needed, business needs and/or budget constraints. To cease pay, the department should complete the “To End Payment of Bilingual Pay,” section of the Bilingual Pay Program Test & Acknowledgement Form and submit the form with appropriate signatures to Human Resources Department.

**313 CERTIFICATION, ASSIGNMENT & EDUCATION PAY**

The purpose of this policy is to promote and maintain a highly qualified, trained, and professional workforce by providing incentives for employees to participate in job related continuing education, job related certification/licensing programs and/or to accept special assignments outside of their normal job duties. All Certification, Assignment and Education Pay are subject to approval of annual funding and may be discontinued at any time at the discretion of City Management.

Certification Pay: Employees in designated positions are eligible to receive compensation, in addition to their base pay, for qualifying certifications obtained above the basic level of certification required to perform their job duties. Certifications must be directly related to the employee’s present position, current job duties, profession and job duties or be determined by management to be in the best interest of the City.

Total certification pay awarded cannot exceed \$150 per pay period (\$150 limit does not apply to assignment pay). In no situation will certification pay be awarded to an employee who does not meet the minimum qualifications of their assigned position.

*The Department Head and/or the Human Resource Department reserves the right to verify the status of all certifications and licenses.*

Assignment Pay: Assignment pay is additional pay, added to base salary, to recognize specialized skills, assigned duties, and/or unique circumstances that exceed the requirements and terms of the assigned position description. Assignment pay may be awarded during interim periods when staffing and/or organizational changes occur, when an employee is assigned a specialized duty or other situations as determined by the Department Head and approved by the City Manager.

Education Pay: Effective October 1, 2022, the City will provide educational incentive payments to sworn Fire and Police staff members as outlined below. Bi-weekly incentive payments are limited to the highest single limit of education. A maximum cap of \$75 shall also apply.

| <b>ASSOCIATE</b> | <b>BACHELOR</b> | <b>MASTER</b> |
|------------------|-----------------|---------------|
| \$25             | \$50            | \$75          |

**Procedure**

Employees are responsible for providing the Human Resource Department with a copy of their certifications, licenses, any renewals, and degrees in a timely manner. Certification Pay, Assignment Pay and Education Pay will be paid on a bi-weekly basis. Employees are also responsible for notifying the Human Resource Department should a certification or license expire. Retro pay is not provided. Incentive payment(s) will cease if a staff member moves into a department where his or her certification, assignment or education payments are not recognized.

Assignment pay will be awarded at the request of the Department Head, subject to City Manager approval and available funding. All requests for assignment pay should be submitted in writing to the Director of Human Resources.

**Eligibility**

Certification pay is paid at the rate of \$25 per pay period (\$650 per year). An eligible employee may be compensated for up to six certifications/licenses in addition to any applicable assignment pay within their designated department. The education pay rate is determined by the highest single limit of education but shall not exceed \$75 per pay period.

Below is an approved list.

|                                                                 |
|-----------------------------------------------------------------|
| <b>ANIMAL SERVICES</b>                                          |
| Euthanasia Certificate<br>Advanced Animal Control Certification |
| <b>ADMINISTRATION</b>                                           |
| Certified Municipal Clerk                                       |
| <b>ELECTRIC</b>                                                 |
| Pesticide Applicator’s License<br>Behind the Wheel Trainer      |
| <b>FACILITIES</b>                                               |
| Pesticide Applicator’s License                                  |
| <b>FIRE</b>                                                     |
| Infection Control Administrator                                 |
| Fire Intermediate<br>Fire Advanced<br>Fire Master               |
| Arson Intermediate<br>Arson Advanced<br>Arson Master            |
| Associate (\$25)<br>Bachelor (\$50)<br>Master (\$75)            |
| <b>GOLF</b>                                                     |
| Pesticide Applicator’s License                                  |
| <b>HUMAN RESOURCES</b>                                          |
| Professional Human Resource Certification                       |
| <b>IT</b>                                                       |
| Comp TIA A+<br>Comp TIA Network<br>Comp TIA Security            |
| <b>MUNICIPAL COURT</b>                                          |
| Certified Court Clerk I-IV                                      |
|                                                                 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PARKS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Pesticide Applicator's License<br>Certified Pool Operator<br>Playground Safety Instructor<br>American Red Cross First Aid/CPR/AED Instructor – CPR, AED, First Aid<br>Health & Safety Institute Trainer for Non-Lifeguards – CPR, AED, First Aid<br>American Red Cross Lifeguard Instructor Certificate<br>American Red Cross Water Safety Instructor Certificate<br>Aquatic Facility Operator                                                                                                                                                                                                                                                                                                                         |
| <b>PLANNING</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Certs available by planning position(s): Building Official, Building Inspector, Code Enforcement<br>and Health Inspector<br><br>Certified Building Official/ICC<br>Floodplain Manager Certification/TFMA<br>Licensed Plumbing Inspector/TSBPE<br>Designated Representative/OSSF (TCEQ Septic Inspector)<br>Residential Plumbing Inspector Certification/ICC<br>Residential Building Inspector Certification/ICC<br>Residential Mechanical Inspector Certification/ICC<br>Residential Electrical Inspector Certification/ICC<br>Commercial Plumbing Inspector Certification/ICC<br>Building Plans Examiner Certification/ICC<br>Code Enforcement Officer License/TDLR<br>Property Maintenance and Housing Inspector/ICC |
| <b>POLICE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| K-9 Handler<br>*K-9 Handlers also receive 8 additional hours of pay per period for care of animal*<br><br>TCOLE Intermediate<br>TCOLE Advanced<br>TCOLE Master<br><br>Detective Assignment (5% of gross salary)<br><br>Associate (\$25)<br>Bachelor (\$50)<br>Master (\$75)                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>PUBLIC WORKS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Pesticide Applicator's License<br>Behind the Wheel Trainer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>PURCHASING</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Professional Public Buyer Certification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>TELECOMMUNICATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| TCOLE Intermediate<br>TCOLE Advanced                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|                                |
|--------------------------------|
| TCOLE Master                   |
| <b>VEHICLE MAINTENANCE</b>     |
| Certified A/C Repair person    |
| <b>WASTEWATER</b>              |
| Pesticide Applicator's License |
| <b>WATER</b>                   |
| Pesticide Applicator's License |
| <b>WATER/SEWER MAINTENANCE</b> |
| Pesticide Applicator's License |
| Behind the Wheel Trainer       |

**314 PAY DAYS**

Employees are paid bi-weekly according to the time schedule set by the Finance Department and approved by the City Manager. Paychecks are direct deposited into the employee's designated bank account on file. Electronic pay stubs are sent via email to all staff members with an email on file bi-weekly. Should an email not be designated, the pay stub will be printed off and sent through interoffice mail in a secured envelope. Every pay period employees are responsible for checking their check stub to verify accuracy. All payroll questions should be directed to the Human Resources Department.

**315 PAYROLL ACCOUNTABILITY**

The following are time and attendance guidelines for City employees while complying with state and federal laws that regulate employee pay. The Employee Self Service (ESS) application is the City's timekeeping system of record. ESS is used to accurately and consistently; apply pay rules, ensure strong internal controls and management oversight, and promote confidentiality and integrity of employee pay records.

Employees use ESS to record hours worked or exception hours, request time off, and view balances, accruals, and leave/pay history. Access to ESS is based on an Incode security role, as assigned by the Human Resource Director. The security role consists of a set of rights associated with access to different functions within ESS and determines what tasks employees have access to and what functions they can perform.

**Definitions**

**Administrative Leave** - Paid leave granted for various administrative purposes.

**Bereavement Leave** - May be taken for a period of up to three days (shifts) for death of an immediate family member.

**Employee** - For the purpose of this rule an employee is an individual who works for the City (excluding elected officials)

**Exception hours** - Paid or unpaid time that is outside of regular work hours and /or salary. Exception hours include, but are not limited to: sick and vacation, overtime, jury duty, family medical leave,



leave without pay, workers' compensation, etc.

**Exempt Employee-** The minimum wage and overtime pay requirements of the Fair Labor Standards Act (FLSA) do not apply to certain categories of executives, managers, supervisors, administrative personnel, and professional employees. These categories are defined in detail by the FLSA, a copy of which can be reviewed in the Human Resource Department.

Employees who are specifically exempt from overtime payment under FLSA are paid on a salary basis that is intended to compensate them for all hours worked and are therefore not eligible to receive overtime pay for additional hours worked over 40.

However, Resolution 20-329 authorizes the City Manager to make a temporary change in exempt employee status during and after an emergency when the exempt employee is

deployed to assist in restoration of public infrastructure damaged by a disaster. To request a temporary change in employee status, the Department Director must submit a memo requesting this change to the HR Department Director who will review the request and present the request to the City Manager for approval. The request must specifically include a copy of the fully executed mutual aid agreement between Seguin and the requesting city, the name(s) of deployed city employees, and the full schedule of hours worked by employee for the duration of the deployment. In addition, the mutual aid agreement must specifically indicate a reimbursement clause whereas Seguin is fully reimbursed for all payroll expenses. Upon approval by the City Manager, the employee shall be entitled to payment in accordance with the City's overtime policies found in Section 316.2.

**Fair Labor Standards Act (FLSA)** - The Department of Labor regulation governing overtime and exemption from overtime. The City of Seguin has established FLSA overtime cycles as follows:

- Police: 28-day cycle
- Fire/EMS: 28-day cycle
- All other non-exempt employees: 7-day (40 hour) cycle begins at 12:01 a.m. on Sunday

### **Overtime - General Provisions**

Employees covered by the overtime pay requirements of the FLSA may not start work earlier than their regularly scheduled hours or work later than their regularly scheduled hours unless they have obtained prior permission from their supervisor. Therefore, unless on duty, or on official City business, employees should not be on City premises. The City reserves the right to require employees to work "emergency" overtime on a given day or week. Violation of these requirements subjects the employee to discipline, up to and including discharge.

In determining whether overtime pay rates apply to an employee's work, periods of absence such as holidays, vacation, leaves of absence, medical leave, etc., shall not be counted as "hours worked".

"Emergency" overtime is non-scheduled work time of an emergency nature that falls outside an employee's routine work schedule. An emergency is defined as an unanticipated combination of circumstances that call for immediate action. Regular non-exempt employees who work

"emergency" overtime will be paid one and one-half (1 1/2) times their regular hourly rate for such "emergency" overtime if not otherwise required by the FLSA.

**Hours** - Hours are to be reported in ¼ hour increments. Following is a schedule for rounding of hours for payroll purposes:

- a) 0-7 minutes = 0
- b) 8-22 minutes = .25 hours
- c) 23-37 minutes = .50 hours
- d) 38-52 minutes = .75 hours
- e) 53-67 minutes = 1 hour

**Non-exempt** – An employee who is covered by the minimum wage and overtime provision of FLSA.

**Pay Period** – A predefined period for which an employee is paid his or her wages each payroll. The defined work week for City employees begins at 12:01 a.m. on Sunday morning and ends at midnight on the following Saturday. For purposes of overtime calculation, the pay period for Police and Fire/EMS employees follows the same beginning and ending day/time but runs for twenty-eight consecutive calendar days.

**Timesheets** - Timesheets must show the hours worked, or not worked, by each employee during each pay period. After the time sheet for the work period is completed, each employee should check it carefully to assure it is accurate. Once the employee has completed their time sheet in the ESS (Employee Self Service) portal, he or she will need to submit their timecard electronically to their Supervisor/Department Director. The Supervisor/ Department Director is responsible for reviewing and approving his or her employees' time sheet each pay period. Once the Supervisor/Department Director has approved the time sheet for a specific pay period, the timecard will be locked and transferred to the payroll department for processing. Any falsification of information entered onto an employee's time sheet or another employee's time sheet is subject to disciplinary action, up to and including termination.

**Time Entry Delegate** - Person authorized to enter time on behalf of the employee. The delegate has authorization to view pay history and leave balances for each employee within their assigned department(s).

### **Payroll Rules**

1. Directors and/or Department Heads will establish a procedure addressing how employees shall track time worked and/or exception hours and will provide department specific deadlines for submission and approval of time entries.
2. All employees will use the Employee Self-Serve (ESS) system for tracking time worked and leave hours used.
3. Each employee is assigned a username and password for access to the ESS system. DO NOT SHARE YOUR PASSWORD WITH ANYONE.
4. Employees shall submit their timecard to their supervisor for approval based upon the schedule designated by their supervisor. All timecards must be submitted to payroll on

Monday following the end of the bi-weekly pay period (Saturday @ midnight). In the event of a City holiday falling on a Monday, time will be submitted to payroll on the preceding Friday.

5. By submitting one's time the employee is attesting to the accuracy of the information; in effect signing their timesheet
6. Falsification or mis-representation of time and attendance information may result in disciplinary action. Any falsification of information or misuse of the ESS will be investigated and corrective action taken.
7. Non-exempt employees shall record their hours worked as per their assigned work schedule. Every non-exempt employee shall obtain approval from their supervisor prior to working and reporting time for hours worked in excess of 7 minutes prior to or after their scheduled shift start or end time.
8. All overtime shall be authorized in advance by the employee's supervisor.

### **Timekeeping Correction**

If there is an error on an employee's paycheck the following rules will apply:

1. If the employee is short regular hours the check will be corrected through a supplemental pay process. If the employee is on direct deposit, the electronic fund transfer (EFT) will be processed, and a paper check will be issued for the difference.
2. If the employee is short overtime hours, no adjustment or additional payment will be made until the next pay period.
3. If the employee is overpaid for any reason, or for any amount, the employee must notify their supervisor or the Payroll Benefits Administrator in the Human Resource Department or the Accountant II in the Finance Department immediately and the overpayment must be returned to the City.
4. The option utilized for correction of payroll errors will be at the discretion of management and the employee will be notified regarding how the recovery of overpayment will occur.
5. If leave time is submitted incorrectly an adjustment will be made by the Payroll Benefits Administrator.

## **316 PAYROLL RESPONSIBILITIES**

### **316.1 All Employee Responsibilities**

1. If you are absent and are unable to enter and submit your time you must coordinate with your supervisor to ensure that your time is reported.
2. When you submit your time to your supervisor you are "signing" your timesheet and affirming that the hours entered are **true and correct**.
3. If you identify an error in your time entry after you have submitted your time, contact your supervisor or the Human Resource Department immediately.
4. If an employee fails to complete and submit the required information by the deadline given, he or she may be required to wait until the next pay period to be compensated for the time taken or worked.

### 316.2 Non-Exempt Employee Responsibilities

1. Each employee is assigned a username and password for access to the ESS system. **DO NOT SHARE YOUR PASSWORD WITH ANYONE.**
2. Enter actual hours worked on Employee Self-Serve (ESS) system.
3. Request leave requests as far in advance as possible in order to allow adequate time for supervisor review.
4. Leave time may be entered either via the leave request system or as a quick time entry but should not be entered both places as this will result in a double deduction from the employee's leave balance.
5. Enter holiday hours, using activity code HR, according to the City holiday schedule
6. Enter unscheduled leave using appropriate leave code i.e. sick leave, bereavement, etc.  
***Please do not include personal information regarding a medical condition on the ESS.***
7. If sickness in family or bereavement leave code is used **you must enter the family member for whom the leave was taken in the description.**
8. If you are required to work through your meal break, or if you are subject to responding to emergency calls during your meal break, the time will be considered as hours worked.
9. At the end of the 14-day work period you are responsible for reviewing your time entries on the time sheet report to verify that all hours worked, and leave taken, are reflected. If there is an error, it must be corrected before the timesheet is submitted to your supervisor for approval.
10. Non-exempt employees or other City employees entitled to overtime pay will be paid one and one-half (1 1/2) times their regular hourly rate for all hours physically worked more than 40 during a 7-day work period. For overtime pay purposes, the work period of such employees begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday. Please note ***you are also responsible at this time for determining if any compensatory time earned should be adjusted to CR @ 1.5 (if 40 hours physically worked within the 7-day work week).***

### 316.3 Compensatory Time Off – Non-Exempt Employees

Regular full-time non-exempt employees may be granted compensatory time off in lieu of overtime wage payments. In such cases the employee will be notified in advance of the work being performed. Compensatory time off will be credited at the rate of one and one-half (1 1/2) hours for each overtime hour worked and recorded on the employee's time sheet. Employees requesting to use their compensatory time off shall be permitted to use such time within a reasonable period after making the request if such use does not unduly disrupt the operations of the department. All regular non-exempt employees may accrue up to 60 hours (40 X 1.5) compensatory time. Compensatory time off should be used within 90 calendar days after the date on which it was earned.

Upon termination of employment, a non-exempt employee will be paid for unused compensatory time at a rate of compensation not less than one and one-half (1 1/2) the average regular rate received by the employee during the last three years of the employee's employment, or the final regular rate received by the employee, whichever is higher.

### 316.4 Public Safety – Sworn Personnel

Pursuant to Section 207 (k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has declared that the work period for its uniformed and/or sworn employees in law enforcement, fire protection, and emergency medical services shall, for overtime pay purposes, be

28 days in length. Law enforcement personnel who work more than 160 hours during this work period will be paid one and one-half (1 1/2) times their regular hourly rate for all such excess (overtime) hours. Fire/EMS personnel who work more than 212 hours during this pay period will be paid one-half (1/2) times their regular hourly rate for all such excess (overtime) hours.

All compensatory time earned will initially be entered as CR @ 1. If the Police Officer has worked over 160 hours at the end of the 28-day cycle, then an adjustment must be entered to credit the employee's compensatory balance with the additional 1/2 rate. Fire personnel will make such an adjustment if they have worked over 212 hours.

To make the adjustment use comp time adjustment code (CRadj @ .50) and enter comp earned hours over 160/212. You must also adjust the total number of hours worked on the last shift of the pay period, by the same number of hours that were entered as the comp. time adjustment.

### **316.5 Exempt Employee Responsibilities**

1. Each employee is assigned a username and password for access to the ESS system. **DO NOT SHARE YOUR PASSWORD WITH ANYONE.**
2. Exempt employees are salaried and therefore do not need to enter hours worked. Exempt employees are only required to report exceptions to their salary i.e., sick leave, vacation, holiday, etc.
3. Leave time may be entered either via the leave request system or as a quick time entry but should not be entered both places as this will result in a double deduction from the employee's leave balance.
4. Enter leave requests as far in advance as possible in order to allow adequate time for supervisor review.

### **316.6 Compensatory Time Off - Exempt Employees**

Exempt personnel are not eligible to receive overtime pay and are expected to put in whatever hours are necessary to complete their job assignments. However, the Department Director may allow compensatory time off (comp. time) as partial compensation for overtime hours worked. Comp. time is intended as a benefit to exempt personnel and is not provided on an hour-for-hour even exchange basis. Comp. time is ideally suited for those times when several hours are needed during the working day for personal business. Comp. time must be authorized by the Department Director. Department Directors wishing to take comp. time are expected to obtain advance approval from the City Manager. There

will be no monetary reimbursement made for accumulated comp. time for exempt personnel at termination, or at any other time, regardless of the circumstances.

### **316.7 Supervisor/Approver Responsibilities**

1. Ensures that all employees in the department are educated regarding the City's time and attendance policies and the electronic timekeeping system.

2. Ensures that all employees in the department comply with the time and attendance policy.
3. Ensures that scheduling, leave and overtime administration and timekeeping are administered fairly and uniformly for all employees.
4. All hours worked (including overtime) and leave hours taken, must be approved by the supervisor. *Close attention must be paid to compensatory time earned to ensure that the employee has properly coded the time earned as CR @ 1 or CR @ 1.5.*
5. Every supervisor/manager shall review, reconcile (if necessary) and approve each employee's time by 9:00 a.m. on the Monday following the end of the pay period. By approving the employee's time the supervisor/manager is attesting, to the best of their knowledge, that the time is *complete and accurate. Supervisor/approvers are highly encouraged to review the Time Sheet Report prior to approving time records.*
6. A supervisor cannot edit an employee's time. In the event of an error the time entry should be rejected and the supervisor should advise the employee of the necessary correction.
7. The supervisor/manager is responsible for any inaccuracy or omission of which he/she was aware at the time he/she approves the employee's time.
8. Supervisors who will knowingly be out of the office and unable to approve time, must delegate approvals to another supervisor/manager during their absence. The Human Resource Department must be notified of this delegation in advance of the absence in order that the proper security changes can be made on the ESS system.

