



City of Sandy Oaks
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CITY OF SANDY OAKS PERSONNEL POLICY MANUAL

Adopted on May 9, 2019

GENERAL

Authority

All City personnel policies or amendments to the policies shall be approved by the City Council before becoming effective. They may be amended, supplemented, reviewed or repealed as necessary or desirable or when circumstances give rise to the amendment, supplement, review or repeal of certain policies.

Policy Changes

The City Administrator and City Attorney may conduct a review of the policies and submit any necessary or recommended changes to the City Council for approval. Any changes, modifications or amendments to these policies must be adopted by the City Council of the City of Sandy Oaks at any regular or special meeting of the Council. No changes or amendments shall become a part of these rules unless approved by the City Council.

Employees of the City are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed to ensure the understanding of the policies.

Department Heads and employees will be notified of any changes to the personnel policy as soon as practicable, after any changes are made and approved by City Council.

The City Council shall have the authority to make decisions and take action in regard to any personnel matters that are not addressed in these policies and that are not regulated by federal, state or local laws. Other contractual or valid agreements whose acknowledgment forms have been signed and filed take precedence over these personnel policies.

Deviation

If it is determined to be in the best interest of the City, the City Council may elect to deviate from any personnel policy, provided that such deviation is not in violation of any federal or state law or any other legally binding agreement.

Whenever a decision is made to deviate from any written personnel policy of the City, written documentation shall be prepared that explains the reason for the deviation.

Use of Terms

For the purposes of this document the City of Sandy Oaks, Texas, shall be referred to as "City", the whole body of Personnel Policies shall be referred to as "Personnel Policy," and the duly elected representatives of the City of Sandy Oaks, Texas, and serving on the City Council shall be referred to as "City Council."

Severability Clause

Each personnel policy of the City shall stand alone and not be dependent on any other policy for validity unless specifically stated within the policy.

If a policy is found to be invalid for any reason it shall not affect the validity or application of any other policy in this manual.

Application

All personnel policies shall apply consistently and uniformly to all City employees unless specifically stated in the individual policy.

Not a Contract

Nothing herein contained shall be deemed to constitute a contract of employment or any part thereof with any employee. If a policy is changed, revised, or not followed in a particular case, any affected employee shall have no legal recourse against the City. Notwithstanding any other provisions herein, all City employees are “employees at will” and the employment relationship can be terminated at any time without penalty by either the employee or the City.

City Council

Any reference in this Personnel Policy to the City Council shall mean the Sandy Oaks City Council sitting in an open meeting. No individual council member shall have the authority to speak for the Council. The Ordinances, Resolutions and/or Minutes of the City Council shall be conclusive as to determining what action the City Council has taken.

Reference to City Administrator

Any reference to or duty assigned to the City Administrator in these Personnel Policies may be performed by the Mayor in the absence of a City Administrator or another person as designated by the City Council.

EMPLOYEE STATUS

Full-Time

A full-time employee is an employee whose normal work schedule involves working forty (40) hours per week (2080 hours per year).

Part-time

A part-time employee is an employee whose normal work schedule involves working less than forty (40) hours per week (2080 hours per year).

Temporary or Seasonal Employees

Temporary employees include all employees in positions that are expected to exist for a specific period of time (normally less than one year) or until the specific project(s) for which the employee was hired is completed.

Temporary employees are not eligible for benefits or paid holidays.

Employment with City

All employees work at the pleasure of the City Council and no employee may be hired unless approved by the City Council unless the City Council grants authority to the City Administrator or a Department Head to hire an employee.

Background Checks

The City reserves the right to conduct a criminal background check on all employees subject to any requirements provided or allowed by law.

Educational Requirements

All employees must have a GED or High School diploma unless a GED or high school diploma is not required for the individual to perform a particular position or job and the City Council approves of hiring the individual without the proper diploma. The City has the right to conduct an educational check.

Mayor

The Mayor is not an employee as defined by these policies and is not subject to any policy set forth herein for employees.

Councilmembers

The members of the City Council are not employees as defined by these policies and are not subject to any policy set forth herein for employees.

HIRING AND SELECTION

Policy/Purpose

The City is committed to hiring qualified employees, regardless of race, color, religion, national origin, sex, age, disability or other unlawful basis. Selection for employment with the City is based on job-related qualifications and is contingent on satisfactory results on exams or tests, as required by law, and/or specific qualifications to perform job duties.

Recruitment

When a vacancy occurs within the City, the supervisor shall notify the City Administrator of the vacancy. The City Administrator shall notify the Mayor and City Council and the City Council shall determine whether the position will be filled or left open for further consideration.