### **316.8 Time Entry Delegate Responsibilities**

1. Delegate may enter time if an employee is on extended leave or in departments where employees do not have access to the ESS.
2. Delegate will submit time to the supervisor for approval in accordance with the deadline established by the department.

### **316.9 Human Resource Department/Payroll Benefits Administrator Responsibilities**

1. Processes pay rate changes due to promotions, merit increases, etc.
2. Processes changes for payroll deduction, direct deposit, name/address changes, federal withholding, contact information, etc.

### **316.10 Finance Department/Accountant II Responsibilities**

1. Runs bi-weekly leave accrual.
2. Uploads time from ESS into Incode for payroll processing.
3. Conducts audit of hours entered to identify obvious omissions and/or errors.
4. Processes payroll for payment.

## **317 ON CALL PAY - General Provisions**

Having City staff available to report to work in the event of an emergency is essential to fulfilling the City's mission to:

- work with the safety, health, and well-being of our community foremost in our minds;
- provide quality services in a courteous and efficient manner.

For this purpose, rules and/or procedures for on-call work and the associated compensation are explained below. This applies to all employees occupying positions certified to be eligible for on call or stand-by duty.

**On Call** - is defined as being on standby for return to duty for emergency work, for a period of seven (7) days.

**Call Back** - is defined as being called in to duty for emergency work but not in an On-Call Status (not eligible for on-call pay).

On Call Duty includes the following:

- Off duty, non-exempt employees who are on call for return to duty are permitted to engage in their own pursuits, subject only to carrying a cell phone/radio within the coverage area to receive notice to return to work. Each department shall establish specific written procedures to regulate on call duty.
- An on-call employee is subject to the provisions of the drug and alcohol policy during the entire period of time they are on call.
- On call duty will be rotated throughout the department in an equitable manner, determined by the department head.
- If the employee on call is called in before the scheduled shift begins, he/she will be paid at one and one-half times the regular hourly rate until the time the shift regularly begins.
- If the employee is called back to work after having completed his/her regular shift, he/she will be paid for the additional hours worked at a rate of time and one-half.
- If an employee is called to work on an approved day of paid leave, he/she will be paid for hours worked. There will be no reduction in the approved leave for the hours worked.
- Employees on call for a seven-day period will receive 10.68 hours of pay at premium rate. This should be reported on the timesheet utilizing the hours code type "OC". (See Addendum to City of Seguin On Call Policy applicable for the Utilities Department)

**Note:** An employee who is on call and must miss a portion of the seven (7) consecutive day call period may secure another employee to cover his/her on call. These trades must be approved by the Department Head prior to the trade being made. The second employee will not be eligible to receive the on call pay in these instances. This would be an arrangement between the employees.

- Seasonal, temporary, and part-time employees are not eligible for on call.
- An employee scheduled for on call on a designated holiday will receive an earned holiday and will be paid for actual hours worked.
- An employee scheduled for on call must be able to lawfully report for emergency duty from residence within 30 minutes.
- An employee who is being compensated on call, yet fails to respond to attempts

to re-call him/her, will be subject to disciplinary action up to and including termination.

**Addendum to City of Seguin On Call Policy**

(This section applies to Utilities Department employees)

Employees on call for a seven-day period will receive 10.68 hours of pay at a premium rate. This should be reported on the timesheet utilizing the hours code type "OC".

\*Note: An employee who is on call and must miss one or more days of the seven consecutive day call period may secure another employee to cover his/her on call. These trades must be made in increments of 24 hours and must be documented on the "Trade Request Form" and approved by the Department head prior to the trade being made. In the event of a trade each employee will report on-call time on the timesheet according to the following schedule.

|                          |                                        |
|--------------------------|----------------------------------------|
| Monday through Thursday  | . 67 hours for each day call is taken. |
| Friday, Saturday, Sunday | 2.67 hours for each day call is taken. |

**318 PAYROLL DEDUCTIONS**

Each pay period employees receive an earnings statement which itemizes the deductions from their gross earnings. These deductions fall into two groups: those required by law and those authorized by the employee in writing.

Deductions required by law are:

- Texas Municipal Retirement System deduction. In addition to the deduction taken from the employees' pay the City contributes an additional amount to each employee's retirement account.
- Withholding Tax. The amount deducted for Federal Income Tax Withholding payments varies depending upon the employee's earnings and the number of exemptions authorized on the W-4 (Exemption Certificate) and given to the Human Resource Department.
- FICA (Federal Insurance Contributions Act). Employees and Employers pay a percentage of payroll covered wages for social security and Medicare taxes. Together these taxes comprise FICA.

Voluntary deductions authorized by the employee may include payments for health insurance premiums and possibly other items. No such deduction will be made from an employee's paycheck unless it is authorized in writing by the employee.

Under Texas law, the City is not required to take action in the event of garnishment, attachment, or judgments against an employee's earnings. The only exceptions are the collection of court-ordered payments such as child support, IRS and federal government tax levies, delinquent student loans, and bankruptcy liens. We expect the employee to deal responsibly with creditors.



### **318.1 Permissible Deductions for Exempt Employees**

Federal wage-hour regulations permit the following deductions from an exempt employee's salary:

- absences from work for any full day due to personal reasons, other than sickness or disability after having exhausted personal and/or vacation day leave allowance;
- absences from work for any full day due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
- absences due to sickness or disability before the employee has qualified for the plan, policy, or practice or after the employee has exhausted the leave allowance under the plan.
- suspension for any amount of time for a violation of safety rules of major significance;
- suspension for one or more full days for serious workplace misconduct in violation of City policy;
- days not worked during initial or terminal weeks of employment;
- time that employee takes as unpaid leave under the Family and Medical Leave Act (whether it is full-time leave or intermittent leave or reduced-scheduled leave).

Time off taken by exempt employees for partial day absences due to personal reasons, sickness or disability, jury duty, attendance as a witness, or military leave, may be charged to an employee's vacation or other allowable leave banks.

The employee's paycheck is payment from the City for services rendered, less any applicable deductions. When the employee receives a payroll check, he/she is responsible for making sure the hours, pay rate, and deductions are correct. If an employee believes that his/her salary is subject to impermissible deductions or that a deduction has been taken improperly or in error, it is to be reported immediately to his/her supervisor and/or the Human Resource Department. If anything, else on the paycheck is incorrect, it should be taken to the supervisor so that they may see that any errors are corrected. If an employee must cash the paycheck before the error can be corrected, the check stub should be saved. The employee must present the check stub to their supervisor and/or Human Resource Department immediately. If a paycheck error is not reported promptly, the employee's silence will be treated as proof of the employee's agreement that all calculations are correct. If an employee does not understand how to figure his/her pay or how to read the check, they should seek help from their supervisor so that it can be properly explained.

All reported or suspected improper deductions from an exempt employee's pay will be promptly and thoroughly investigated. If the City determines that improper deductions were made from an exempt employee's salary, the City will promptly reimburse the employee the amounts improperly deducted.

## **319 DIRECT DEPOSIT**

Direct deposit allows for the deposit of an employee's paycheck into one account or multiple accounts at various banks. Listed below are some advantages to choosing direct deposit:

- It's fast – an employee's money will be in their account on payday whether they are sick, on vacation, or just too busy to get to the bank to make the deposit.
- It's safe - the paycheck cannot be stolen or lost.
- It's reliable – the employee still gets a pay stub to show that their account has been credited.

The City of Seguin takes every action possible to protect and prevent fraudulent activity regarding any employee's direct deposit information. Therefore, to do so, any employee wanting to change or add a

direct deposit account must do so in person with the Human Resources Department. A completed direct deposit form with a voided check or letter from the financial institution will be required from any employee for any direct deposit changes to occur.

All direct deposit change requests will be allotted one full pay period for the change or an addition of an account to occur. Emergency requests will be reviewed case by case and updated sooner as deemed necessary.

## **400 EMPLOYEE RECORDS**

### **401 ACCESSIBILITY TO EMPLOYEE PERSONNEL FILES**

The Human Resource Department will strictly limit accessibility to employee personnel files to: the employee; the employee's designated representative (upon presentation of written authorization by employee and stating representative's name); and members of City administration who have a legitimate need for access. Requests from the public for personnel information will be handled in accordance with the Texas Open Records Act.

Original personnel files will not be removed from the Human Resource Department and will be reviewed in the presence of a Human Resource Department employee.

Production of such files pursuant to an order of a court or agency will be in accordance with applicable law, and fees for reproduction costs will be assessed in accordance with standard rates adopted by the State of Texas. Requested material will be reproduced by Human Resource Department staff only upon approval of the City Manager or the Director of Human Resources.

All employee medical information, including pre-employment physical, worker's compensation reports, etc. are kept in a separate, confidential file. Medical files may only be accessed in the following circumstances:

1. Supervisors and managers as necessary to be informed about restrictions on an employee's work or duties and accommodations that must be provided;
2. First-aid and safety personnel who need information on a disabled employee's need for special assistance in the event of an emergency, or in other necessary circumstances;
3. Government officials investigating compliance with Americans with Disabilities Act and other federal and state laws prohibiting discrimination on the basis of disability;
4. Government officials and agents and contract service providers in accordance with the Worker's Compensation Act; and
5. Contract service providers in connection with the City's health coverage provider benefits.

## **402 HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT**

The City, as an employer that sponsors a group health plan, is subject to the Health Insurance Portability and Accountability Act's (HIPAA's) privacy rule. We have adopted privacy regulations designed to safeguard certain protected health information. It is our intent to abide by both the letter and the spirit of the privacy rule.

Protected health information (PHI) refers to individually identifiable, non-employment-related health information received via the City's group health plan. It includes information related to health status, medical condition, claims experience, receipt of health care, medical history, genetic information, and evidence of insurability and disability.

PHI does not include health information received apart from a group health plan to be used for employment purposes, such as information pertaining to Workers' Compensation; short and long-term disability leaves; obligations under the Americans with Disabilities Act, or similar laws.

As plan sponsor, the City only accesses, discloses, or uses PHI for functions related to the administration of its group health plan. We do not access, disclose, or use individual PHI for employment-related actions and decisions, or in connection with other benefit plans.

## **403 REQUIRED NOTIFICATIONS OF CHANGE IN EMPLOYEE PERSONAL DATA**

It is imperative that employees notify their supervisor and the Human Resource Department concerning any of the following:

- change of address, whether it be mailing or residential;
- change of phone number, whether it be listed or unlisted;
- change in marital status or in number of dependents (this is for the purpose of health insurance and income tax withholding);
- change of beneficiary for employer provided benefits;
- any additional schooling, training, certificates or degrees earned during your course of employment;
- change in social security number; or

- change in driver's license number or status.

#### **404 EMPLOYMENT INFORMATION DISCLOSURE**

All requests for information concerning current, retired or past employees must be referred to the Human Resource Department to protect the employee's right to privacy. Only the following information will be released by the Human Resource Department on telephone inquiry:

- Employee name
- Position(s) held and length of service with City
- Confirmation of salary

#### **405 WORK SITE ORIENTATION OF NEW EMPLOYEES**

The faster New Hires feel welcomed and prepared for their jobs, the faster they will be able to successfully contribute to the organization. Employees who feel that they are a contributing member of a team tend to remain with that team as long as they feel valued by supervisors and managers. The Human Resources Department is working to improve recruitment, selection and onboarding processes in an effort to give applicants a better understanding of position

requirements and working conditions in hopes that long term, employee retention and turnover rates will improve.

While Human Resources oversees the recruitment and initial onboarding phase of the employment process, once the employee reaches the work site, it becomes the department's responsibility to orient them to their assigned positions, job specific safety protocols, and the work environment. The Work Site Orientation and Training Checklist is intended to be used as a tool to document your communications with a new employee about the formal and informal practices and procedures associated with working for your department. The form is not all inclusive and is intended only to prompt and facilitate communication. Each department will have additional topics, policies, etc. that should be shared with New Hires.

The Work Site Orientation and Safety Training Checklist should be signed, and returned to the Human Resource Department within five working days of the New Hires' start date. The New Hires Supervisor, Department Director, or a designated staff member, are expected to meet with the new employee as soon as they report to the worksite, to discuss the applicable items on the checklist as well as department specific information not included on the form. While New Employee Orientation is an on-going process which can last several weeks or months, this checklist includes items that should be covered with the employee on their first day.

# 500 EMPLOYEE RELATIONS

## 501 RECOGNITION PROGRAMS

The policies within these guidelines are established to bring understanding, cooperation, efficiency, and teamwork to City services. The programs outlined below have been established to recognize employees who have achieved outstanding safety performance individually and/or as a department; who have attained outstanding commitment for their full-time years of service to the City of Seguin; and who have been recognized by their peers for their outstanding contributions and work ethic.

### 501.1 Safety Awards

Each year at the annual awards luncheon, safety awards are presented to employees who have met the criteria below as an individual and/or as a department:

Safe Employee Award: Eligible to all full-time employees who have had no at fault vehicle accident or work-related injury with loss time in increments of five years.

The Safe Employee Award is an individual safety award recognizing staff for their safe working practices. It is awarded in increments of five years and available to all full-time staff who meet the eligibility requirements. A certificate, one paid Holiday, and a one-time bonus (see list below) on the employees' payroll will be received, in accordance with the chart below. Staff who meet the requirements for the 2028 Employee Awards will be the inaugural recipients of the Safe Employee Award.

| Safe Employee Awards          |
|-------------------------------|
| 5-years - \$30.00 & Holiday   |
| 10-years - \$40.00 & Holiday  |
| 15-years - \$50.00 & Holiday  |
| 20-years - \$60.00 & Holiday  |
| 25-years - \$70.00 & Holiday  |
| 30-years - \$80.00 & Holiday  |
| 35-Years - \$90.00 & Holiday  |
| 40-Years - \$100.00 & Holiday |

Safe Department Award:                      Option 1:      High-Risk – 1 year without lost time accident; or  
Option 2:      Moderate Risk – 3 years without lost time accident  
(awarded every three years)

### High-Risk Departments:

|                       |                            |                   |
|-----------------------|----------------------------|-------------------|
| Electric Distribution | Water/WW Maintenance       | Water Corporation |
| Fire/EMS              | Wastewater Treatment Plant | Public Works      |
| Police                | Water Plant                | Brush             |

**Moderate Risk Department:**

|                        |                        |                                |
|------------------------|------------------------|--------------------------------|
| Planning/Codes         | Animal Services        | Parks & Recreation             |
| Information Technology | Golf                   | Utility Services               |
| Vehicle Maintenance    | Facilities maintenance | Capital Projects & Engineering |

The Safe Department Award is awarded to eligible departments who have had no lost time accidents. It is awarded based upon the number of years without lost time; one- year for High-Risk Departments and three years for Moderate Risk Departments.

Departments are presented with an acrylic award, and all eligible staff members receive a one-time \$25 bonus on their payroll.

NOTE: Employees occupying administrative/clerical positions are eligible for a Safe Department Award if their department receives one for that year. Employees must be employed full time in the department to receive the Safe Department Award, and for a minimum of 6 months to be eligible to receive a Safe Department Award. Accidents sustained by administrative/clerical positions and employees in their six-month introductory period will not count against the department’s safety record.

**501.2 Service Awards**

In addition to longevity pay, full-time employees are rewarded for their full-time years of service with the City of Seguin. Eligible staff are recognized during the Annual Employee Awards Luncheon for their "milestone" anniversaries (5, 10, 15 years etc.); where they are presented with a commemorative City of Seguin milestone pin. A one-time bonus (see list below) is also received on their payroll, in accordance with the chart below.

**Years of Service Awards:**

- 5 Years - \$25.00 & Service Pin
- 10 Years - \$50.00 & Service Pin
- 15 Years - \$75.00 & Service Pin
- 20 Years - \$100.00 & Service Pin
- 25 Years - \$125.00 & Service Pin
- 30 Years - \$150.00 & Service Pin
- 35 Years - \$175.00 & Service Pin
- 40 Years - \$200.00 & Service Pin

**501.3 Longevity Pay**

Longevity pay is awarded to staff members in recognition of their full-time years of service and outstanding commitment to the City of Seguin.

**ELIGIBILITY**

Police and Fire/EMS employees (excluding clerical and telecommunications personnel) are eligible for longevity pay upon completion of one (1) year continuous service based upon date of hire.

All other regular full-time employees will become eligible for longevity pay after completion of three (3) years of continuous service with the City of Seguin. Longevity pay will be prorated for employees who are on extended leave for a period of more than one month in that particular year.

Temporary employees who are hired into the position on a regular basis with no break in service, will have an adjusted hire date. That adjusted hire date will be used to compute years of service. Credit for temporary service will not exceed six (6) months.

In accordance with the rehire policy, the City in its discretion may rehire an employee within one (1) year after their termination. If the employee is rehired, he or she will begin employment at the City as a new hire, therefore no credit for prior length of service will be credited.

## **DISTRIBUTION**

Longevity payments will be made in a lump sum payment equal to \$4.00 per month for each month of service not to exceed \$1,200.00 per year. The longevity pay will be issued in the month of November.

An employee eligible for retirement who resigns by giving at least two (2) weeks' notice will be paid longevity pay based on the number of months of employment in that calendar year. Police and Fire/EMS employees who have completed one (1) year of service and resign will also be paid longevity payments. Longevity pay will be included in the last paycheck.

## **502 EMPLOYEE COMMUNICATIONS**

### **502.1 Employee Advisory Committee (EAC)**

The City of Seguin has established an Employee Advisory Committee (EAC), which shall be a consultative committee to the City Manager and Human Resource Department.

The purpose of the Employee Advisory Committee is to provide a forum in which:

The City Manager's Office and Human Resource Department may receive advisory input from members of the Committee on matters of organizational significance.

1. Committee members may discuss matters and make recommendations for projects of common interest to all employees including safety issues; policy issues; employee recognition; and training.
2. Committee members may raise issues of common concern to all employees for the purpose of open discussion, enlightenment, and clarification. The Committee will not address policies that are department specific in their scope of influence.
3. The committee receives nominations; monthly they award the Employee of the Month award, quarterly they award the Making A Difference (MAD) award, and annually they award the Employee of the Year award.

## **MEMBERSHIP**

The Employee Advisory Committee shall consist of nine (9) employees from various City departments and shall be appointed by the City Manager at the recommendation of the Department Director, Director of Human Resources or Committee Chairperson. Any employee who carries the title below that of Department Director is eligible to serve on the Committee. The Chairperson and the Secretary of the

Committee shall be appointed by the City Manager or Director of Human Resources and are in addition to the nine (9) employees. The Chairperson and Secretary shall be non-voting members of the committee.

### **TERM**

After selection of the initial committee, selections for membership shall be completed prior to January 1 with the terms beginning the first day of January of the next year and continuing for two (2) years. No member shall be eligible to serve more than two (2) consecutive terms unless otherwise approved by the City Manager, Director of Human Resources, and/or Department Director. A partial term shall not count as any part of a term. The appointments of the Chairperson and Secretary will be reviewed by the City Manager every two years.

### **VACANCY**

Any employee who misses more than two (2) regularly scheduled Committee meetings in a calendar year (without prior notice) will be eligible to be removed from serving on the Committee for the remainder of their term. Should a committee member be disqualified from serving on the Committee or cease to serve on the Committee during his/her term, another employee will be selected to fill the vacant seat.

### **ATTENDANCE**

A quorum is not necessary for this Committee to meet and conduct its business, however, regular participation is required to keep the matters discussed moving forward and to maintain a positive moral among the committee. Committee members are required to attend all meetings unless they are on a work absence authorized by their Department Supervisor. If a committee member has an acceptable reason for not attending a meeting, and is unable to attend, the member and the Department Director will designate another employee from his/her department to attend the meeting. The designated employee will not be authorized to vote. Meeting attendance is limited to committee members, staff member appointed to attend in a committee member's place, and those individuals invited by the Chairperson.

### **MEETINGS**

The Committee will meet monthly, meetings are typically held on the second (2nd) Thursday of each month unless an alternate meeting time is voted on and approved by the majority of the Committee. Meetings will be held in the Upstairs Conference Room in City Hall unless for some reason the conference room is not available. If the meeting is moved to another location, members will be notified.

The agenda will be constructed from items produced by the City Manager's office, Human Resource Department, and the Committee. The agenda will contain at a minimum the following items:

- a) Nomination of Employee of the Month (EOM) – the committee will review nominations received, and will make a recommendation to the City Manager for his/her approval.
- b) Nomination of Making A Difference (MAD) – the committee will review nominations received and will make a recommendation to the City Manager for his/her approval
- c) Work-related Incidents/Safety Statistics – the committee will review and discuss work-related incidents.
- d) Training report – discuss upcoming training, requested training, and/or training related issues.
- e) Presentations in Response to Committee Member Requests – the Committee may hear reports from a subcommittee, various staff persons, consultants or others on topics of interest to the Committee.
- f) Future Agenda Items – the Chairperson or designee will solicit topics to be considered for



discussion from the Committee and where a simple majority of members of the Committee agree to discuss the item, will schedule the item on a future agenda (under Presentations in Response to Committee Member Requests)

- g) The City Manager and/or Director of Human Resources may report on any matter of his/her choosing and solicit advisory input from the Committee.

## **RESPONSIBILITIES**

### **Department Director**

1. The establishment of this Committee in no way relieves the Department Director of the responsibility to disseminate all official City of Seguin information regarding employee benefits or any other pertinent information to his/her employees.
2. Determine whether the employee has sufficient time to devote to the EAC before they are selected.
3. Allow Committee members sufficient time to fulfill their duties as a member of the EAC to include attending all Committee meetings.
4. Enable the Committee member to communicate with and solicit input from his/her co-workers.
5. Keep informed of the matters discussed by the EAC by communicating with the employee serving on Committee.

### **Chairperson**

1. The Chairperson or designee will be the only officer of the Committee and will be responsible for calling meetings and setting the agendas. The Chairperson is not responsible for the dissemination of official City of Seguin information regarding municipal matters.
2. From time-to-time, the Chairperson or designee may ask for a consensus by the show of hands from the Committee members on matters of discussion.
3. Shall serve as liaison between the Committee and City management.

### **Secretary**

1. The Secretary will have the responsibilities of taking minutes, assembling, and distributing EOM nomination packets/rating sheets, agenda materials and posting agendas.

### **Committee Member**

1. Attend all Committee meetings unless he/she is on a work absence authorized by his/her Department Director.
2. Provide responsible and accurate clarification to and answer questions from co-workers relative to the items discussed at the Committee meetings.
3. Solicit topics and input from co-workers to be considered for discussion at future Committee meetings.
4. Maintain the confidentiality of sensitive issues discussed during Committee meetings.
5. Inform his/her Department Director on the items discussed in the Committee meeting.
6. Ensure that the work of the Committee does not interfere with his/her ability to perform their job.
7. Provide minutes and agenda of all Committee meetings to his/her Department Director.
8. Attend EAC Orientation at the beginning of their term.

### **City Manager's Office/Human Resource Department**

1. Provide the Committee with clear and concise directions and expectations.

2. Provide an orientation for Committee members.
3. Provide the Committee with an opportunity to have input on certain policies before they are adopted.
4. Promptly respond to inquiries from the Committee.

## **SUBCOMMITTEES**

The Committee or Chairperson may recommend to the City Manager's Office and/or Human Resource Director, the appointment of a subcommittee to study certain topics and/or to manage new programs or activities. Such recommendations shall include a list of subcommittee members, the subcommittee's specific purpose, and the duration of the subcommittee. Subcommittee members may consist of current Committee members and/or employees who have expressed an interest in participating in a particular project or special event. A current Committee member will chair each subcommittee. It will be the responsibility of the subcommittee Chairperson to set the agenda prior to each subcommittee meeting. The subcommittee shall address only those items pertinent to the project or special event that warranted its formation.

## **502.2 Employee of the Month**

The Employee of the Month is a program implemented to recognize outstanding employees. The purpose of this program is to improve employee morale and job performance; provide employee incentives and recognition; and heighten public awareness of the achievements of City employees. Employee of the Month is awarded to one eligible staff member monthly.

### **Selection Criteria**

All regular full time and part-time employees who have completed their initial evaluation period (six months) are eligible for nomination for "Employee of the Month" except for City Directors. Employees who have disciplinary action(s) on file may not be eligible for the award until one year from the date of the last action. Nominees must not have received the Employee of the Month award in the past 12 months. Should an individual who was awarded Employee of the Month within the last 12 months be nominated for Employee of the Month, approval from the Director of Human Resources and/or City Manager must be granted before consideration can be granted.

The criteria for nominations include work ethics, positive attitude, commitment to teamwork and quality customer service.

### **Selection Process**

Any employee may make a nomination for the EOM by completing the "Employee of the month nomination form" and submitting it to the Human Resource Department with attention to the Employee Advisory Committee. The EAC will review the nominations and determine if the nominee is eligible to be recommended for Employee of the Month. All EAC recommendations are sent to the Director of Human Resources and City Manager for approval.

Nominations not immediately awarded will be kept for future Employee of the Month consideration for no more than a quarter (90 days). Those nominations that do not meet the criteria for the Employee of the Month will be shared with the employee's supervisor.

The Employee of the Month award will be presented by the City Manager with Department

Head/Supervisor and other members of the department present.

**Employee of the Month individual recipients will receive the following:**

- Framed Employee of the Month Certificate
- One-time \$50.00 bonus in paycheck
- Recognition in a press release sent to KWED/Seguin Daily News and Seguin Gazette
- Recognition on City Web Page, Cable Channel, City Newsletter (The Scoop), City social media outlets such as Facebook and Linked In, Annual Awards Luncheon, Event Complex's marquee
- Eligible to win Employee of the Year

Effective August 17, 2023, the EAC voted to award the Employee of the Month (EOM) to only one employee monthly, to align with awarding the Employee of the Year Award (Section 502.3).

All other duos, crews, teams and departments will be eligible for the Making A Difference Award (Section 502.4); announced quarterly.

**502.3 Employee of the Year**

The Employee of the Year award is selected by the Employee Advisory Committee. Nominees are the previous twelve-month employees awarded Employee of the Month. To select this individual, the EAC reviews the original nomination submitted for the employee of the month recipients. They review them all and rate them individually so that each nomination is provided a weighted percentage score; the Employee with the highest percentage score is awarded Employee of the Year.

**Employee of the Year recipient will receive the following:**

- An Employee of the Year Commemorative photo in their respective department
- Announcement on Event Complex Marquee
- Certificate on Plaque
- Lunch with the City Manager & Mayor
- Designated EOY Parking spot for a year
- Port Authority Collective Soft-Shell Jacket
- One-time, \$150 Bonus Award on paycheck

**502.4 Making A Difference**

The Making A Difference (MAD) program is implemented to recognize the outstanding work city staff members are accomplishing together. The purpose of this program is to promote teamwork, improve employee morale and job performance; provide recognition; and heighten public awareness of the achievements of City employees. The Making A Difference Award is awarded quarterly to more than one staff member, for example, a duo, crews, teams, and departments.

Nominations are submitted through the Employee Nomination Form. The criteria for nomination are work ethic, positive attitude and a commitment to teamwork and quality customer service. The Employee Advisory Committee (EAC) will review the nominations and determine if they are eligible to be recommended for a MAD Award. All EAC recommendations are sent to the Director of Human Resources and City Manager for approval.

Nominations not immediately awarded will be kept for future consideration for no more than a quarter (90 days). Nominations not selected will be shared with the employee's supervisor.

### **502.5 Employee Newsletter**

"The Scoop" is published on a quarterly basis and is a newsletter by and about employees of the City of Seguin. Information regarding current events, current city projects and personal interest items will be published. All employees are welcome to submit materials for publication to the Human Resource Department.

### **502.6 Wellness Newsletter**

"Healthy Connections" is a monthly newsletter designed around the medical, dental and vision benefits available to City of Seguin employees. The goal of Healthy Connections is for city employees to discover wellness opportunities offered through city plans so that they can be in the know of how to utilize our plan benefits, be proactive and live their best life. All employees are welcome to submit related materials for publication to the Human Resource Department.

## **503 CITIZEN RELATIONS PROGRAM**

Implemented in 1996, the Citizen Relations Program was created to foster a positive relationship with citizens through superior service delivery and active, responsive communications.

### **503.1 Citizen Relations/Deputy City Secretary**

This position was established to coordinate requests and complaints from citizens, as well as internally from employees. All employees are encouraged to be alert to potential problems as they travel throughout the City. Any situation or condition requiring City attention should be reported to the Citizen Relations Coordinator.

Examples of things to be reported: missing or downed street or traffic signs, large amounts of brush or trash in or near the roadway, hazards in the streets, etc. In addition, the Citizen Relations Coordinator serves as a clearinghouse of information regarding city services. Employees who are approached by a citizen in the community requesting information the employee does not have, are encouraged to refer them to the Citizen Relations Coordinator.

## **600 EMPLOYMENT SEPARATION**

### **601 REDUCTIONS IN FORCE**

It may sometimes be necessary for the City to reduce its workforce in one or more areas due to a change

in departmental needs or a lack of work or funds. Selections for termination due to a reduction in force will be made by job category and will include consideration of the job skills, past performance, and length of service of the employees involved. No regular full-time employee will be laid off in a department having temporary or part-time employees performing the same duties. Employees who have been terminated due to reduction in force may reapply to the City for another position. Former employees will be given first consideration in the event of a vacancy at or below their former grade and step.

## **602 JOB INCAPACITY**

An employee may be separated from their position if they are no longer physically or mentally able to perform the essential functions of their assigned position, with or without accommodation. Decisions of incapacity will be made jointly by the City Manager and Director of Human Resources and will be based upon the recommendation of a physician selected by the Human Resource Department.

### **602.1 Availability for Placement Status**

If an employee is unable to return to their former position as a result of occupational or non-occupational illness or injury, but can work in another type of job, that employee will be assigned to an "Available for Placement" status upon receiving medical certification confirming job incapacity. An employee in this position will have forty-five (45) calendar days to apply for another job for which they meet the qualifications through the job posting program. "Available for Placement" employees will be afforded the same consideration as other applicants for the same job. If the employee is selected for a job that is at a lower level of compensation than their previous job, their salary will be reduced in accordance with City policy.

For an occupational illness or injury, the employee will be eligible for salary continuation as presented in 205.2(1) Personal Medical Leave. For a non-occupational illness or injury, the employee will be allowed salary continuation up to forty-five (45) calendar days through the use of sick and vacation leave (if available, otherwise on leave without pay) as long as the employee actively seeks another job with the City. If the employee is unable to secure another job in the City within forty-five (45) calendar days, the employee will be terminated due to incapacity.

## **603 RESIGNATION AND TERMINATION**

Termination can occur for a variety of reasons, including but not limited to unsatisfactory performance and misconduct.

If an employee is termed from their position the following unused accrued leave time will not be payable to the employee:

1. Vacation Leave
2. Sick Leave
3. Personal Days

4. Floating Holiday
5. Wellness Holiday
6. FIT Award Holiday
7. Award Holiday

To resign in good standing, employees are expected to submit a written resignation to their department head at least two weeks before the effective date of resignation. If at least two weeks' notice is not provided, all rights to accrued annual leave pay may be forfeited.

All employees are employees at will, and as such, are free to resign at any time with or without reason. The City, likewise, retains the right to terminate employment at any time with or without reason or notice, regardless of the stated frequency for payment of wages or salary (per month, per year, etc.). No promises to the contrary will be binding on the City unless placed in writing and formally approved by the City Manager. Nothing in these guidelines is intended to be, nor should be construed as, a guarantee that employment will be continued for any period of time.

## **604 EXIT PROCESSING**

Employees shall contact the Human Resource Department at least five (5) days before the date of separation from City employment to make arrangements for final pay, benefits administration, and exit interview.

# **700 ETHICAL CONDUCT**

## **701 FRAUD PREVENTION AND DETECTION**

The City of Seguin is committed to ensuring that the highest standards of moral and ethical behavior are maintained by its employees, administrators, and elected officials. To that end the City strives to make sure that the opportunity for fraud, theft and corruption is reduced to the lowest possible risk.

Fraud is the deliberate use or misrepresentation or other deceitful means to obtain something to which a person is not otherwise entitled. It generally involves a willful or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. If an allegation of fraud is substantiated, involved employees will be subject to disciplinary action up to and including termination from employment. Examples of fraud, include, but are not limited to, the following:

- Forgery or alteration of any document or account belonging to the City of Seguin;
- Forgery or alteration of a check, bank draft, or any other financial instrument;
- Misappropriation of funds, securities, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transaction resulting in the personal gain of any individual;

- Disclosing confidential information to outside parties resulting in the personal gain of an individual;
- Accepting or seeking material value from vendors, contractors, or other persons providing services and/or materials to the City;
- Destruction, removal or inappropriate use of records, furniture, fixtures and equipment resulting in the personal gain of an individual; and or
- Authorizing or receiving compensation for hours not worked.

Any employee who has knowledge or reason to suspect any type of fraudulent behavior must notify their supervisor immediately. If the employee is not comfortable reporting this to their immediate supervisor, then the matter can be reported directly to the Department Head, Director, or City Manager. Employees making such a report are protected from retaliation or reprisal by the Whistle Blower Act (Texas Local Government Code, Title 5, Chapter 554).

Failure to report suspected fraud or the report of incorrect or false accusations will be subject to disciplinary action up to and including termination from employment. Knowingly making a false statement that is material to a criminal investigation is a misdemeanor offense under the Texas Penal Code and could lead to criminal prosecution.

## **702 GIFTS AND GRATUITIES**

City employees shall not accept or solicit any gift, favor, or service from any person or business entity doing business with the city that might reasonably tend to influence employees in the discharge of their official duties or grant any improper favor, service, or thing of value. Several factors are considered in evaluating whether a gift is prohibited including the value of the gift, any preexisting relationship between the donor and recipient, whether the benefit of the gift flows to the city or to an individual city employee and whether any consideration is given in exchange for the gift.

Those items or services that do not constitute prohibited gifts include, but are not limited to the following:

1. political contributions made and reported in accordance with state or local law;
2. awards publicly presented in recognition of public service;
3. entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event as long as the sponsor is present.

## **703 NON-DISCLOSURE POLICY**

The City recognizes the right of all its employees to speak out on matters of public concern, even when they disagree with an official policy or regulation. Employees should refrain, however, from:

- releasing confidential information about business negotiations conducted by the City, where such disclosure would give an unfair advantage to a party to those negotiations; or
- releasing information regarding an ongoing investigation, where such disclosure would interfere with or compromise the efficient conduct of the investigation or the protection of confidential informants; or
- spreading malicious gossip about anyone in the community, where the employee knows the assertions are false or acts with reckless disregard for their truth or falsity;
- misrepresenting official City or Department policy; or
- acting without permission as an official spokesperson for the City or for a department.

Any employee violating this rule may be subject to disciplinary action. Questions regarding this rule should be presented to the employee's department head, who will seek appropriate guidance from the City Attorney.

## **704 OUTSIDE EMPLOYMENT**

City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed, take occasional or part-time jobs if, in the opinion of the City Manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employee shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.

The following guidelines shall apply regarding outside employment:

- A full-time, regular employee will consider their job with the City as their primary job.
- Before engaging in off-duty employment, employee must have the written approval of their department head. The department head shall seek approval from the City Manager before authorizing the outside employment. ("Request for Approval to Accept Outside Employment" form)
- Permission will not be granted for an employee with an organization or municipality that is in competition with or presents a potential conflict of interest with the City of Seguin.
- All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.
- If the work standards or performance of an employee of the City suffers and it is determined to be caused by outside employment, permission to work at the outside job may be rescinded, or the employee may be subject to discharge.
- The City will not pay medical benefits for injuries or illnesses suffered as a result of employment at another organization.



- The City employee will notify their supervisor immediately upon any change in outside employment status or condition.
- Unless approved by HR, the City Employee may not work outside employment while on modified duty with the City.
- If a request for leave has been submitted due to illness, etc. preventing the employee to work for the City, they cannot work for outside employment (including in-person school/training and/or extra job assignments) without prior approval.

## **705 PERSONAL CONDUCT**

### **705.1 General**

All employees will be expected to: perform satisfactorily the job duties for which they have been employed; maintain a high level of personal conduct on the job; render courteous and efficient service to the public; be mindful of safety practices, exercise the utmost care in the use of City property; and report to work dressed appropriate for the position to which they are assigned.

As public servants, City employees are held to the highest standard of ethical conduct. Consistent with this public trust, City of Seguin employees may not:

- use their official positions to secure special privileges or exemptions for themselves or others;
- grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group;
- disclose, without proper authorization, confidential information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information for their own personal gain or benefit, or for the private interests of others;
- engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to them in the course of their employment with the City, or reflect discredit upon the City, or in which their employment with the City will give them an advantage over others engaged in competition with the employee's personal business or vocational pursuits. This shall not prohibit employees from performing the same or other services for another organization that they perform for the City, if the City Manager determines there is no conflict with the City duties and responsibilities;
- represent, directly or indirectly, or appear on behalf of private interests before any agency of the City or any City board or commission, nor shall they represent any private interest in any action or proceeding involving the City, nor shall they accept a retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies;

- use City supplies, equipment, vehicles, or facilities for any purpose other than conducting official City business, any use not related to City Business must have prior approval from the City Manager. Unauthorized use for personal reasons may result in dismissal;
- have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee.

The foregoing list of prohibited activities is not all-inclusive. Any activity violating the public trust is prohibited.

## **705.2 Other Prohibited Practices**

For your guidance, the following is a partial list of actions that are considered against the best interest of the City and its employees. Such actions are subject to discipline, up to and including discharge.

- Theft, abuse, or deliberate destruction or defacing of property not belonging to the employee.
- Attempting to coerce an employee to join or resign from an employee association or organization by means of threats, intimidation, or abusive conduct.
- Falsification of City records, such as employment applications, time sheets, expense reports, etc., or the reason for any employee's absence from work.
- Discourteous, abusive or harassing conduct towards fellow employees or members of the public.
- Revealing, without authorization, confidential information obtained in the course of employment, including confidential City records.
- Fighting or illegal gambling in any form on work premises.
- Knowingly completing another employee's time card or time sheet.
- Tampering with or using fire equipment for purposes other than fire prevention.
- Commission of any crime while on duty or on City premises or vehicles.
- Possession of unauthorized weapons or explosive materials on City premises or vehicles.
- Acceptance of any commission, kickback, discount, or other thing of value from persons or companies doing business with the City.
- Insubordination (refusal or deliberate failure to follow a reasonable, specific instruction of, or abusive conduct toward, a supervisor).

- Racial, religious, sexist or ethnic slurs or remarks.
- Leaving work during working hours without the permission of the immediate supervisor.
- Carelessness or negligence which results in the destruction or damage of property not belonging to the employee, or endangers life or property.
- Participation in horseplay or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, including the use of abusive, profane, or threatening language.
- Careless or inefficient performance of duties, including failure to maintain proper standards of work performance.
- Malicious gossip or false accusation which tends to destroy friendly relations between the City and its employees or between employees.
- Failure or refusal to cooperate with fellow workers.
- Failure to respond when "on-call".
- Operation of City vehicles without possession of valid and/or proper operator's license or failure to maintain satisfactory driving record.
- Misappropriating City funds, property, or assets.
- Being under the influence of drugs (prescription or non-prescription), alcohol, or any other substance which impairs one's ability to perform the essential functions of his/her job or the possession of such substance in the workplace.
- Positive results of a random, post-accident or reasonable suspicion drug and/or alcohol screen.
- Conviction of any crime which would be a contra-indication of employment with the City.
- Certain of the above described actions are subject to criminal prosecution pursuant to Section 39.01 (titled "Official Misconduct") or other appropriate sections of the Texas Penal Code, as well as the City of Seguin's Ethics Ordinance. Copies are available for your review and duplication in the Human Resource Department. All employees should be advised that the City may, but is not required, pursue criminal charges in addition to disciplinary action as described in these guidelines.

### **705.3 Other Prohibited Practices – Passive Aggressive Behavior**

The City of Seguin also prohibits passive-aggressive behavior by City employees. Passive aggressive behavior for the purpose of this policy is defined as a pattern of passive hostility and an avoidance of direct communication.

Examples of prohibited conduct that violates the City's policy against passive aggressive behavior includes, but are not limited to:

- Resentment and opposition to the requests of others. This includes requests from members of the public, coworkers, and supervisors.
- Resistance to cooperation, procrastination, and intentional mistakes in response to others' requests. This includes requests from members of the public, coworkers, and supervisors.
- Negative, sullen, or hostile attitude
- Frequent complaints about feeling underappreciated or undervalued.