The City shall advertise all job openings. The City Council shall determine where the job opening shall be advertised, the length of time the job opening should be advertised, the deadline date for applicants to respond, and other content of the advertisement to include the description of the job (including qualifications and responsibilities necessary to perform the job), the application process, and any other information the City Council may find relevant for the advertisement.

Application Process

Forms and Submission

1. Applicants seeking full-time, part-time, temporary or seasonal employment or re-employment with the City must complete the application process as determined by Council.
2. Current City employees applying for positions in other departments must complete the current application process. Completing the process authorizes hiring authorities in the department to review the employee's permanent personnel record.
3. To help disseminate the same information to all applicants, the City may provide an information packet, which may include:
 - A copy of the documents that provides the criteria for the position, indicating key objectives and priorities and the position profile;
 - The Ordinance adopting the position if it contains significant or unusual provisions regarding the position;
 - A summary information about the City, including organizational structure, personnel practices, number of employees, and services provided;
 - The link to the City website;
 - The name, phone number, and e-mail address of a contact person;
 - Any other information or documents that may assist the applicant with the application for the position.

Falsified/ Omitted Material Fact(s)

Omission or falsification of any material fact on an application disqualifies an applicant for consideration for employment, transfer or promotion for at least 6 months from the date of the application. The City may further extend the ineligibility period in the case of a non-employee applicant and/or take disciplinary action up to, and including, termination against an employee for the omission or falsification.

Consideration of Applications

After the deadline to respond to a job opening, the City Council may consider the applicants during a regular or special meeting of the City Council. The Council may deliberate on the applications and take the action the Council finds necessary to make a final selection. Such action may include, but is not limited to narrowing the applicant pool, contacting the applicants for interviews, rejecting all applications and readvertising or selecting a final applicant.

Selection

Equal Employment Opportunity

It is the City's policy to provide Equal Employment Opportunity to all employees and applicants for employment and prohibit discriminatory employment actions against and treatment of City employees and applicants for employment based on actual or perceived race, color, national origin, citizenship, religion, gender, disability, age, military status, genetic predisposition, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking, or any other protected class status. This policy applies to all areas of employment, including: recruitment and hiring, compensation and benefits, promotion and transfer, training and development, discipline and discharge, and recreational and social activities. The City sustains these principles by ensuring decisions affecting employment are made based on individual performance and demonstrated abilities. Effective utilization of qualified, available personnel requires more than just a statement of policy.

Discrimination in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration based on an employee's or applicant's religion, race, color, national origin, disability, age, or sex (including sexual orientation and gender identity) is prohibited.

Under the laws enforced by Equal Employment Opportunity Commission (EEOC), it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Job-Related Criteria

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

1. Possession of the necessary knowledge, skills, abilities, training, education, and experience required for the position;
2. Satisfactory results on performance tests, physical examinations, polygraph examinations, psychological examinations, credit verification, or drug and alcohol tests as required because of job duties or law; and
3. Satisfactory results on criminal history, driving record, employment and education reference checks.

Seasonal/Temporary Physical Exams

No person shall be employed as a seasonal or temporary employee until documentation of a physical examination within the previous 60 days, indicating satisfactory physical condition for employment, has been provided to the City Administrator by the applicant, if such is required because of job duties.

Minimum Age. Eighteen is the minimum age for City employment, except for:

- 1) Police uniformed services - age 21, and
- 2) Selected seasonal and temporary positions where persons age 14 and over but under 18 may be employed as allowed by law.

Prohibited Employment Policies and Practices

Decisions and practices based on an individual's protected status that unlawfully affect employment or the compensation, terms, conditions or privileges of an individual's employment or potential employment with the City are prohibited by this policy. This includes unlawful decisions, actions and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development, transfers, discipline, discharge or any other application or selection process relating to employment.

Retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation or reasonable accommodation processes are strictly prohibited.

This policy also prohibits the denial of reasonable accommodations (for disabilities; religious beliefs, observances and practices; or for victims of domestic violence, sex offenses or stalking).

NEPOTISM IN HIRING

Policy

Employment of certain related persons to any elected or appointed official, municipal officer or other City employee by the City is prohibited as provided by this policy and Chapter 573 of the Government Code. Restrictions on persons who are already employed by the City, and who become related to another person who is employed by the City, are specified below.

Scope

For the purposes of determining a relative relationship (Nepotism), an applicant includes those applying for probationary, regular full-time, regular part-time, seasonal, temporary, and contract work.