The City of Seguin understands that passive-aggressive behavior can interfere with good working relationships and can cause difficulties on the job. Employees taking part in this type of behavior may be referred to the Employee Assistance Program (EAP) however continuous actions are subject to discipline, up to and including discharge.

An employee who feels they have experienced Passive Aggressive Behavior from a coworker should document in writing the time, date of occurrence(s) and provide a detailed description of what occurred to a Department Supervisor or the Human Resources Department. All reports will be promptly investigated and addressed. This policy was created to foster a safe and professional workplace, promoting teamwork, and preventing a hostile work environment.

#### **705.4 Other Prohibited Practices - Bullying**

The City of Seguin prohibits bullying by City employees. Bullying is defined as repeated, health-harming mistreatment of one or more people by one or more perpetrators.

Examples of prohibited conduct that violates the City's policy against bullying include, but are not limited to:

- Threatening, humiliating, or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal bullying includes slandering, ridiculing, or maligning a person or his or her family.
- Persistent name-calling that is hurtful, insulting, or humiliating.
- Using a person as the basis of jokes; abusive and offensive remarks.
- Physical bullying including pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.

An employee who feels they have experienced bullying should immediately report this to their supervisor or to the Human Resources Department. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible. Reports should be documented in writing and include the time, date of occurrence(s) and provide a detailed description of what occurred during each occurrence. Failure of a supervisor to report allegations of bullying will lead to disciplinary action if it is determined that the supervisor had knowledge but did not report the information immediately to the Department's Director or the Human Resources Department.

Retaliation against an individual for reporting bullying or for participating in an investigation or a claim

of bullying is a serious violation of this policy and, like bullying itself, is prohibited. Acts of retaliation should be reported immediately to the supervisor and/or Human Resources Director and will be promptly investigated and addressed.

This policy was created to foster a safe and professional workplace, promoting teamwork, and preventing a hostile work environment.

## **706 PERSONAL RELATIONSHIPS**

Romantic or sexual relationships between employees can create conflicts of interest, potential for or actual charges of sexual harassment, and/or discord or distractions that interfere with other employee's productivity. The City strongly discourages such relationships between employees.

City employees who are engaged in a romantic and/or sexual relationship shall not be permitted to:

1. Occupy a position which places them within the chain of command;
2. Supervise, review or process the work of the other;
3. Conduct a performance review;
4. Transfer or make other personnel decisions affecting the employee who is a relative or with whom they are involved in a personal or business relationship;
5. Serve in a position where one may have significant influence in determining the advancement, compensation, or other terms and conditions of employment of the other City employee with whom they are engaged in a personal or business relationship.

The term "romantic" and "sexual relationship" includes, but is not limited to, casual dating, serious dating, casual sexual involvement and any other conduct or behavior normally associated with romantic or sexual relationships. The restrictions on romantic and/or sexual relationships apply regardless of the sexual orientation of the employees involved.

### **Employee's Responsibility**

Prior to, or immediately after (no more than one to two calendar days) entering any personal or business relationship, or other circumstances which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee should promptly notify his/her uninformed, next highest level of supervisor.

### **Supervisor's Responsibility**

Upon being notified of, or otherwise becoming aware of any circumstances that could result in or constitute an actual or potential violation of this policy a supervisor should take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors should also promptly notify their supervisors through the chain of command as well as the Director of Human Resources.

## **707 POLITICAL RESTRICTIONS**

City employees may not hold or run for a political office of the City of Seguin. Upon announcement

of intention to seek or assume such office, an employee shall resign or shall be dismissed upon failure to do so. Likewise, City employees are not permitted to use their working time or City resources to participate in a political campaign of another person for an elective position or for any other political purpose. No employee shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate. The following activities are the only activities permitted:

- The placement of campaign signs on premises owned or rented by the city employee.
- The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city.
- Attendance at a political rally or function for a city council candidate, so long as the city employee does not actively participate in the rally or function.

Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any lawful political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any election. Although certain political acts are prohibited by law, generally, an employee is encouraged to refrain from actively participating in the election of local government officials.

## **800 GRIEVANCES AND COMPLAINTS**

### **801 PURPOSE**

Insofar as may be possible, it is the intent of the City to anticipate and avoid occurrences of grievances and complaints. However, when such problems occur it is our intention to resolve them as quickly as possible at the supervisory level closest to the origin of the complaint. This procedure assures every employee with a grievance or complaint that they will be given an opportunity to discuss the problem and that corrective action will be taken if warranted.

Employees are encouraged to ask for explanations of policies and procedures and to use the grievance/ complaint procedure whenever necessary. No grievances or complaints can be resolved or corrected unless the employee's supervisor and management are made aware of the problem.

The establishment of a grievance and appeals procedure is based upon:

- The maintenance of good employee relations.
- Expedient handling of grievances at the supervisory level closest to the problem.
- Establishing a problem-solving work environment which assures that all employees can participate in the resolution of those matters which affect them personally.

It is therefore, the policy of the City of Seguin to work with employees in finding fair and just solutions to personnel problems including any grievance questions, misunderstanding or discrimination.

Grievances shall consist of matters of disagreement arising out of the employer/employee work

relationship wherein the employee believes that there has been an unfair infraction, breach or misinterpretation of a stated federal or state law, or rule, regulation or policy of the City of Seguin. Among other things, this definition includes health or safety hazards or alleged discrimination. Performance evaluations, promotional tests and disciplinary actions are not specifically grievable.

## **802 THE PROCESS**

Grievances will be considered only if filed within five (5) working days of when the employee becomes aware, or should have become aware, of the subject matter under complaint.

### **Step #1**

When the employee has a grievance, they must first informally discuss the problem with their supervisor. The supervisor must respond to the employee within five (5) working days.

### **Step #2**

If the employee is dissatisfied with the supervisor's response, the employee should prepare a written statement describing the problem and suggested action. This statement will be submitted to the next level of supervision (Department Head/Director) within five (5) working days. The Department Head/Director, employee and employee's supervisor will meet to discuss the grievance. The Department Head/Director may hold a fact-finding hearing if necessary. The Department Head/Director will issue a decision on the grievance within five (5) working days of the meeting.

If the grievance is not satisfactorily resolved by the Department Head/Director, it may be presented to the City Manager. Appeals to the City Manager should be in writing and must be submitted within five (5) working days. If the Director/Department Head is the supervisor, grievances may be filed directly with the City Manager or his/her designee.

Only one subject matter shall be covered in any one grievance. If a written grievance is submitted, it shall contain a clear and concise statement of the grievance by indicating reference to the applicable policy, regulation, rule or law that is alleged to have been violated, the date the incident took place, the issue involved, and the relief sought.

1. The first level of review shall be the employee's immediate supervisor and the final level shall be the City Manager.
2. Once a grievance and the requested remedy have been submitted in writing, they may not be changed or amended. Such requested change by an employee shall constitute a dropping of the grievance. Initiation of a new amended action must be submitted within the original time period.

All matters of disagreement do not necessarily meet the criteria established for a grievance. These other matters are defined as complaints. Complaints are usually generated by employee dissatisfaction or work-related actions and assignments which are not matters of established City policy but are work rules or practices specific to the department. Nevertheless, these sources of dissatisfaction should be corrected or explained and should not be permitted to contribute to reduced morale.

1. A complaint is not authorized to be processed through the formal grievance procedure.

2. A complaint should be presented to the employee's immediate supervisor for discussion and consideration.
3. If a complaint is not satisfactorily resolved by the immediate supervisor, the complainant should reduce the complaint to writing and submit it to the appropriate Director/Department Head for final consideration and action.

If the employee desires, he/she may be assisted by the Human Resource Department. If requested, the Human Resource Department, acting strictly as a neutral party, may render advisory assistance to either the employee or the supervisor. The role of the Human Resource Department is to assist in making the Grievance and Appeals Procedure work efficiently and effectively.

## **803 PRACTICE**

### **Time Limitations**

Grievances shall be handled with reasonable promptness, both in submission and processing at each level. Reasonable promptness is defined as a maximum of five (5) working days at each level; however this time may be extended with the agreement of both parties.

### **Presentation**

Although employees are encouraged to submit all grievances in writing, the initial presentation of a grievance may be made orally. All appeals must be in written form.

### **Procedure**

Employees who feel that they have a job-related grievance shall discuss it with their immediate supervisor. The simplest, quickest and most satisfactory solution will most often be reached at this level. If the discussion with the first-level supervisor does not resolve the matter to an employee's satisfaction, the grievance may be appealed to the next level of supervision, proceeding through the regular line of authority to the appropriate Department Head and/or Director. At this point, if the matter is still unresolved to the satisfaction of the employee, an appeal may be made to the City Manager.

The City Council has no authority in grievances. Employees may not appeal to the City Council in the grievance procedure.

## **900 PERFORMANCE EVALUATION SYSTEM**

### **901 PURPOSE AND OBJECTIVES**

The City of Seguin's employee performance evaluation system is intended to improve the employee's understanding of his/her performance on the job and the supervisor's understanding of the employee's viewpoints about factors that affect his/her performance during the period covered by the evaluation. Scheduled evaluations provide a required



opportunity to assess progress and to plan for the employee's professional development and for future performance improvements but should never replace day-to-day communication between supervisor and employee regarding performance expectations and actual specific objectives of the City's performance evaluation system. It is the responsibility of both the supervisor and the employee that an annual evaluation is completed each year at the time the annual evaluation is due. If for some reason the annual evaluation is not completed on time and retro pay is owed to the employee, the City will only retro pay an employee to the beginning of the current fiscal year. No overlapping of retro pay will occur over fiscal years due to the budgets that are established by the City.

Specific objectives of the City's performance evaluation system are as follows:

- to improve communication between the employee and his/her supervisor regarding expectations of performance and how performance is evaluated;
- to identify individual strengths and areas that need improvement in job performance;
- to serve as a basis for planning and motivating employees and supervisors toward improved job performance;
- to assist the employee and his/her supervisor in judging the employee's job performance;
- to determine training needs;
- to detect changes in jobs and/or organizational problems;
- to assist administrators in making overall and individual personnel decisions including "pay for performance" decisions;
- to meet equal employment opportunity standards for personnel decisions in an objective manner; and
- to improve the quality of public services.

### **901.1 Scheduling**

Each new employee will receive a formal performance evaluation at the end of his or her introductory period (the first six months of employment). If the introductory period is extended, another evaluation is required at the end of the extension period.

All regular employees will receive formal, written performance evaluations each year on the anniversary date of their employment. Supervisors may request an unscheduled evaluation for an employee at any time.

Employees that have been promoted will receive a formal performance evaluation six months following the promotion. The employee's date of promotion then becomes the date for their annual evaluation.

Employees that have been demoted (voluntary or involuntary) and/or transferred will maintain the same evaluation date as prior to the demotion/transfer.

Employees who are on extended leave, or light duty, (3 months or longer) will have their evaluation date extended by the length of their absence or light duty assignment.

### **901.2 Uses**

Evaluations provide information to assist both supervisors and employees in improving their performance and also provide part of the information necessary for decisions to promote, demote,

discharge, initiate training, or grant merit increases.

### **901.3 Annual Performance Evaluation Process**

The process for conducting an annual performance evaluation by a supervisor and employee is described below.

#### **Employee Performance File**

Each supervisor should maintain a performance file for each employee under his/her supervision. The file should contain documentation of goals, specific performances, incidents, problems, disciplinary actions or extra efforts made by the employee. This will provide a comprehensive review of the employees' performance over the entire year.

#### **Employee Self Evaluation Form**

This form will be presented to the employee at least one week prior to the scheduled performance evaluation meeting. The employee shall be notified at the time that the form is delivered as to when the supervisor wants the completed form returned (i.e. prior to or at the performance evaluation meeting). Employees should include on this form any accomplishments and achievements occurring during the evaluation period.

#### **Employee/Supervisor Performance Evaluation Form**

Prior to the scheduled review meeting, the supervisor will complete the Employee/Supervisor Performance Evaluation Form. All applicable rating element sections will be completed. A copy of the completed form will be provided to the employee at the performance evaluation meeting to allow the employee to follow along with their supervisor as the rating elements, comments and goals are reviewed and discussed.

#### **Performance Ratings**

There are three categories on the Employee/Supervisor Performance Evaluation Form: Job & Performance, Customer Service and Supervisory. Each category has metrics that will be rated separately, from 1-5 (5 being the highest rating) in increments of 1, 2, 3, 4, and 5. Supervisors should be prepared to explain their reasoning for rating an employee at the level selected.

#### **Rating Schedule:** (Based upon overall evaluation rating)

|               |                    |
|---------------|--------------------|
| 80% and above | OUTSTANDING        |
| 50-79%        | MEETS EXPECTATIONS |
| 40-49%        | BELOW EXPECTATIONS |
| Less than 39% | UNSATISFACTORY     |

Please note that an evaluation that has a total rating of 40-49% Below Expectations or less may then be followed up with an employee being put on a Performance Improvement Plan (PIP). This will be evaluated on a case-by-case basis.

#### **Evaluation Meeting**

The evaluation meeting will be conducted, if at all possible, during the week of the employment anniversary date/annual evaluation date. The employee, supervisor, and the line supervisor (if applicable) shall be present in the meeting. A supervisor or employee may at any time make a special

request for a representative from Human Resources to be in attendance. It is not appropriate to have one of the employee's peers witness his/her evaluation. In conducting the meeting, the supervisor should:

- Allow a minimum of one hour for the meeting to ensure adequate time for discussion.
- Arrange for any work coverage necessary, in advance.
- Minimize interruptions from telephone calls or other personnel.
- The Employee/Supervisor Performance Evaluation Form shall be completed in advance. Include any documents that may be needed for reference.
- The employee should be prepared to talk about the evaluation. The evaluator will listen to his/her comments without interruptions.
- Focus on performance, not personality.
- Focus on future goals and improvement.
- The employee, supervisor and any other individuals participating in the evaluation will sign the Employee/Supervisor Performance Evaluation form to acknowledge the evaluation meeting and the determined employee rating.

### **Evaluation Review**

Following the initial Employee/Supervisor meeting, the supervisor will send the Employee/Supervisor Performance Evaluation Form along with the Employee Self Evaluation Form to the Department Director for his/her review to determine whether or not the documentation is sufficient, and the ratings are fair and consistent. The Department Director will then submit all of the above information to the Human Resource Department.

### **Merit Increase/Incentive Pay**

Eligibility for a merit increase/incentive pay will be determined by the specific criteria and parameters established by the City Manager for the current fiscal year. When an employee is eligible for a merit increase/incentive pay, the Director of Human Resources will notify the City Manager in writing. The City Manager will review the performance evaluation report and any recommendations. If the City Manager concurs with the recommendations, he/she will notify the Director of Human Resources with written authorization for a merit increase/incentive pay.

When a merit increase/incentive pay is authorized, the Director of Human Resources shall implement the increase in accordance with the following schedule for each fiscal year:

#### **Employment Anniversary Date**

July 1 to September 30

October 1 to December 31

January 1 to March 31

April 1 to June 30

#### **Merit Effective Date**

October 1 (First full pay period)

January 1 (First full pay period)

April 1 (First full pay period)

July 1 (First full pay period)

### **901.4 Pay for Performance Consideration**

Merit increases/incentive pay may be granted in any year in which the City Council appropriates

funds. A merit increase is an advancement to a higher step in the same pay group and is granted to recognize exceptional performance in the same position. Merit incentive pay is a one-time payment used to recognize the exceptional performance of an employee who is at maximum in the pay group to which his/her position has been classified. Neither the merit increase or incentive pay is to be used to recognize increased duties and responsibilities and should be granted without regard to cost of living factors. Each full-time, regular employee will be considered for a merit increase or incentive pay based on his/her annual performance evaluation. A merit increase/incentive pay must be recommended by the supervisor and approved by the Department Director, Director of Human Resources and City Manager.

## **1000 RECRUITMENT AND EMPLOYMENT**

### **1001 EMPLOYMENT CATEGORIES**

There are two general classifications of employees: regular and temporary (seasonal).

- Regular full-time employees are those who work a minimum of forty or more hours per week on a regular basis.
- Regular part-time employees are those who work at least twenty hours per week but less than forty hours on a regular basis.
- Temporary full-time employees are those who work a minimum average of forty or more hours per week and are expected to remain employed for only a limited period of time (such as for the summer) or for a special job task or project.
- Temporary part-time employees are those who work less than forty hours per week and are expected to remain employed for a limited period of time or special project.

### **1002 JOB VACANCIES**

The Human Resource Department shall be notified of current and anticipated vacancies as soon as they occur by the appropriate supervisor.

The Human Resource Department will announce vacancies by the means set forth in the City's Equal Employment Opportunity Plan. A Request to Fill Vacancy Form will need to be completed and signed before any vacancy is posted. Also, supervisors must update the job description to ensure the accuracy of the vacant position prior to the Human Resources Department posting the vacancy announcement. Each announcement will specify the title, salary, and nature of the job, the required qualifications, and the deadline and method for application. In addition, each announcement will contain a statement affirming the City's commitment to a policy of Equal Employment Opportunity.

Promotions will occur from within the organization whenever possible and employees are encouraged to develop their qualifications. However, if the organization is to succeed, it must constantly progress and become more efficient. Therefore, it will seek to have in each position the most capable person obtainable to perform a particular job without regard to race, religion, color, sex, age (over 40), disability, or national origin. Depending upon the job and qualifications, internal and external candidates may be considered concurrently.

## **1003 HIRING AND SELECTION**

The City of Seguin is committed to hiring qualified employees, regardless of race, color, religion, national origin, sex, age or disability.

### **1003.1 Application Process**

Applicants seeking full-time, part-time, or temporary employment or re-employment with the City must submit an employment application to the Human Resource Department.

Omission or falsification of any material fact on an application disqualifies an applicant from consideration for employment. If an employee is found to have omitted or falsified a material fact on an application after the employee is hired, he/she will be subject to immediate disciplinary action up to and including termination. The City may take disciplinary action up to and including termination against an employee for the omission or falsification of information during the application, interview and/or selection/hiring process.

### **1003.2 Selection**

Selection for employment with the City of Seguin is based on job-related criteria that may include, but are not limited to:

- Possession of the necessary knowledge, skills, abilities, training, education, and experience required for the position;
- Stable job history;
- Satisfactory results on performance tests, drug screens, physical examinations, psychological exams, WorkSTEPS® exams, credit verification as required because of job or law; and
- Satisfactory results on background checks to include criminal history, driving record, employment, and education.

### **1003.3 Post Offer/Post Employment Testing**

Post offer/post-employment examinations have been used successfully to create a safer and secure working environment for employees. Training during the examinations increases body awareness during work activities that prevents cumulative trauma resulting in injuries. Furthermore, employee turnover and operating expenses are reduced by hiring properly qualified personnel for each position. As a result, the City of Seguin uses the WorkSTEPS® evaluation program for prospective employees. The City of Seguin also utilizes the WorkSTEPS® evaluation program for a Fitness for Duty evaluation. Please see section 2009 Fitness for Duty.

This program has been in effect since 1986, has one of the largest normative data bases in the United States, and has proven its success by creating safety in the workplace. Recognizing that every job and every employee are different, the tests are utilized to document potential problem areas for the benefit of both employees and employers. The tests are furthermore in compliance with regulations created by the Americans with Disabilities Act (ADA).

All persons applying for employment with the City of Seguin will submit their electronic application via the city's website [www.seguintexas.gov](http://www.seguintexas.gov).

The positions determined by the WorkSTEPS® evaluation program include the following:

**Animal Services:** Animal Services Supervisor, Animal Services Field Supervisor, Animal Services Officer, Kennel Attendant

**Electric Dept:** Electric Distribution Manager, Crew Leader-Electric, Crew Leader-Electric-Tree Trimming, Journeyman/Lineworker, Apprentice I, Apprentice II, Apprentice III, Apprentice IV, Operator I - Electric - Tree Trimming, Service Worker - Electric - Tree Trimming

**Facilities Maintenance:** Building Maintenance Supervisor, Building Maintenance Specialist, Building Maintenance Technician, Facilities Manager, Crew Leader, Service Worker

**Golf:** Mechanic II, Chief Groundskeeper, Groundskeeper I, Groundskeeper II

**Information Technology:** IT Operations Manager, IT Service Manager, IT Senior Technician, IT GIS Manager, IT GIS Senior Technician, IT GIS Technician, IT Security Manager, IT Public Safety Administrator, IT Senior Administrator, IT Administrator

**Parks and Recreation:** Athletics/Aquatics Superintendent, Recreation Superintendent, Events Complex Superintendent, Parks Maintenance Supervisor Landscape Technician, Crew Leader – All positions, Service Worker, Service Worker II

**Planning/Codes:** Chief Building Official, Deputy Building Official, Senior Building Inspector; Building Inspector

**Police Dept:** Evidence & Forensic Specialist; Evidence & Forensic Supervisor

**Public Works:** Public Works Superintendent, Heavy Equipment Operator, Sr. Heavy Equipment Operator, Equipment Operator I, Equipment Operator II, Maintenance Supervisor, Brush Supervisor, Service Worker

**Utility Services:** AMR Technician, Control Center Operator, Meter Technician, Meter Technician/Journeyman Lineworker, Service Technician, Service Worker – Utility Services, Utilities Smart Grid Manager, Utility Data Analyst, Utility Line Locator/Inspector, Utility Material Technician, Utilities Services Superintendent, Utility Warehouse Manager

**Vehicle Maintenance:** Fleet Manager, Vehicle Maintenance Lead, Automotive Technician I/II

**Water Corporation (SSLGC):** Operator I, Operator II, Operator III; Operator IV, Operations Manager, Water System Superintendent, Operations Manager

**Water Plant:** Operator I, Operator II, Operator III; Operator IV, Water Treatment Plant Manager

**Wastewater Treatment Plant:** Operator I, Operator II, Operator III; Operator IV  
Wastewater Treatment Plant Manager, Pre-Treatment Coordinator

**Water/WW Maintenance:** Asset Manager, Crew Leader, Electrician, Heavy Equipment Operator, Utilities Engineer, Utilities Technician I, Utilities Technician III, Water/WW Maintenance Manager

Upon completion of an online application, and if selected as a candidate for the position applied, the following process is taken for post offer testing:

1. The applicant will be interviewed by authorized staff to determine if the applicant is qualified and

suitable for employment. The best applicant for the job will be employed contingent upon the results of drug testing, a pre-placement physical, Work STEPS® exam, and psychological exam.

2. The applicant will be requested to comply with the City of Seguin's pre-employment drug test policy, by voluntarily submitting him/herself to a urinalysis drug test conducted by a third-party testing laboratory chosen by the City of Seguin. Details of the City of Seguin's drug screen policy are found in Section 2007, Drug & Alcohol-Free Workplace Policy, and Section 2007.1 Drug/Alcohol Testing of the Employee Guidelines.
3. Upon successful completion of the drug screen the applicant will be hired and subsequently asked to voluntarily submit him/herself to a physical which will be performed by a physician chosen by the City of Seguin.
4. Upon successful completion of the physical the applicant will be asked to voluntarily submit him/herself to a WorkSTEPS® examination by a licensed occupational or physical therapist and their staff chosen by the City of Seguin. Should the applicant feel he/she cannot perform any part of the essential job elements, a request for reasonable accommodation will be considered.

**Any Applicant Who:**

1. refuses to voluntarily submit to any part of this post offer testing process or;
2. fails to complete any part of this process or;
3. who in the opinion of the City of Seguin based on information developed as a result of this testing process is not suitable to perform the tasks for which he/she is applying, shall be certified by the Director of Human Resources as "unsuitable for continued employment".

Those applicants who successfully complete the above post offer testing process to the satisfaction of the City of Seguin's Director of Human Resources will be certified as acceptable for employment without stipulation.

All applicants who are applying for re-employment after a continuous absence of 30 days may be required to again complete steps 2, and 4 of the post offer testing process, before being re-certified as "suitable for job placement".

The costs for all post offer testing procedures will be paid by the City of Seguin and the City of Seguin's decisions in all post offer testing matters are final.

The City of Seguin is an equal opportunity employer and will not discriminate against applicants for employment because of age, sex, race, or religion.

**1003.4 Pregnancy Post Offer Testing**

It is the policy of the City of Seguin that any person applying for the positions listed below and who completes the application and interview process and is subsequently hired, will submit to an employment physical to determine safe physical capability as it relates to the essential functions of their respective jobs. Thus, they will be hired contingent upon successfully completing the employment test. If the applicant is pregnant or suspects that she could be pregnant and has verbally designated that she can perform the essential functions of the job in question, the employment test must still be completed.

However, medical clearance from the attending physician must be given prior to initiating the physical process. In order to receive such a release, it is imperative that the M.D. be clearly informed of all aspects of medical and job specific testing and give authorization via signature to the test facility. Once clearance by the physician is received, the test must be performed in its authorized entirety and the applicant must pass the essential strength requirements for the position in question, in order for the offer of employment to remain in force. If the test is not completed or the essential function requirements are not met, the offer of employment will be withdrawn.

## **1004 REHIRE**

Former employees may be considered for rehire if they meet the following conditions:

- Submit an online application.
- Meet the requirements of an open position.
- Were in good standing at the time of termination; if they were not in good standing, the circumstances of the termination will be reviewed.

Individuals returning from military active duty and who are entitled to reinstatement will be reinstated to their former jobs, or provided jobs of similar seniority, status, and pay.

The City in its discretion may rehire an employee within one (1) year after their termination. If the employee is rehired, he or she will begin employment at the City as a new hire, therefore no credit for prior length of service will be credited.

## **2000 RULES AND POLICIES**

### **2001 ASSIGNMENT OF CITY PROPERTY**

Employees may be assigned City owned vehicles, lockers, desks, cabinets and cases for the mutual convenience of the City and its personnel. All personnel are cautioned that the retention of personal items in such containers or facilities is at the risk of the employee and the City will not be responsible for any losses. Such equipment is subject to entry and inspection without notice, even if the employee has placed a personally owned lock on City property. Employees are held responsible for the return of all City property at supervisor's request or upon termination of employment. Therefore, employees should not bring to work or keep on City premises personal materials or items they wish to keep private. Consent to such searches is a condition of employment and failure to make City property available for search may result in disciplinary action, up to and including termination.

An employee shall not, regardless of value, take City property without authorization. The use of any City property, equipment, or facility for personal gain, or for other than official use is forbidden. The theft or borrowing of tools or any other equipment, removing property from a City work-site, including new, used or discarded materials, office supplies, photocopy machines, mailing services, long distance telephone service, or any other service under City controls for personal business or gain, or for other than official use is prohibited.



An employee who causes or permits loss or damage to City property or issued equipment to occur through an act of unauthorized use, or through an act or omission that constitutes misconduct or negligence is obligated to repay the City for the loss or damage.

## **2002 ATTENDANCE**

Punctuality in reporting for work and regular attendance are absolutely essential to the City's fulfillment of its mission to the citizens of our community. We are all members of a team, and no team does its best unless everyone is on hand, prepared for a working day, and ready to start at the same time.

When an employee knows in advance of an impending absence, he/she must request permission to be absent from their supervisor at least twenty-four (24) hours in advance of the scheduled work shift. The supervisor will evaluate the reason for the absence and decide whether the employee may be excused. An unexcused absence will be unpaid and subjects the employee to disciplinary action.

If, because of some personal or family emergency or illness, an employee is unable to give advance notice of an absence, he/she must notify their supervisor as soon as possible on the day of absence. In no event shall an employee notify their supervisor later than the first half-hour of his/her shift.

If an employee expects to be late by more than thirty (30) minutes, he/she must call their supervisor and inform them of the delay. An employee who is late for work will forfeit pay for the actual time they are late, calculated to the nearest one-quarter (1/4) hour.

If unable to reach the immediate supervisor or Department Director, the employee should contact the Human Resource Department to report their absence or tardiness.

Excessive absenteeism and tardiness and failure to report an absence reflect poorly on the employee's work record. An employee with an absenteeism and/or tardiness record will be subject to disciplinary action, including discharge. An employee having one unexcused absence in any twelve (12) month period will be warned in writing by their immediate supervisor that any further unexcused absence may result in their termination from City employment. The second unexcused absence in a twelve (12) month period will result in the employee's termination and does not warrant a pre-disciplinary hearing process.

If an employee is absent and the City does not hear from him/her for two (2) consecutive workdays, he/she will be considered as having abandoned their job, and the City will process the work separation as a voluntary resignation. If the employee is absent for medical reasons for three (3) or more consecutive work days, the employee may not return to work without a report from a doctor giving the date of his/her illness or injury and releasing him/her to work without limitations.

Naturally, the City will promote only those employees on whom it can depend. Regular and timely attendance is a sign of a responsible, dependable employee.

## **2003 COMMUNICATIONS AND ELECTRONIC DEVICES**

The City gives employees access to a number of communications devices designed to assist with the transaction of City business. These devices may include, but are not limited to, telephones, fax machines, computers, postal and carrier services, voice mail, pagers, and the like. Generally speaking, these devices are to be used for business purposes only. However, very conservative, limited use of these devices for personal messages is acceptable so long as it is understood that such messages are subject to monitoring by the City and the use does not:

- (1) exceed the scope permitted by this policy;
- (2) infringe on the right of another employee;
- (3) result in a cost billable to the City;
- (4) interfere with the conduct of City business;
- (5) adversely affect another employee in the performance of his or her duties;
- (6) violate an instruction of a supervisor;
- (7) violate or lead to the violation of a City rule; and
- (8) result in transmission of illegal or immoral materials.

Excessive personal use will subject the employee to disciplinary action, up to and including termination.

No wire, oral or electronic communications to persons not employed by the City may contain confidential information of the City. Additionally, employees may not use the Internet or e-mail or any other communications device which is subject to legal interception or review by non-employees to transmit confidential information of the City. Employees must always be conscious of their duty to protect non-public information in the possession of the City.

By using City communications devices, employees are deemed to consent to having their wire, oral, and electronic communications intercepted, monitored, recorded, captured, stored, trapped and/or reviewed by City officials at any and all times, with or without notice, by any mechanism, including pen registers and trap and trace devices, whether the use is personal or business in nature. Employees should therefore have no expectation of personal privacy in any communications they send or receive on City computers. Employees are prohibited from utilizing any device or taking any measure that defeats City access to City communications and/or electronic storage devices, including, but not limited to the use of computer passwords or the encryption of information, unless authorized by the City for business reasons only. In cases where an employee utilizes a device or takes a measure that defeats City access to the City's communications and/or electronic storage devices, the City reserves the right to bypass or defeat the device or measure utilizing any means available to the City, with or without notice to the employee.

Introducing or using software designed to destroy or corrupt the City's computer system with viruses or cause other harmful effects is prohibited. Employees are required to use the City-provided anti-virus software. Fraudulent, harassing, threatening, discriminatory, sexually explicit, or obscene messages and/or materials are not to be transmitted, printed or stored on the City's computer system. Chain letters, solicitations, and other forms of mass mailings should not be sent out without prior

approval of the City Manager.

### **2003.1 Internet**

Personal use of the Internet should not adversely affect the business, by the time spent surfing the Internet, the types of information accessed, and the resources expended downloading or printing files.

The City prohibits employees from accessing pornographic, gambling-related, and other inappropriate websites.

Employees are prohibited from sending, receiving, or accessing via the Internet any messages or graphics that may be considered threatening, offensive, discriminatory, or harassing to others. All policies pertaining to harassment or discrimination apply to employees' Internet use.

Internet users must recognize that all messages created, sent, or retrieved over the Internet are the property of the City and should be considered public information. Employees who use City computers to access the Internet consent to having their Internet transmissions and retrievals accessed and monitored by the City.

Employees caught misusing the Internet or violating policy will be subject to discipline, up to and including termination.

### **2003.2 E-Mail**

City policies concerning courtesy, harassment, solicitation, etc., apply to the use of the electronic mail system, herein referred to as e-mail. The City will not tolerate defamatory or threatening messages, or messages that create a hostile work environment. Violation of any City policy through the use of the e-mail system will result in disciplinary action.

The City does not permit the posting of items for solicitation on behalf of outside organizations through the e-mail system. E-mail must not be used to solicit for business ventures, social meetings, political or religious groups, or other organizations not related to the City's business unless prior approval from the City Manager has been received.

All e-mail messages that have an ongoing legal, compliance, business, or operational value or relate to an audit, investigation, or litigation must be retained in accordance with the City's document retention policy.

E-mail users should draft messages with the awareness that they are a permanent record. "Deleted" messages may exist on a hard drive, in a backup system, etc., and may be discoverable in a lawsuit. For this reason, e-mail must be treated as any other final work product that could be read in the future by a third party.

### **2003.3 Recording Conversations**

Unauthorized secret recordings of conversations of employees is disruptive to employee morale and inconsistent with the respectful treatment the City of Seguin expects of our employees. Unless the

employee is required as part of his or her job responsibilities, no employee may record, by any means, a conversation with another employee unless the following criteria are met:

A legitimate purpose for the recording, as determined by the Supervisor, Human Resources Department, or City Manager's Office as applicable.

Written authorization from the supervisor of the employee who wishes to record the conversation; or, if the employee does not feel comfortable requesting from their supervisor, is unable to request from their supervisor, or the situation has to do with their supervisor, written authorization from the Human Resources Department or the City Manager's Office. Individuals should not feel obligated to

request written authorization from their immediate supervisor first before requesting from the Human Resources Department or City Manager's Office.

Secret recordings are strictly prohibited unless authorized in writing by the City Attorney's Office or in a situation in which prior approval is not possible, such as when someone is asking or ordering another person to engage in inappropriate or illegal conduct, or when the situation arises unexpectedly thereby not allowing the employee time to obtain prior approval as required above. These circumstances will be evaluated on a case-by-case basis. A violation of this provision may result in disciplinary action, up to and including termination.

#### **2003.4 Portable Communication Devices**

Below are the guidelines for providing, reviewing, and modifying portable communication device allowances and reimbursements paid by the City as well as guidelines on City-issued communication devices.

For purposes of this Policy, the term portable communication device includes, but is not limited to, cellular and/or mobile telephones and related equipment and other wireless cellular or mobile voice or data communication devices. For the purpose of the Policy, the term portable communication device does not include limited function laptop or tablet computers, which are not equipped with a cellular, mobile or "air card."

#### **Demonstrated Business Need**

City departments should limit the use of cell phones, services and allowances to those employees who have a demonstrated business need to have them. Other communication means such as landline phones, network access, email, etc. should be used instead of portable communication devices whenever possible. The following criteria should be used to determine whether an employee is eligible for either a portable communication device or cellular allowance:

- a) Reachable immediately: The employee's job duties and responsibilities are such that it is important that the organization be able to reach them and/or transmit data immediately, and the employee cannot be reached through more economical means.
- b) On-call: The employee is required to be on-call outside of normal business hours, and the employee cannot be reached through more economical means.
- c) Fixed location: The employee's job duties and responsibilities are such that they are not working

at a fixed location most of the time, and the employee cannot be reached through more economical means.

- d) Travel: The employee's job duties responsibilities are such that they are not working at a fixed location the majority of the time, and the employee cannot be reached through more economical means.
- e) Safety: The employee's job duties and responsibilities are such that they need a portable communication device for their safety or the safety of their customers, or constituents.

### **Allowances**

An allowance option is available to departments for their employees that have a demonstrated business need for cellphone use. While an employee will receive a set allowance through payroll for the use of a personal cell phone, departments should choose the appropriate amount that makes the most business sense and is in the best interest of the City.

- a) All allowances must be recommended by the Department Director and approved by the City Manager. The employee must provide the cell phone number to the Department. Departments must submit a Cellular Allowance Authorization Form to Finance for processing.
- b) The cell phone and related equipment will be obtained by, paid for, and owned by the employee. The account and service will be registered in the name of the employee and billed to the employee at their home address. The employee is responsible for the entire cost of the service. The City will not reimburse employees receiving allowances for the costs of purchasing or replacing portable communication devices under any circumstances.
- c) Departments are responsible for an annual review of employee business related cell phone use to determine if existing cell phone allowances should be continued as is, changed, or discontinued.
- d) Allowance Tiers: Allowances may be provided to an employee upon the approval of his/her Department Director and the City Manager based upon the employee's business use as described in the tiers below.

Allowance will be available in the following monthly allowance tiers:

1. **Basic Usage** - \$50 monthly allowance. Employees in this tier generally would spend a great deal of work time out of the office and in the field and do not have easy access to a land-line phone in order to remain in contact with their place of business or with the clients, customers, or constituents they serve.
2. **High Usage** - \$75 monthly allowance. Employees in this tier, by the nature of their job responsibilities, are required to extensively use cellular communications in the course of their duties.

Employees need to remember that even if an employee is or is not receiving a city cell phone allowance for his or her personal cell phone, any governmental business that is conducted on a cell phone, personal or city issued, is governed by the Texas Open Records Act or Texas Government Code, Chapter 552. Texas Government Code, Chapter 552 states that all government records, including records from personal cell phone devices, are presumed to be available to the public if any governmental business was performed on the cell phone.

## **2003.5 Social Media Usage**

To protect the security and integrity of the City's electronic communication and information systems by educating directors, employees, and other users about appropriate and safe use of available technology resources. City computer systems and network resources, programs and software, wherever stored, and hardware, including, but not limited to, laptops, iPads and other portable resources (collectively "City IT Resources"), constitute expensive and valuable assets of the City, and the City is obligated to protect these assets, and to ensure that uses made of these assets are lawful and appropriate.

As a governmental entity the City IT Resources are subject to the Texas Open Records Act; therefore, the city reserves the right to inspect and retrieve any data, e-mail, social media content, files, settings or any other aspect or access made by a city-owned computer or related system and will do so on an as-needed basis as determined by the City Manager, City Attorney, Chief Information Officer, or Directors.

All persons using City IT Resources are responsible for reading and following information that may be distributed from time-to-time by the IT department about appropriate precautions to protect city systems.

To address the fast-changing landscape of the Internet and the way directors, employees, agents, and residents communicate and obtain information online, city departments may consider participating in social media formats to reach a broader audience. The City of Seguin (hereinafter the "City") may allow or sponsor the use of Social Media to further the goals of the city and the missions of its departments where appropriate.

The City, acting through its Mayor, City Manager and City Council, has an overriding interest and expectation in deciding who may "speak" and what is "spoken" on behalf of the City on social media sites. This Policy establishes guidelines for the use of social media.

The City Manager or designee shall approve which Social Media sites may be suitable for use by the City and its departments. The IT Manager and designees shall serve to educate departments on how to best use various Social Media sites to achieve their goals.

With respect to employees this Policy supplements the rules and policies in the City of Seguin Computer Use policy that apply to your duties and responsibilities as a City employee (collectively the "Employee Policies"). An employee's access to and use of City IT Resources, social networking and other websites is subject to this Policy and to the Employee Policies.

Although City IT Resources exist for City business, this Policy recognizes that City IT Resources may be used for incidental personal purposes. Personal use of City IT Resources is subject to this Policy. This is just a portion of the City of Seguin's Social Media Usage policy. A copy of the entire policy may be found in the Human Resource Department at an employee's request.

## **2004 DISCIPLINE**

It is not possible to list all rules of conduct, and the various forms of prohibited conduct identified in the Employee Guidelines are not necessarily all-inclusive of the reasons for which an employee may be disciplined or discharged. The City tries to avoid unnecessary restrictions on personal conduct because

the City feels certain that employees will exercise common sense and follow the generally accepted customs of good taste.

The City generally tries to follow a progressive discipline system. The City is not obligated, however, to use all of the progressive disciplinary steps. Additionally, the City may begin the disciplinary process at any level, up to and including termination.

Depending on the circumstances of each case, disciplinary actions may include:

- a) **Counseling:** The counseling is a conference, discussion or any other form of oral communication and will be documented as such.
- b) **Documented Counseling:** The counseling discussion will be documented, and a copy of this documented counseling will be placed in the employee's personnel file which will include the employee's signature and their supervisor's signature.
- c) **Written Reprimand:** The written reprimand is used to document, in writing to the employee, the unsatisfactory job performance or conduct that has been demonstrated by the employee. An employee who receives a written reprimand will be required to acknowledge receipt of the reprimand by signing it. The employee's signature on a reprimand does not mean that the employee admits to any wrongdoing – it only indicates that they have been notified. The employee shall be given a copy of the reprimand. The original will be sent to the Human Resource Department to be filed in the employee's personnel file.
- d) **Suspension Without Pay:** Suspension without pay is used when an employee's unsatisfactory job performance or conduct requires more severe disciplinary action than a written reprimand.
- e) **Demotion:** A disciplinary demotion is the reduction of an employee's pay grade as a result of action initiated by the City. Demotion should only be considered as an appropriate form of action when the employee's job performance or conduct is unsatisfactory in the current position and there is a vacant position the employee is qualified to fill.
- f) **Termination:** Termination is an involuntary discharge from the City. All recommendations for termination must be reviewed by the Director of Human Resources.