Relatives

The following relatives are covered by these guidelines:

1) Any person related by blood or adoption as follows:

- mother or father
- daughter or son
- sister or brother
- grandmother or grandfather
- granddaughter or grandson
- niece or nephew
- aunt or uncle
- great grandmother or great grandfather
- great granddaughter or great grandson

2) Any person related by marriage as follows:

- spouse
- mother-in-law or father-in-law
- daughter-in-law or son-in-law
- spouse's brother or sister
- brother's spouse or sister's spouse
- spouse's grandmother or grandfather
- spouse's granddaughter or grandson

Required Disclosure

All applicants for employment are required to disclose a relative relationship to any elected or appointed official, municipal officer or other City employee. The City Administrator, in consultation with the City Attorney, will determine if a restriction specified in this policy or by Chapter 573 of the Government Code exists and coordinate any further necessary actions. Failure to make the required disclosure will render the applicant ineligible for employment. If

the applicant was selected and employed by the City and the City later discovers the relationship, failure to disclose the relationship may result in termination.

Prohibitions

Relative of Mayor or Alderman

A person who is related within certain degrees to a person who is the Mayor or Alderman as specified under “Relatives” above may not be appointed or employed by the City unless such position is an unpaid voluntary position. Any employee that is related by the prohibited degrees that is employed with the City prior to the Mayor or Alderman being elected or appointed is eligible for continued employment evaluated by the City Administrator in consultation with the City Attorney according to the provisions of the Government Code, Section 573.062.

Relative of Municipal Officers

A person who is related within certain degrees to a person who is a Municipal Officer with final hiring authority as specified under “Relatives” above may not be appointed or hired by the Municipal Officer unless such position is an unpaid voluntary position. Any employee that is related by the prohibited degrees that is employed with the City prior to the Municipal Officer with final hiring authority being appointed is eligible for continued employment evaluated by the City Administrator in consultation with the City Attorney according to the provisions of the Texas Government Code, Section 573.062. If the employee is a relative or becomes a relative (as defined under “Relatives” above) of a Council-appointed employee, and the Council-appointed employee is in a supervisory position of the employee, the relative employee may be transferred or reassigned or another supervisor assigned to supervise the relative employee as determined by the City Council.

Volunteers

This section does not apply to persons related as provided below who perform unpaid, volunteer positions.

JOB DESCRIPTION AND PERFORMANCE EVALUATION

Job Descriptions

The City Administrator establishes and periodically reviews all job (class) descriptions for each position in the City.

Distribution

During the employee's orientation, the job description for each employee's position will be given to the employee and reviewed by the employee. A signed copy will be placed in the employee's personnel file.

Request for Clarification

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position that he or she occupies.

Employee Performance Evaluation

Supervisory personnel will conduct a written performance evaluation and interview with each City employee once annually. Performance evaluations have the primary purposes of improving the employee's understanding of his or her progress on the job and the supervisor's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation. Scheduled evaluations provide an opportunity to assess progress and to plan for future performance improvements, but should never replace day-to-day communication between a supervisor and employee regarding performance expectations and actual performance. The performance evaluations are used for developmental purposes in identifying strengths and weaknesses and making plans for future performance improvements. The performance evaluation ratings are based on performance standards in the individual job description. Quarterly reviews to measure progress may also be completed as necessary.

Employee Performance Improvement Plan

When an employee receives an unsatisfactory rating they will also be presented with an improvement plan. The plan will include specific improvements in performance areas that are required to bring the employee's overall performance to a satisfactory rating. The length of the improvement plan will be determined by the Department Head on a case-by-case basis. The Department Head and employee will review the employee's progress every fifteen (15) business days during the improvement plan period. The City Administrator or his/her designee will approve the improvement plan and participate in the review/progress report process. The outcome of the performance improvement will determine the employee's future with the City and their current position. The City Administrator the Performance Evaluation System. Performance evaluation records are maintained in each employee's personnel file.

POLICY ON WORK WEEK, WORK SCHEDULE AND PAY

Work Week

In keeping with the requirements of the Fair Labor Standards Act, the defined work week for all City employees shall be the seven (7) consecutive, twenty-four (24) hour periods that begins at 12:00 a.m. Friday to 11:59 p.m. Thursday.

Work Schedule

An employee's work schedule shall be all times the employee is expected to be at work.

Work Day

For purposes of computing leave benefits, a workday shall be the number of hours an employee would normally be scheduled to work in a work week divided by five (5).

Pay Period

The pay period for City employees shall be every two weeks or 26 pay periods per year.

Direct deposit of the paycheck into a bank account of the employee's choosing is available.

If a payday falls on a holiday, the paychecks shall be issued on the last normal workday preceding the holiday.