Pre-disciplinary hearings are to be held in the event where suspension without pay, demotion, or termination is being recommended. The pre-disciplinary hearing is provided to give the employee an opportunity to present his/her circumstances and is coordinated by the Human Resource Department. Pre-disciplinary hearings may not be afforded to employees disciplined during their introductory period.

#### **2004.1 Disciplinary Appeal**

An appeal is an employee's formal written appeal of any determination to impose an adverse personnel action. Adverse personal action is defined as termination (job abandonment/unexcused absences excluded), involuntary demotion, or suspension. Probationary and temporary/seasonal employees are not eligible to use the appeal procedure.

With the exception of job abandonment, no employee can be terminated, suspended or demoted without

the right of appeal to the next level of management and ultimately to the City Manager. This administrative process is the exclusive remedy to dispute the just cause of the aforementioned actions. There is no right to appeal the final administrative decision to any court based upon a claim of insufficient cause or breach of contract. Failure of an employee to fully utilize and exhaust the appeal process shall be deemed a waiver of any response and appeal rights granted under this policy. If the right to a hearing is waived by the employee, the appeal may be dismissed or a decision on a disciplinary action involving the employee may be made by the employee's supervisor, Department Head, the City Manager, or his/her designee, based upon the facts at hand. However, if the employee agrees and serves the disciplinary action the right to appeal to the next level of management is automatically not warranted.

An appeal of an adverse employment action must be filed, in writing, to the next level of management within the employee's chain of command within ten (10) days after the employee is notified of the disciplinary action.

## **2005 DRESS CODE**

Grooming, appearance, and personal cleanliness are standards that contribute to the morale of employees and affect the professional image the City presents to citizens and visitors.

The following general guidelines apply to all employees. Employees who work in departments where uniforms are required should refer to section *2016 Uniform Policy*. Exceptions to this dress code must be approved by the Department Head and the City Manager.

Supervisors are responsible for enforcement of the dress code within their department and exceptions should be made based upon work activities planned for any given workday. Complaints about the attire or appearance of an employee should be directed to the Department Director of the employee in question.

### **2005.1 Dress**

To assist in determining what clothing is appropriate for business professional, business casual and casual, a Women's and Men's Chart is provided below with specific examples of permitted and not permitted clothing.

Complaints about the attire or appearance of an employee should be directed to the Department Director of the employee in question.

To assist in maintaining the city's image, at no time should a staff member wear attire consisting of the following while working:

- Muscle shirts
- Low-cut revealing blouses
- Skirts more than 2 inches above the knee
- Bare midriff or off-the-shoulder tops, tube tops, halter tops, spaghetti- straps
- Frayed or tattered clothing.
- Beachwear
- Athletic wear
- Dirty, ripped, or stained clothing
- Transparent or tight garments
- Spandex or Lycra garments such as biker



- shorts
- Cutoff shorts

## WOMEN'S

| Clothing Item                                                                                  | BUSINESS PROFESSIONAL |                  | BUSINESS CASUAL     |               | CASUAL              |               |
|------------------------------------------------------------------------------------------------|-----------------------|------------------|---------------------|---------------|---------------------|---------------|
|                                                                                                | Permitted             | Not Permitted    | Permitted           | Not Permitted | Permitted           | Not Permitted |
| Blouse (Long Sleeve)                                                                           | √                     |                  | √                   |               | √                   |               |
| Blouse (Short Sleeve)                                                                          | √                     |                  | √                   |               | √                   |               |
| Blouse (Sleeveless Sleeve)                                                                     | √                     |                  | √                   |               | √                   |               |
| Pants/Slacks                                                                                   | √                     |                  | √                   |               | √                   |               |
| Capri/Crop Pants                                                                               |                       | √                | Below the knee      |               | Below the Knee      |               |
| Dress – Sleeveless (2" above the knee or longer)                                               |                       | Only With Jacket | √                   |               | √                   |               |
| Dresses (2" above the knee or longer)                                                          | √                     |                  | √                   |               | √                   |               |
| Golf Shirt                                                                                     |                       | √                | √                   |               | √                   |               |
| Halter Top                                                                                     |                       | √                |                     | √             |                     | √             |
| Hat                                                                                            |                       | √                | Director discretion |               | Director discretion |               |
| Leggings (Not see through, and paired with longer tops, tunics, cardigans that cover backside) |                       | √                | Director discretion |               | Director discretion |               |
| Jeans (Not faded, no holes, no fray, tears or decorated)                                       |                       | √                | √                   |               | √                   |               |
| Shorts/Skort                                                                                   |                       | √                |                     | √             |                     | √             |
| Skirts (2" above the knee or longer)                                                           | √                     |                  | √                   |               | √                   |               |
| Spaghetti Strap Tops                                                                           | Only With Jacket      |                  | Only With Jacket    |               | Only With Jacket    |               |
| Strapless Top                                                                                  |                       | √                |                     | √             |                     | √             |
| Suit Jacket worn with slacks or skirt (2" above the knee or longer)                            | √                     |                  | √                   |               | √                   |               |
| Sweater                                                                                        | √                     |                  | √                   |               | √                   |               |
| Sweatshirt/Sweatpants/Windsuits                                                                |                       | √                |                     | √             |                     | √             |
| Tank Top                                                                                       | Only With Jacket      |                  | Only With Jacket    |               | Only With Jacket    |               |
| T-shirts (No writing/graphics. Exception – City branded)                                       |                       | √                | Director discretion |               | √                   |               |
| Overalls (Chambray or other Fabric ok. No Denim or Spandex.)                                   |                       | √                | Director discretion |               | Director discretion |               |
| Shorts                                                                                         |                       | √                |                     | √             |                     | √             |

### SHOES

|                       |   |   |                     |   |   |   |
|-----------------------|---|---|---------------------|---|---|---|
| Backless Closed-Toed  | √ |   | √                   |   | √ |   |
| Backless open Toed    | √ |   | √                   |   | √ |   |
| Boots                 | √ |   | √                   |   | √ |   |
| Dress Sandal          | √ |   | √                   |   | √ |   |
| Open Toed             | √ |   | √                   |   | √ |   |
| Clogs                 |   | √ | √                   |   | √ |   |
| Beach Style Flip Flop |   | √ |                     | √ |   | √ |
| Tennis/Sneakers       |   | √ | Director discretion |   | √ |   |

| <b>MEN'S</b>                                                   |                         |               |                     |               |                     |               |
|----------------------------------------------------------------|-------------------------|---------------|---------------------|---------------|---------------------|---------------|
| Clothing Item                                                  | BUSINESS<br>PROFESIONAL |               | BUSINESS<br>CASUAL  |               | CASUAL              |               |
|                                                                | Permitted               | Not Permitted | Permitted           | Not Permitted | Permitted           | Not Permitted |
| Sport Coat/Blazer                                              | √                       |               | √                   |               | √                   |               |
| Long Sleeve Dress Shirt                                        | √                       |               | √                   |               | √                   |               |
| Short Sleeve Dress Shirt                                       | √                       |               | √                   |               | √                   |               |
| Tie                                                            | Required                |               | √                   |               | √                   |               |
| Sweater                                                        | √                       |               | √                   |               | √                   |               |
| Polo Golf Shirt                                                |                         | √             | √                   |               | √                   |               |
| T-shirts<br>(No writing/graphics.<br>Exception – City branded) |                         | √             | Director discretion |               | √                   |               |
| Sweatshirt/Sweatpants/Windsuits                                |                         | √             |                     | √             | Director discretion |               |
| Tank Top                                                       |                         | √             |                     | √             |                     | √             |
| Dress Pants                                                    | √                       |               | √                   |               | √                   |               |
| Khaki Pants                                                    | √                       |               | √                   |               | √                   |               |
| Jeans<br>(Not faded, no holes, no fray,<br>tears or decorated) |                         | √             | √                   |               | √                   |               |
| Shorts                                                         |                         | √             |                     | √             |                     | √             |
| Hat                                                            |                         | √             | Director discretion |               | Director discretion |               |
|                                                                |                         |               |                     |               |                     |               |
| <b>SHOES</b>                                                   |                         |               |                     |               |                     |               |
| Dress Shoes                                                    | √                       |               | √                   |               | √                   |               |
| Boots                                                          | √                       |               | √                   |               | √                   |               |
| Boat/Deck/Loafer Shoes                                         |                         | √             | √                   |               | √                   |               |
| Dress Sandal                                                   |                         | √             | √                   |               | √                   |               |
| Beach Style Flip-Flop                                          |                         | √             |                     | √             |                     | √             |
| Tennis/Sneakers                                                |                         | √             | Director discretion |               | √                   |               |

## **2005.2 Personal Appearance/Hygiene**

Employees are expected to present a clean, neat and tasteful appearance while working or representing the City in any capacity.

- Shirts and blouses must completely cover the abdomen and back.
- Jewelry/Piercings - Jewelry determined to be a safety hazard may not be worn during business hours or while representing the City of Seguin. Any jewelry worn must be in good judgement and non-distracting. Facial piercings or space holders' piercings that are clipped to the eyebrow, tongue, scalp, forehead, or other exposed parts of the body may not be worn, with the exception of the ear and nose. One nose piercing with a stud no larger than 3 mm is permitted for non-sworn staff members. The colors of studs allowed are gold, silver, or diamond. Please contact the Human Resources Department with any questions regarding the size or acceptability of a nose stud.
- Hair styles that are disruptive or extreme, or hair colors that do not occur naturally are prohibited.
- Employees should be aware that some individuals have sensitivity to odors and fragrances and therefore should use good judgement regarding the use of perfumes, scented lotions, cologne, etc.
- Tattoos - All visible tattoos must be appropriate in content and in keeping with a professional image. Any tattoos of inappropriate content must be covered while at work.

Tattoos must be non-offensive; no revealing of professionally inappropriate tattoos or marks during business hours or when representing the City. It is at the sole discretion of the Department Director and City Manager when representing the City at sponsored events, public meetings or any other City function that a tattoo or tattoos be covered. "Full sleeve" tattoos on the arms are discouraged but allowed.

Offensive tattoos or marks may be defined, but are not limited to, marks that exhibit or advocate discrimination against sex, race, religion, ethnicity, national origin, sexual orientation, age (40 and over), physical or mental disability or medical condition, or marital status; marks that promote or express gang, supremacist or extremist group affiliation; and marks that depict or promote drug use, sexually explicit acts or other obscene material.

No tattoos, body art, temporary tattoos, brandings, intentional scarring or intentional mutilations will be visible above the collar line, which includes the head, neck, face, scalp or hands with the exception of one ring-sized band on one finger unless authorized by the Department Director because of special circumstances. Tattoos visible below the collar line with an open collar shirt shall be covered. The final decision on the interpretation of a tattoo is also determined by the Department Director and City Manager.

Smaller, individual tattoos may be visible on legs, and feet at the discretion of the Department Director and City Manager.

### **2005.3 Casual Day**

Casual day is designated for city staff to be on Friday of each week. Presentable jeans (not torn or frayed) are allowed if appropriate to the day's planned work activities. Jeans may be paired with a blouse, shirt, polo golf shirt, city polo shirt, or city branded t-shirt. Other inappropriate clothing, as stated above, is not allowed.

City shirts may be worn to functions or events where employees are representing their department or the city, i.e. training/seminars, conferences, fundraisers, etc. Please remember that when wearing a City shirt employees are identified as public servants and will be held to the highest standard of ethical conduct.

Supervisors may require business or business casual dress at any time to accommodate the department's planned workday. Employees whose positions require a uniform should discuss with their supervisor/director whether an exception to the uniform policy may be made to allow participation in casual day.

### **2006 DRIVER INSURABILITY**

Employees whose positions require the operation of a City vehicle or motorized equipment, or who operate personal vehicles on City business must, as a condition of employment, maintain a driving record that allows them to be insurable by the City's insurance carrier at prevailing premium rates. In other words, an employee whose driving record renders him uninsurable as a driver under the City's liability insurance policy or which conditions his insurability on the payment of above-market insurance premiums violates this policy and is subject to dismissal. This means that employees who drive for the City are expected to obey all traffic laws and avoid motor vehicle accidents at all times, even when driving their own vehicles during non-working hours. Under most liability insurance policies, an employee who is convicted of driving under the influence of alcohol or drugs will likely be disqualified from coverage or will be declared uninsurable except at much higher premium rates.

Employees whose positions require the operation of a motor vehicle must promptly report to their supervisor all violations (convictions) of motor vehicle laws, as well as all suspensions or revocations of their operator's license.

Employees who drive as part of their job are subject to the following standards:

- Be 18 years of age; and employed in a regular position. Temporary and seasonal employees are restricted from operating City vehicles, their personal vehicles on City business, or equipment including tractors, trucks, automobiles, loaders, etc. unless expressly authorized by the City Manager.
- Be physically qualified to hold a driver's license;
- Hold current Texas Driver's license in the appropriate class as required for the position held;
- Wear seat belt and any other safety equipment at all times;
- Obey all traffic laws and ordinances;

- Observe all City vehicle and traffic related policies;
- Maintain vehicles; and
- Must maintain good driving record (10 points or less).
- Must be able to pass a drug/alcohol test as required by the current “Substance Abuse & Alcohol Misuse Prevention in the Workplace” policy.

Failure by employees to adhere to these standards may result in disciplinary action up to and including termination.

### **2006.1 Vehicle Operator Guidelines**

All City of Seguin employees authorized to operate City vehicles and motorized equipment, or who operate personal vehicles on City-related business, shall be subject to the standards established in the Vehicle Operator Guidelines.

The Vehicle Operator Guidelines establishes minimum standards for the qualification of employees and applicants to operate City vehicles and motorized equipment as well as establishing procedures for determining eligibility for take-home vehicle authorization.

#### **Responsibility**

1. The City Manager has final authority and responsibility for administration of this policy. The City Manager, or his designee, may grant exceptions to this policy as necessary, appropriate, and in the City's best interest.
2. Department Directors and subordinate management staff are responsible for the administration and enforcement of this policy.
3. The Finance Director is responsible for the proper accounting and income tax related reporting of expense allowances and take-home vehicles, consistent with Internal Revenue Service (IRS) requirements, and for other record keeping as required for the administration of this policy.
4. This policy will be reviewed periodically to ensure fair and equitable administration and changes will be made as deemed necessary.

This policy shall apply to:

1. City employees driving a City owned, leased or rented vehicle or motorized equipment.
2. City employees who use a personal vehicle for City-related business.
3. Applicants for positions which require the operation of City vehicles or equipment.

#### **Guidelines**

1. The City of Seguin may provide appropriate transportation or compensation for all employees required to travel in the course of their assigned duties. All requests for employee compensation under this section will be submitted in writing to the appropriate Director/Supervisor subject to approval by the City Manager.
2. All City vehicles and equipment are to be used for official, city business only. The City Manager may extend said use according to need and circumstances for uses beneficial to the

general public. Examples of uses outside of normal city business but which would be considered beneficial to the public would be for a city sanctioned event/activity such as the 4<sup>th</sup> of July parade, transport of visiting officials, etc.

Public Safety ride-a-longs will be allowed in accordance with the policies and procedures of the respective departments (Fire/EMS, Police) provided that a signed release and waiver form is on file. Unauthorized City employees and spouses/others are not allowed to commute to and from work, in a city owned vehicle.

1. The employee is responsible for maintaining adequate insurance (at least state required minimum amounts) and providing fuel, lubricants, tires, maintenance, and repair of their privately owned vehicles.
2. Failure to comply with this policy revokes all authorization. All drivers must comply with all general traffic safety rules and regulations. Any employee convicted of a traffic violation such as speeding or reckless driving shall be responsible for payment of fines and may be subject to disciplinary action.

### **Definitions**

**City Vehicles:** Any passenger car, pick-up, truck, or other similar vehicle, owned, leased, rented, or otherwise under the care, custody, or control of the City of Seguin. A City vehicle shall include personal vehicles used for official, city business.

**Motorized Equipment:** This category shall be considered a vehicle and includes, but is not limited to backhoe, bulldozer, mower-tractor, loader, grader, and other similar equipment.

**Preventable Accident:** Any accident involving a City vehicle or piece of equipment that results in property damage and/or personal injury in which the driver in question failed to exercise every reasonable precaution to prevent the accident. The likelihood that an accident was preventable shall be determined from the investigative results of the appropriate law enforcement agency.

**Personal Vehicles:** Privately owned vehicles used in the conduct of City business and for the use of which the driver is eligible to claim mileage reimbursement.

**Driving records:** The complete driving history of an employee as can be discerned from any official records.

### **Vehicle Operator Responsibility**

1. Operator must use seat belts and other relevant safety equipment when operating City vehicles or motorized equipment.
2. The vehicle operator is responsible for seeing that all passengers are seated in a seat and wearing a seat belt, i.e., no passengers in the bed of a pickup truck or on the top of the cab or hood of a vehicle. If a large work crew is required at the work site, additional trips and/or additional vehicles will be utilized to transport the employees.
3. Operator must observe all City vehicle and traffic related policies as well as all laws and ordinances relating to the operation of City vehicles or motorized equipment.
4. Operator is responsible for the proper care and use of vehicles or motorized equipment. This

includes maintaining City vehicle/motorized equipment interior and exteriors, regularly servicing these items and reporting maintenance needs to the supervisor and operating all City vehicles/motorized equipment in a manner that conserves fuel and reduces depreciation.

5. Employees using personal vehicles for City business shall fulfill all current legal regulations such as insurance, inspection, and registration.
6. The use or possession of alcohol in a City vehicle is strictly prohibited. Violation will subject the driver and/or other employed passengers to disciplinary action up to and including termination.
7. The use of tobacco products (cigarettes, e-cigarettes, chewing tobacco, cigars, vape, or smokeless) while riding in or operating a City vehicle is prohibited.
8. Use of cellular devices while operating a City vehicle or motorized equipment is prohibited.
9. It is every employee's responsibility to minimize fleet operating costs while reducing harmful effects to the environment. Idling is not good for the engine, except in the case of a diesel engine. Therefore, at no time should units be vacated with the motor left running. Exceptions are allowed when an emergency unit requires that the motor be running in order to operate necessary equipment, and if diesel powered vehicles will be idling for less than 15 minutes.

## Procedures

1. Employees operating City vehicles, motorized equipment or rental units must immediately notify their supervisor or the appropriate director of an accident/incident involving damage to any vehicle, equipment, property (public or private) or in the event of injury to a party directly involved in the accident. The supervisor/director is then responsible for immediately notifying the Human Resource & Risk Management Administrator in order that post-accident drug/alcohol testing can be conducted in compliance with the City's Alcohol and Drug Policy. The supervisor/director will also notify the Human Resource & Risk Management Administrator by 5:00 p.m. of the day of the incident or by 8:00 a.m. of the next working day using the Accident/Incident Report Form. All accidents/incidents must be reported on an Accident/Incident Report Form and any pictures of the accident/incident may also accompany the form. Also, all accidents/incidents involving damage to city owned units/equipment including rental units and/or personal injury must be reported to the Police Department.
2. Employees who are in jobs requiring the driving/operating of City vehicles or motorized equipment shall report any traffic tickets or driver's license suspensions to their immediate supervisor within twenty-four hours of the suspension or ticket. Failure to report license suspensions; failure to maintain the required driver's license; or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action including termination of employment.
3. The Human Resources Department will run motor vehicle record checks on each employee on the authorized driver's list. The motor vehicle record reflects the past three years of a driving record. The appropriate department head will be notified of any employee whose driving record fails the criteria set forth in this policy.
4. City employees who are ruled ineligible for driving privileges may have their privileges reinstated provided the employee successfully completes a Defensive Driver Training Program approved by the City and submits evidence of satisfactory completion to the City.
5. An employee who is ruled ineligible for driving privileges may use the defensive driving course option only once every three (3) years to have their eligibility status reinstated. The defensive driving course does not remedy a driving while intoxicated or under the influence of narcotics violation.
6. Employees who are ruled ineligible to drive City vehicles or equipment due to their driving record may, at the City's sole discretion be:

- Assigned non-driving responsibilities within their current department, if available; or
  - Transferred to another department and assigned non-driving responsibilities, if available; or
- Dismissed, if neither of the above alternatives can be achieved within (20) working days.
  - All non-driving responsibilities must have prior approval of the City Manager.
7. Employees who become ineligible for driving privileges are not permitted to drive either their personal vehicle or city vehicles on City related business.
  8. Use of city owned vehicles by departments other than that which the vehicle is assigned to will be subject to approval of the Department Director.

### **Take-Home Vehicles**

To be authorized for the take-home use of a City vehicle, one of the following conditions must apply:

1. The employee is subject to after-hours emergency callback or other unscheduled work. Such unscheduled work could involve a real and present threat to life or property requiring an immediate response. A specialized vehicle, tools, or equipment may be required for the performance of emergency duties.
2. The employee is assigned a clearly marked vehicle and a significant benefit is realized by the City due to the increased visibility of that vehicle. (applies to public safety vehicles only).
3. Employees will be allowed to take a vehicle home only if they reside within five (5) miles of the Extra Territorial Jurisdiction (ETJ).

Employees will lose the vehicle take home privilege if they move to a residence that is greater than five miles outside the existing ETJ. Work-related situations could develop where exceptions would be in the best interest of City operations and services. Examples of work-related situations include impending flooding, icing or other adverse weather conditions, correcting mechanical problems in the water plants, supervision of park facilities when in use by the public at night and weekends. All exceptions must be approved by the City Manager.

Vehicles used for working emergency standby duty may be exempted from the residency restriction, on a case-by-case basis. Standby services are Electric, Water, Water/Wastewater Maintenance, Wastewater Treatment, Animal Services, Fire/EMS, and Police. Prior approval from the City Manager must be documented in writing before such exceptions can be implemented.

The City Manager will authorize take-home vehicles based upon the written request of the employees' Department Director. Any new requests shall be in writing and must explain the reasons warranting take-home usage.

Alcoholic beverages or illegal drugs will not be consumed or transported in take-home vehicles at any time. In addition, tobacco, of any form, is not to be used while operating or riding in a City vehicle. A violation of this policy shall result in termination of employment.

Any combination of two negligent accidents, moving traffic violations or violation of any of the terms of these guidelines is grounds for revoking take-home authorization.



Employees assigned a take-home vehicle shall leave that vehicle at their workstation when the employee will be away from work over three days due to vacation, extended sick leave, etc. This will enable other employees to have use of the vehicle and provide adequate security for the vehicle.

Employees driving city owned vehicles/equipment and/or rental equipment will lock the unit whenever it is not occupied and/or in use. This does not apply to Police, Fire/EMS, or other safety units.

Emergency workers and those assigned a vehicle to take home, may use their vehicle for lunchtime and break time use within the City limits.

Employees (*Public Safety and "On-Call" excluded*) assigned a take-home vehicle will be required to submit a mileage report for the distance from their residence to their assigned worksite. IRS regulations indicate that the mileage incurred during an employee's commute to and from work is a taxable benefit. Therefore, employees provided with this benefit should identify the vehicle driven and submit their mileage, using the mileage report (available from the Finance Department) with each payroll for which they had use of a City vehicle for commuting purposes.

### **Use of Personal Vehicles on Official City Business**

Eligibility for mileage reimbursement for use of personal vehicle shall be subject to approval by the Department Director. Mileage will be calculated from the point of time that the employee arrives at the job site. Compensation for mileage for travel from home to work will not be a consideration for employees called back for special training, emergency call back duty and other job-related responsibilities.

To be eligible for mileage reimbursement, an employee must possess a valid, appropriate Texas driver's license, a current state inspections sticker, current vehicle registration, and be able to furnish proof of adequate insurance as defined herein.

The amount of the mileage reimbursement rate shall be the rate currently authorized by the I.R.S. as a deductible employee business expense for federal income tax purposes.

Claims for mileage reimbursement shall be made monthly on forms provided for such use and shall be approved by the appropriate Department Director and Finance Director.

Employees involved in an auto accident in the employee's private vehicle while on official City business will have primary coverage through their own policy. City coverage will apply, up to the limits established in current coverage, as the secondary carrier.

Directors assigned to a City owned vehicle may elect to receive a car allowance in lieu of the City owned vehicle assignment. A Director approved to receive a car allowance shall not be eligible to request a forfeiture of the car allowance for a period of three years. Subsequently, a director forfeiting their approved car allowance may not request a car allowance for a period of three years. The City Manager, at his discretion, may deviate from the three-year period as necessary to meet core business functions in a specific department.

Directors electing a car allowance in lieu of an assigned City owned vehicle shall comply with all provisions of the City's Vehicle Operator Policy related to *Use of Personal Vehicles on Official City Business*.

Directors electing a car allowance in lieu of an assigned City owned vehicle are prohibited from operating a City owned vehicle designed for transit and are subject to disciplinary action. A Director may, from time to time, be a passenger in a City owned vehicle as necessary, however, a Director receiving a car allowance shall not, as a matter of routine, have an employee chauffeur them in their daily job-related travels to avoid the use of their personal vehicle. A Director may continue to operate equipment designed to perform certain job specific related tasks, i.e., a backhoe, tractor, lawn mower, bucket truck, etc. An exception may be made for a Director to use a City owned vehicle for conferences or for another reason if approved by the City Manager.

Directors may not be eligible for a vehicle allowance if their current City vehicle is part of the City's fleet management lease program. An exception can be made if your current City vehicle can be assigned to another department.

An appropriate compensation for the car allowance shall be determined by the Director of Human Resources and approved by the City Manager. This compensation shall be reviewed annually and may increase or decrease annually. The Director of Human Resources will consider current vehicle costs, insurance, maintenance, and any other related expense the City incurs by assigning and operating a City owned vehicle to calculate the annual car allowance compensation. The compensation shall be distributed as part of the employee's bi-weekly paycheck and is subject to all IRS rules related to this type of compensation.

### **Operator Standards for Current Employees & Applicants for Employment**

Applicants for positions requiring the operation of City vehicles or motorized equipment, or employees currently in positions requiring them to operate a City vehicle and/or their own personal vehicle on official City business shall not be eligible for driving/operating privilege if the total points assigned to their driving record is ten (10) or more.

| <b>VIOLATION POINTS</b>                                                                                                                                                                     |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| License suspension, revocation<br>(Roll off period for charge is not to exceed 5 years)                                                                                                     | 10 |
| Driving while intoxicated or under the influence of narcotics or any other alcohol or drug related offense<br>(Roll off period for charge is not to exceed 5 years)                         | 10 |
| Obstructing Highway Passageway<br>(Roll off period for charge is not to exceed 5 years)                                                                                                     | 8  |
| Any serious violation - e.g., reckless driving, fleeing the scene of an accident, fleeing police, etc. (Roll off period for charge is not to exceed 5 years)                                | 10 |
| Failure to use restraint system, use of cell phone in school zone, etc.<br>(Roll off period for charge is not to exceed 3 years)                                                            | 4  |
| Any speeding violation (Roll off period for charge is not to exceed 3 years)                                                                                                                | 3  |
| Any chargeable bodily injury accident (Roll off period for charge is not to exceed 3 years)                                                                                                 | 3  |
| Any chargeable property damage accident (Roll off period for charge is not to exceed 3 years)                                                                                               | 3  |
| Any standard moving violation, e.g., failure to signal, careless driving, improper lane change, failure to stop at stop sign, etc.<br>(Roll off period for charge is not to exceed 3 years) | 2  |

## **2007 DRUG/ALCOHOL-FREE WORKPLACE POLICY**

Employees are required to report to work on time and in the appropriate mental and physical condition for work. It is the City's intent and obligation to provide a healthy, safe, secure, and drug/alcohol-free work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol, unauthorized or illegal drugs, or the misuse of any legal drugs on City premises, or while conducting City business off City premises, is prohibited. The City prohibits employees from entering work areas, or working or attempting to work while under the influence of alcohol, drugs, or other controlled substance. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The City of Seguin recognizes drug/alcohol dependence as an illness and a major health problem. The City also recognizes drug/alcohol abuse as a potential health, safety, and security problem. We encourage employees that need help in dealing with such problems to use our Employee Assistance Program as well as our health insurance plan as appropriate. Conscientious efforts to seek such help will not be used as a basis for disciplinary action. Once an employee is found to have violated this policy however, their offer to seek rehabilitation on a voluntary basis will not necessarily limit disciplinary action.

The City has a zero-tolerance policy regarding positive drug screens, including marijuana. With the increased prevalence of CBD Oil, employees need to consider that in some rare instances CBD Oil use might lead to a positive drug test and potential loss of employment.

There is no visual difference between a hemp plant and a cannabis plant. Hemp is legal in Texas, but only if it contains less than 0.3% THC (Tetrahydrocannabinol) by dry weight. Depending on the use of CBD Oil that includes THC may result in a positive drug test, which would violate the City's Drug/Alcohol-Free Workplace Policy.

In summary, using CBD Oil is legal, however caution should be exercised if used by an employee since it can possibly result in a positive drug screen, which violates City policy and lead to loss of employment.

As a condition of employment, employees must abide by the policy and they must report any conviction under a criminal drug statute for violations occurring on or off city premises while conducting City business. A report of a conviction must be made within five (5) days after the conviction.

### **2007.1 Drug/Alcohol Testing**

Criteria for Screening.

**Pre-employment:** All applicants will be screened before placement. Employment will be denied to an applicant whose test reveals the presence of a prohibited substance or derivative thereof.

All current employees who are transferred from a non-safety sensitive position to a safety sensitive position must pass a pre-employment drug screen before performing the safety sensitive position.

**Random:** All employees of the City are subject to impromptu, unannounced, or random screening for drug or alcohol abuse.

**Reasonable Cause:** Any employee may be tested based on a reasonable belief that the employee may be under the influence of prohibited substances. The reasonable belief is based on, but may not be limited to, the following conditions:

- a) Excessive absenteeism
- b) Excessive tardiness
- c) Physical evidence (i.e. stumbling, slurred speech, dilated pupils)
- d) Noted differences or decline in quality of work
- e) A credible eyewitness report of possession or use of drugs, drug paraphernalia or alcohol on the job

**Post-Accident:** All employees who are involved in an accident may be drug/alcohol tested. Additionally, if any involved person requires medical attention, or if the accident causes damage to either city or private property or places the City in a position of liability, the involved employees are subject to a post-accident drug/alcohol test. At the discretion of the Human Resource & Risk Management Administrator, Human Resources Director or City Manager, employees may be restricted from operating a city vehicle or performing specific job duties pending the results of the test. Post accident tests must be conducted as soon as possible but not later than eight (8) hours after the accident for alcohol, and thirty-two (32) hours after the accident for drugs.

**Return to Duty/Follow-up:** An employee whose drug screen is determined to be positive will be subject to disciplinary action up to and including termination. An employee may be given an opportunity to regain his or her employment on the condition that the employee first passes a return to duty drug screen. An employee who returns to duty shall be subject to a reasonable program of follow-up drug testing, without prior notice, for up to 60 months after his or her return to duty. The employee will be responsible for payment of the return to duty test and follow-up testing.

**Reasonable Cause/Alcohol Testing:** All employees, regular, temporary, and part-time, as a condition of employment, are required to submit breath, saliva, urine and/or blood (for alcohol confirmation only) specimens on demand by the City.

**Other:** As defined in department specific policies (i.e. police department).

## **2008 EMERGENCY SITUATIONS**

The citizens of Seguin depend on City employees before, during and after an emergency to provide customer service in the delivery and restoration of essential public services required to maintain health, safety and well-being. To keep vital services available, it may be necessary to change an employee's work schedule or reassign employees to other departments on a temporary basis.

## **2008.1 Essential Personnel**

Each regular City position has been designated as either “essential” or “non-essential”. A current listing of essential positions is maintained by the Human Resource Department. Employees are notified of their status at the time that they are placed in their position either as a new-hire, when transferred or when promoted. Essential employees are required to report for duty, or be available to report for duty, during an emergency situation as declared by the Mayor, City Manager or their designee. Failure to report for duty or be available for duty during an emergency situation authorized by the Mayor, City Manager or their designee, will result in disciplinary action up to and including termination.

Temporary positions or those positions occupied by employees under aged 18 will not be designated as “essential personnel”. Non-essential personnel may however be requested to report to duty in support of essential personnel during an emergency situation.

## **2009 FITNESS FOR DUTY**

An employee must be physically and mentally fit to perform essential job functions. When it is suspected that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to authorize the City to have access to existing medical records and subsequently created records. The employee may also be required to submit to an evaluation of fitness for duty, and/or undergo a program of treatment. Such testing should be coordinated with the Human Resource Department.

### **2009.1 “Fit for Duty” Testing After An Injury or Illness**

It is the policy of the City of Seguin that any employee in the positions that are included in the WorkSTEPS® program and who has a non-work related injury or illness; or a occupational related injury or illness that reasonably may affect the ability to perform their usual job, will be required to undergo WorkSTEPS® Fit for Duty Exam as soon as their condition is stable and/or at the professional discretion of the doctor or licensed therapist performing such testing.

**Animal Services:** Animal Services Supervisor, Animal Services Field Supervisor, Animal Services Officer, Kennel Attendant

**Electric Dept:** Electric Distribution Manager, Crew Leader-Electric, Crew Leader-Electric-Tree Trimming, Journeyman/Lineworker, Apprentice I, Apprentice II, Apprentice III, Apprentice IV, Operator I - Electric - Tree Trimming, Service Worker - Electric - Tree Trimming

**Facilities Maintenance:** Building Maintenance Supervisor, Building Maintenance Specialist, Building Maintenance Technician, Facilities Manager, Crew Leader, Service Worker

**Fire:** Firefighter/EMT, Firefighter/Paramedic, Fire Apparatus Operator, Fire/EMS Lieutenant, Fire/EMS Captain, Battalion Chief, Deputy Fire Marshal, Fire Marshal A, Fire Inspector I/Firefighter B

**Golf:** Mechanic II, Chief Groundskeeper, Groundskeeper I, Groundskeeper II

**Information Technology:** IT Operations Manager, IT Service Manager, IT Senior Technician, IT GIS Manager, IT GIS Senior Technician, IT GIS Technician, IT Security Manager, IT Public Safety

Administrator, IT Senior Administrator, IT Administrator

**Parks and Recreation:** Athletics/Aquatics Superintendent, Recreation Superintendent, Events Complex Superintendent, Parks Maintenance Supervisor Landscape Technician, Crew Leader – All positions, Service Worker, Service Worker II

**Planning/Codes:** Chief Building Official, Deputy Building Official, Senior Building Inspector; Building Inspector

**Police Dept:** Police Officer-All Assignments, Police Corporal, Police Sergeant, Police Lieutenant, Evidence & Forensic Specialist; Evidence & Forensic Supervisor

**Public Works:** Public Works Superintendent, Heavy Equipment Operator, Sr. Heavy Equipment Operator, Equipment Operator I, Equipment Operator II, Maintenance Supervisor, Brush Supervisor, Service Worker

**Utility Services:** AMR Technician, Control Center Operator, Meter Technician, Meter Technician/Journeyman Lineworker, Service Technician, Service Worker – Utility Services, Utilities Smart Grid Manager, Utility Data Analyst, Utility Line Locator/Inspector, Utility Material Technician, Utilities Services Superintendent, Utility Warehouse Manager

**Vehicle Maintenance:** Fleet Manager, Vehicle Maintenance Lead, Automotive Technician I/II

**Water Corporation (SSLGC):** Operator I, Operator II, Operator III; Operator IV, Operations Manager, Water System Superintendent, Operations Manager

**Water Plant:** Operator I, Operator II, Operator III; Operator IV, Water Treatment Plant Manager

**Wastewater Treatment Plant:** Operator I, Operator II, Operator III; Operator IV  
Wastewater Treatment Plant Manager, Pre-Treatment Coordinator

**Water/WW Maintenance:** Asset Manager, Crew Leader, Electrician, Heavy Equipment Operator, Utilities Engineer, Utilities Technician I, Utilities Technician III, Water/WW Maintenance Manager

“Fit for Duty” testing is authorized by Federal Law under the “Americans with Disabilities Act” (ADA), as referenced in the Technical Assistance Manual under Sections VI-13 &14 which states:

Under the ADA, medical information or medical examinations may be required when an employee suffers an injury on the job. Such an examination or inquiry also may be required when an employee wishes to return to work after an injury or illness, if it is job-related and consistent with business necessity:

- to determine if the individual meets the ADA definition of “individual with a disability,” if an accommodation has been requested.
- to determine if the person can perform essential functions of the job currently held, (or held before the injury or illness), with or without reasonable accommodation, and without posing “direct threat” to health or safety that cannot be reduced or eliminated by reasonable accommodation.
- to identify an effective accommodation that would enable the person to perform essential job functions in the current (previous) job, or in a vacant job for which the person is qualified (with or without accommodation).

WorkSTEPS® Fit for Duty Employment Testing must be accomplished within three (3) working days from the date of release to work in any capacity by a physician or notification via certified mail by the City of Seguin. “Fit for Duty” information will be kept in a confidential file separate from personnel records and the medical information will not be utilized to terminate employment. Failure to return to work as scheduled via physician release will result in immediate termination and failure to perform

WorkSTEPS® Fit for Duty testing within three (3) working days of certified notification will result in termination of employment by the City of Seguin.

Effective January 01, 2001, it is the policy of the City of Seguin that the City of Seguin reserves the right to fill light or modified duty positions with temporarily injured or ill employees until they are reasonably able to transition to their previous position or transfer to a regular position with the City that does not exceed their capabilities.

An employee who has a stable non-work or work-related injury or illness will be required to return to work full duty within six (6) months post injury/illness or be subject to termination unless significant progress has been documented by the attending physician, by the transitional work program, or by the physician or therapist performing WorkSTEPS® Fit For Duty Employment Testing. Employees who continue to show significant progress up to six (6) months, but still can't perform "full duty", may have an extension to this policy up to an additional six (6) months as determined by the attending physician, by the transitional work program, or by the physician or therapist performing WorkSTEPS® Fit For Duty Employment Testing. Furthermore, employees who have reached maximum medical improvement (MMI) as determined by their physician and have not demonstrated adequate capability to perform the essential functions of the job held prior to the injury or illness with or without reasonable accommodation will be placed on "Available for Placement Leave" for a specified time period. During this time the employee may apply for

positions in which they meet the qualifications and that do not exceed their physical capabilities. Federal District Court has ruled that a "return to work program does not violate the Americans with Disabilities Act (ADA) when it permits the employer to place on medical layoff injured employees who reach MMI." (Hendricks-Robinson vs Excel Corporation) It is our policy that modified or light duty positions will be made available for recently injured employees needing transitional return to work.

#### *Confidentiality Notice:*

The medical information collected during "Fit For Duty" examinations or received regarding functional test and MMI determinations will be kept in a separate file from the personnel file of the employee who has suffered the injury or illness.

#### *WorkSTEPS Return to Work Testing Criteria:*

- Any employee who sustains a musculoskeletal injury (work or non-work related) that requires missed time from work.
- Any employee who returns to work after an injury or illness with physical restrictions/limitations assigned by a physician.
- Individuals returning to work **without restrictions** may be subject to testing as follows:

#### **Post Surgical**

- Any employee following major surgery
- Employees undergoing minor surgery with lost work time. The City physician will evaluate the need for testing on a case-by-case basis. Testing will be required if it is determined that post illness/injury after-effects could reasonably affect the ability to safely perform the employee's usual job duties.

### **Post Illness/Injury with loss of work**

The City physician will evaluate the need for testing on a case-by-case basis. Testing will be required if it is determined that post illness/injury after-effects could reasonably affect the ability to safely perform the employee's usual job duties.

### **2010 HARASSMENT POLICY**

The City is committed to providing its employees with a professional and productive working environment where co-workers are treated with courtesy and respect.

Therefore, it is the City's goal to promote a workplace that is free from harassment. The City prohibits all forms of illegal harassment of employees by managers, supervisors, and co-workers.

The City of Seguin has adopted a policy regarding conduct considered to be sexual harassment according to Section 703 of Title VII of the 1964 Civil Rights Act.

Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, and that interferes with an employee's work performance. Sexual harassment is strictly prohibited under this policy. It is against City policy for any employee to sexually harass another employee by:

- Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of the employee's employment;
- Making submission to or rejection of such conduct the basis for employment decisions; or
- Creating an intimidating, hostile, or offensive working environment by such conduct.
- Sexual harassment may take many forms including, but not limited to, the following:
  - a) **Verbal:** sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.
  - b) **Non-verbal:** sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
  - c) **Physical:** unwanted physical contact, including touching, pinching, brushing against the body, coerced sexual contact, and assault.

A supervisor who expressly or impliedly bases job-related decisions on the employee's submission to sexually harassing conduct, or who threatens to do so, violates the law and this policy. Non-supervisory co-workers will also be held accountable for any sexually harassing conduct. Sexual harassment may create an intimidating, hostile or offensive work environment and may interfere with the employee's ability to perform his or her job.

The City likewise prohibits any form of unlawful harassment because of religion, race, color, national origin, age, sex, disability, marital status, military status, or any other characteristic protected by law. Conduct which is prohibited includes but is not limited to

verbal abuse such as epithets or slurs; negative stereotyping; threatening, intimidating, or hostile acts;



jokes which are inappropriate and may cause embarrassment at another's expense; intimidating or threatening acts; inappropriate written or graphic material which makes an individual the object of ridicule.

The City hereby puts each and every employee on notice that unlawful harassment of any type will not be tolerated. It is the policy of the City to investigate every complaint concerning unlawful harassment immediately and thoroughly. An employee's complaint alleging harassment should be promptly reported by the employee to the employee's supervisor or to the Human Resources Department. It is essential that an employee present his or her complaint promptly, within twenty-four hours of the occurrence if possible, giving the City a chance to take prompt remedial action. The City will not permit anyone who objects to harassment, makes a good faith complaint or assists in any investigation to be subjected to retaliation or reprisals of any kind.

The City considers unlawful harassment of any sort to be a significant breach of policy. Immediate and appropriate corrective action will be taken against anyone who is found to have engaged in unlawful discrimination and/or harassment, up to and including immediate discharge.

## **2011 IDENTIFICATION BADGES**

As a security measure, employees may be required to wear a City of Seguin employee identification badge.

Lost badges should be reported to the Human Resource Department immediately so they may be replaced. Employees will be required to turn their badge in at the time of their separation from employment.

## **2012 NEPOTISM**

### **2012.1 City Employment**

No employee may directly or indirectly supervise, or be supervised by, a person related within the third degree of consanguinity (blood) or the second degree of affinity (marriage). No applicant for regular employment will be employed in a department where a relative is employed, nor may an applicant for regular employment be employed if he/she is related to the City Manager, a Director or Department Head.

Covered relationships include the following:

|                          |                           |
|--------------------------|---------------------------|
| Spouse                   | Father/Mother             |
| Son/Daughter             | Father/Mother-in-law      |
| Brother/Sister           | Son/Daughter-in-law       |
| Grandfather/Mother       | Brother/Sister-in-law     |
| Grandson/Daughter        | Grandfather/Mother-in-law |
| Uncle/Aunt               | Grandson/Daughter-in-law  |
| Great Grandfather/Mother | Nephew/Niece              |

## Great Grandson/Daughter

Anyone living in the same household as the person in question.

In the event that a marriage or cohabitation of employees places them in violation of this policy, they will be given the opportunity to decide between themselves, which of them is to resign. If the employees fail to make this decision within thirty (30) calendar days, the employee with the shorter length of service with the City will be transferred or discharged.

This policy may be waived at the discretion of the Department Director, Human Resource Director, and City Manager.

### **2012.2 Elected Officials**

Pursuant to Section 12.04 of the City Charter, no person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, or any other elected official of the City, shall be appointed to any office, position or clerkship or other service to the City. This prohibition shall not apply however, to any person who shall have been continuously employed by the City for a period of six (6) months prior to the election of any City official so related to him/her.

### **2013 SAFETY**

The City of Seguin, being fully aware of the losses to the City and its employees resulting from accidents on the job, is determined to do everything within its power to reduce and/or eliminate accidents that can be prevented. Good safety practices and habits are the best protection against on-the-job hazards. It is your responsibility to become familiar with and for complying with, the safety rules and procedures applicable to your position. All employees are required to observe and enforce safe practices, safety regulations and policies directed by the City. You will be held responsible for avoiding unsafe acts and situations which might endanger or injure you, your fellow workers, the public, or may cause damage to property. If you do not abide by the City and/or departmental policy and standards, you may be subject to discipline. Please report any accidents, unsafe conditions or practices to your supervisor immediately so that corrective action may be taken. Any suggestions you make to lessen the possibility of on-the-job accidents and injuries will be appreciated and will be given serious consideration.

### **2014 TOBACCO "SMOKING" POLICY**

Employees are prohibited from smoking and using tobacco products while on duty. Employees may not smoke, chew tobacco, or vape in city-owned facilities. All buildings, hallways, stairways, restrooms, cashier and service line areas, and city vehicles are, without exception, tobacco-free areas. This also includes heavy equipment and motorcycles.

Use of tobacco will be permitted only in those designated areas outside City-owned facilities. Ashtrays will be located at all designated outdoor smoking areas. The City of Seguin will not incur any expense or make structural or physical modifications to accommodate employees wishing to smoke, chew tobacco, or vape. Employees found to be in violation of this policy will be subject to disciplinary action.

## **2015 MODIFIED/TRANSITIONAL DUTY POLICY**

Modified/Transitional Duty is a temporary job assignment which requires less physical exertion than the employee's regular duties and which can be accomplished by an injured or ill employee without endangering the employee's recuperation process.

Modified/Transitional duty is further defined as work necessary to accomplish the mission of a department; not a "make-work" situation created solely to accommodate an injured or ill employee.

### **2015.1 Policy**

1. The City will not place an employee on modified/transitional duty unless there is work available, the performance of which will make a substantial contribution to the mission of the department.
2. All transitional duty assignments are temporary in nature and may be changed or terminated at any time at the City's discretion.
3. Employees may be assigned to transitional duty for a period not to exceed ninety (90) days. A one-time extension for an additional ninety (90) days may be approved by the City Manager. Total time on transitional duty will not exceed 180 days in a rolling twelve-month period.
4. No employee will have duties removed from their regular job responsibilities in order to create a transitional duty situation for another employee.
5. It is recognized that some departments may have modified/transitional duty available and that some employees may not possess the skills required to perform certain modified/transitional duty jobs. (Example: A clerical employee with an injury may be able to perform office work that a truck driver with the same type of injury is unable to do.)
6. Employees on modified/transitional duty will have their situations reviewed by the appropriate department head at the end of each week to determine the employee's progress and whether or not modified/transitional duty tasks remain for the following week.
7. Temporary modified/transitional duty assignment will cease when the employee has been released to full duty.
8. Employees on transitional duty status are prohibited from engaging in outside employment that violates their work restrictions.
9. The City reserves the right to deny or cancel modified/transitional duty work status if the employee fails to provide the appropriate medical documentation.
10. Police and Fire Employees who are required to work a 40 hour per week schedule while on transitional duty will not be required to account for hours based on their previously assigned schedule. For example, a firefighter typically scheduled to work 96 hours in a pay period will not be required to utilize leave time to account for the difference between their normal schedule and the 80 hour pay period worked while on transitional duty. For accounting purposes transitional duty assignments for these employees will only be allowed to begin on the first day of a pay period.
11. Leave accruals for Fire/EMS employees assigned to modified/transitional duty for a period in excess of four continuous weeks will be adjusted to the accrual rate for an employee working a 40-hour week.
12. Employees assigned to modified/transitional duty for a period in excess of four continuous weeks will have their rate of pay adjusted to be commensurate with the position to which they have been assigned.

13. Employees on modified/transitional duty are not permitted to obtain on-call or overtime wages.

### **2015.2 Procedure for Requesting Modified/Transitional or Part-time Duty**

All requests for modified/transitional or part-time duty must be made through the employee's immediate supervisor. The request must be approved by the appropriate medical authority, Director of the Department in which modified/transitional duty is to be performed and the Director of the Department from which the employee is being paid (if different), and the Human Resource & Risk Management Administrator.

Requests for modified/transitional or part-time duty must include the following information:

- Complete description of all tasks to be performed including physical requirements and estimate of time required for task completion; and
- Physician's statement regarding date employee expected to be able to return to full duty.
- Updated work status after each appointment to ensure that both the employee and the City are aware of any changes in restrictions after each appointment.

The following qualify as an updated work status:

- updated work status form,
- updated physician's note, or
- updated FMLA paperwork.

Once determined that a modified/transitional duty request or part-time duty request is approved, the employee will be presented with a bona fide modified/transitional or part-time offer letter for signature approval.

### **2016 UNIFORM POLICY**

The uniform is to be worn at all times on the job by those who are issued uniforms. Employees reporting to work without their uniform may be sent home without pay until such time as they return with a uniform. This determination will be at the discretion of the department supervisor. The following is a list of requirements for wearing a City uniform:

- A clean uniform must be worn each day.
- Shirttails must always be tucked in.
- Shirts must be buttoned.
- Long sleeves that are worn down must be buttoned.

Employees are not permitted to wear city uniforms outside of working hours. City uniforms may however be worn to functions or events where you are representing your department or the city, i.e., training/seminars, conferences, fundraisers, etc. Employees wearing a City uniform will be identified

as a public servant and will be held to the highest standard of ethical conduct.

If a uniform is damaged due to an employee's negligence, the employee is responsible for repairs to the uniform or if necessary, replacement of the uniform. If alterations or repairs are needed, it should be done in a manner that the uniform is to be restored as near to the original appearance as possible, to maintain the professional appearance and conformity with other City uniforms.

### **Steel-Toe Boots**

Employees assigned to certain positions in safety sensitive departments are required to wear steel toe footwear in order to prevent injury. Steel-toe boots/shoes are provided by the City and must be worn at all times as specified by the supervisor of the department to which the employee is assigned. The boots/shoes are a part of the standard employee uniform, and as such they are a condition of employment. Employees reporting to work without their boots/shoes may be sent home without pay until such time as they return with the proper footwear. This determination will be at the discretion of the department and supervisor. A complete list of the departments, and the specific positions affected, are listed in the Departments Requiring Safety Footwear chart below.

**New Employees** - New employees will be provided steel-toe boots/shoes from the City's vendor.

Boots/shoes may be purchased from a different vendor only with the Department Director's approval and the boot purchased must meet the City's safety boot specification. If an employee leaves employment prior to his/her completion of the six-month introductory evaluation period the cost of the boots will be deducted from the employee's final pay.

**Wearing of Boots** - Steel-toe boots/shoes are required to be worn at all times as specified by the supervisor of the department to which the employee is assigned. Employees reporting to work without their boots/shoes may be sent home without pay until such time as they return with the proper footwear. This determination will be at the discretion of the department and supervisor.

**Care and Maintenance of Boots** - Employees are responsible for the care and keeping track of their boots/shoes. Replacement boots/shoes needed prior to the City's annual replacement, must be purchased by the employee through the City's vendor.

## **Departments Requiring Safety Footwear**

### **Planning**

Chief Building Official  
Deputy Building Official  
Senior Building Inspector  
Building Inspector  
Code Compliance Officer  
Health Inspector

### **Capital Projects/Engineering**

Projects Manager  
Projects Inspector  
Right of Way  
Inspector/Technician  
Utility Projects Inspector

### **Facilities**

Facilities Manager  
Building Maintenance  
Supervisor  
Building Maintenance  
Specialist  
Building Maintenance  
Technician  
Crew Leader  
Service Worker

### **Golf Course**

Superintendent Mechanic II  
Groundskeeper II  
Groundskeeper  
Chief Groundskeeper

### **Vehicle Maintenance**

Vehicle Maintenance Lead  
Automotive Technician I, II

### **Parks Department**

Director of Parks and  
Recreation  
Maintenance Superintendent  
Events Complex  
Superintendent  
Crew Leader  
Service Worker I, II  
Landscape Technician

### **Public Works**

Director of Public Works  
Public Works Superintendent  
Brush Supervisor  
Maintenance Supervisor  
Crew Leader  
Equipment Operator I, II  
Heavy Equipment Operator  
Senior Heavy Equipment  
Operator  
Service Worker

### **Wastewater**

Wastewater Treatment Manager  
Pre-Treatment Coordinator  
Operator I, II, III, IV

### **Water Plant/SSLGC**

Director of Water/Wastewater  
Utilities  
Water Treatment Plant  
Manager  
Operations Manager  
Water System Superintendent  
Chief Operator

Water Maintenance Operator  
Operator I, II, III, IV  
Service Worker

### **Water/Sewer Maintenance**

Water/WW Maintenance  
Manager  
Crew Leader  
Heavy Equipment Operator  
Utilities Technician I, II, III  
Electrician  
Asset Manager  
Utilities Engineer

### **Electric (Steel toe – not required)**

Electric Distribution Manager  
Crew Leader  
Journeyman Lineworker  
Apprentice Lineworker  
Operator I  
Service Worker  
Utility Warehouse Manager  
Utility Material Technician  
Utility Services Superintendent  
Utility Line Locator/Inspector  
Meter Technician  
Meter Technician/Journeyman  
Lineworker  
Service Technician  
Service Worker  
AMR Technician

## **2017 WORKPLACE VIOLENCE POLICY**

The City's effort to decrease the likelihood of an incident of workplace violence requires that employees follow certain rules and policies:

### **Prohibited Conduct**

Violence of any sort, including verbal abuse, threats, stalking, harassment, horseplay, fist fighting, any unwelcomed physical touching (sexual or otherwise), physical attacks, rape and murder are prohibited. Anyone in violation of this policy is subject to disciplinary action, up to and including termination.

### **Prohibited Weapons**

No unauthorized weapons are allowed on City property or in City vehicles. Violations of this rule will result in disciplinary action, up to and including termination.

### **Security Measures**

All employees must adhere to the following security measures implemented by the City of Seguin:

1. No off-duty employees will be permitted on premises without permission from the supervisor on duty;
2. Non-employees (including family members) will not be permitted on City premises without the permission of the facility manager and the employee the individual is seeking to meet;
3. City-owned vehicles, lockers, desks, cabinets, and cases are subject to entry and inspection without notice even if the employee has placed a personally owned lock on the container/facility. Searches of personal containers (lunch pails, purses, etc.) and personal vehicles will not be conducted without the employee's prior consent. A refusal to consent to such a search will be deemed a violation of this policy, however, and will subject the employee to immediate dismissal.

### **Duty to Warn**

All employees have a duty to warn the City of any potential for violence in the workplace. All incidents of violence, threats of violence and harassment occurring at the workplace, regardless of whether the perpetrator is a co-employee, customer, family member or friend, should be immediately reported to your supervisor, Department Director, Director of Human Resources, City Manager or any member of management. Reports will be immediately investigated, and appropriate action will be taken.

## **2018 BREASTFEEDING POLICY**

### **Purpose**

The City of Seguin supports and recognizes a mother's responsibility to both her job and her child; and acknowledges a woman's choice to breastfeed when they return to work. This policy follows the

Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act, which provides employees the right to break time and a private space to express breast milk for their nursing child. The City shall make reasonable accommodation for all covered employees, both non-exempt and exempt, needing to pump at work. It is the policy of the City of Seguin to comply with all state and federal laws as they relate to workplace breastfeeding. The City may not deny a covered employee working on-site or on an approved temporary teleworking work site, a reasonable break time needed to pump. The City is prohibited from suspending, terminating, or otherwise discriminating against the employee because the employee has exercised their rights under this policy.

### **Duration**

The City will accommodate the breastfeeding-related needs of employees for a period up to one year from the birth of a child, including access to appropriate facilities, time, and assistance with storage.

### **Accommodation**

The City will make every reasonable effort to provide accessible, adequate and private facilities other than a bathroom, for the employee's breastfeeding-related needs. Each designated space will be shielded from view and free from intrusions from other employees and the public. The facility shall be equipped with suitable lighting, electricity if necessary for pumping apparatus and when possible, near a sink. The space will be determined on a case-by-case basis in consultation with the employee and department.

### **Break Time**

The City will refer to the guidelines set by the Department of Labor to develop reasonable break times to pump breast milk. Normally scheduled break times and lunch periods for employees will be primarily utilized for milk expression, with additional reasonable break times to be unpaid breaks utilizing leave time or time to be made up by the employee as mutually agreed upon by the breastfeeding employee and the supervisor. The breastfeeding employee must be completely relieved from duty during additional unpaid break times. Break times can be combined and redistributed if needed as agreed upon by the employee and her supervisor.

### **Storage**

The City will make every reasonable effort to provide suitable facilities such as refrigeration units for milk storage during the employee's daily work period. If a City refrigerator is utilized, the employee's bottles or containers should be clearly labeled with the employee's name. Storage in a City refrigerator is limited to no longer than the end of the business day from when the milk is expressed. Should employer-provided facilities not be available, an employee may store milk in her own personal cooler.

### **Employee Responsibilities**

It is the employee's responsibility to develop their own lactation schedule and to arrange their lactation schedule with their department. It is the responsibility of the breastfeeding employee to make the employee's supervisor aware of the initial lactation schedule prior to or immediately upon returning to work and inform the supervisor if there are changes to the employee's lactation schedule throughout the year. It is the employee's responsibility to contact Human Resources for assistance in finding a lactation room. It is the employee's responsibility to keep the designated space clean.

### **Human Resources Responsibility**

Human Resources will provide consultation and interpretation of this policy. Human Resources will assist in finding lactation areas once the employee has requested accommodation within 10 days.



**Department & Supervisor Responsibilities**

The supervisor will assist in providing a positive atmosphere of support for breastfeeding employees. Departments will ensure confidentiality on a need-to-know basis of all information disclosed by the employee and/or Human Resources with regards to an employee's breastfeeding or milk expression situation.

The City of Seguin reserves the right to rescind and/or amend these guidelines, and all City policies, at any time.

## COMMENTS

The City's and your individual success is directly related to your understanding of how the City of Seguin operates. These Employee Guidelines contain general information describing the overall working environment and general policy statements. Nothing contained herein is intended to act as a contract, or guarantee of employment or of the terms of employment. It is to serve solely as a guide in making decisions in areas that directly affect all of us as employees. As policies are reviewed and revised when necessary, your employee guidelines are subject to changes, which will be communicated to you when they occur.

Operating details of our various policies and programs are contained in other booklets that will be given to you, or in manuals that are available for your review. You will want to keep the guidelines handy for ready reference.

**ACKNOWLEDGEMENT**  
**City of Seguin's Employee Guidelines**

**The City of Seguin's Employee Guidelines is available online for review. Prior to your start date, all employees are encouraged to read the Guidelines, fill out, and return this Acknowledgement to the Human Resources department. If the City modifies, alters, revises, withdraws, or otherwise changes the policies contained in this Guidelines, the changes will become binding on me immediately upon issuance of the new policy.**

I acknowledge that I have been provided access to the City of Seguin's Employee Guidelines, which is available online. I understand that I am responsible for reviewing the Employee Guidelines on the city website prior to my start date and for knowing and complying with the policies set forth in the Employee Guidelines, and any changes made to it, during my employment with the City. I understand that this Employee Guidelines supersedes all prior personnel policies, practices, and guidelines on subjects covered in this Employee Guidelines, and that I should consult the Human Resources Department if I have any questions about the Employee Guidelines.

I understand that if I prefer a hard copy of the Employee Guidelines, I may request one from the Human Resources department, which will provide a hard copy upon request.

**I understand that the policies contained in the Employee Guidelines are guidelines only and are not intended to create any contractual rights or obligations, express or implied, except for the policy of at-will employment.** I also understand that the City has the right to amend, interpret, modify, and/or withdraw any of the provisions of the Employee Guidelines at any time, in its sole discretion, with or without notice. I further understand that only the City Manager has the authority to adopt any revisions to the Employee Guidelines.

I understand and agree that my employment relationship with the City is “at-will,” which means that my employment is for no definite period and may be terminated by me or by the City at any time, with or without cause or advance notice. I also understand that the City may demote or discipline me or otherwise alter the terms and conditions of my employment at any time in its sole discretion, with or without cause or advance notice. I acknowledge that no other understandings or agreements exist with respect to the at-will nature of my employment.

I understand and agree that any agreement contrary to any term of this Acknowledgement and Agreement will be unenforceable unless it is in writing and signed by the City Manager.

**ACCEPTED AND AGREED:**

Date: \_\_\_\_\_

Employee Name (Printed): \_\_\_\_\_

Signature: \_\_\_\_\_