Any compensation due for a pay period that is not included in the check for that pay period shall be included in the check for the following pay period.

Determination of Salaries

The City Council is solely responsible for establishing rates of pay for City Employees. They shall also set office expenses, travel expenses and all other allowances for appointed or elected positions of the City. These funds are allocated once each year through the annual budget process or as the budget is amended. Each position within the City shall have an established pay level.

Approving Authority

The City Council is the approving authority for all payrolls and for any pay increases, decreases, or payroll transfers granted under the terms of (1) these policies or (2) the annual budget.

Paydays

Employees will be paid every two (2) weeks, with pay periods beginning on Friday at 12:00 a.m. through Thursday at 11:59 p.m. and so on. Every other Friday is payday. There will be twenty-six (26) pay periods per year.

Pay Scale

Pay ranges for each pay group are established by a pay scale that is recommended by the City Administrator and approved by the City Council.

Pay Corrections

Employees must bring any discrepancy in their paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the City Administrator's attention. Any necessary adjustments or corrections will be made in the next pay period. If an employee does not understand how to figure his or her pay or how to read his or her check, help should be sought from the City Administrator.

Payroll Deductions.

Deductions will be made from each employee's pay for the following:

- Federal Income Taxes at the rate selected by the employee identified on the W-4;
- Social Security/Medicare as determined by federal law as modified by contract with the State of Texas;
- Court ordered payments for Child Support, Judgments, etc.;
- Additional insurance coverage as elected by the employee for coverage not provided by the City;
- ~~Texas Municipal Retirement System contributions (for regular full-time employees);~~
- Any other deductions required by law; and
- Other "authorized" payroll deductions.

In accordance with policies and general procedures approved by the City Administrator, the employee may authorize deductions from an employee's pay:

- 1) Group health/medical insurance premiums for dependents;
- 2) Such other deductions as may be authorized by the City Administrator.

Changes to Personal Information

If there is a change in the employee's family status, address, or any other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the City Secretary the appropriate forms for communicating these changes within ten (10) business days.

EMPLOYEE LEAVE POLICY

Purpose of Paid Time Off (PTO)

The purpose of the City's Employee Leave Policy is to provide employees with flexible paid time off from work that can be used for such needs as vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee's choice in the form of Paid Time Off (PTO). The City's goal is to reduce unscheduled absences and the need for administrative or supervisory oversight.

Scope

The City's Leave Policy is applicable to all City employees to include full-time, part-time, exempt and non-exempt employees.

Authorities and Administration

The City Administrator is responsible for the administration, implementation, and maintenance of the Employee Leave Policy. In absence of a City Administrator the responsibility of the administration, implementation, and maintenance of the Employee Leave Policy lies in the Mayor. The administrator of the Employee Leave Policy shall document each employee's PTO status and provide the documentation to the City Clerk for filing in the employee's personnel file. The person responsible for the administration, implementation, and maintenance of the Employee Leave Policy is herein referred to as the "Policy Administrator."

Guidelines for PTO Use

Each employee will accrue PTO bi-weekly in hourly increments based on their length of service as defined below. PTO is added to the employee's PTO bank when the bi-weekly paycheck is issued. PTO taken will be subtracted from the employee's accrued time bank in one-hour increments. Temporary employees and contract employees are not eligible to accrue PTO.

Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for the entire bi-weekly pay period. PTO is not earned in pay periods during which unpaid leave, short or long term disability leave, or workers' compensation leave are taken.

Employees may use their PTO in hourly increments. The time that is not covered by the PTO policy, and for which separate guidelines and policies exist, include City paid holidays, bereavement time off, required jury duty, and military service leave as described in this policy.

To take PTO requires at least two days of notice to the supervisor and Policy Administrator unless the PTO is used for legitimate, unexpected illness or emergencies. In all instances, PTO must be approved by the employee's supervisor in advance. The City appreciates as much notice as possible when the employee know he/she expects to miss work for a scheduled absence.

Years of Service

Earned PTO will be based on the employee's years of service with the City and will accrue as follows:

- 0-5 years: 104 PTO hours per year, earned at a rate of 4 hours for each pay period in a calendar year.
- 6-10 years: 144 PTO hours per year, earned at a rate of 5.5385 hours for each pay period in a calendar year.
- More than 10 years: 184 working hours per year, earned at a rate of 7.0769 hours for pay period in a calendar year.

Up to 40 hours of PTO may be carried over to the following calendar year. Any PTO accrued in excess of 40 hours may not be carried over and is effectively waived by the employee. Employees are responsible for monitoring and taking their PTO over the course of the year so that they do not lose time accrued when the current calendar year ends. (PTO is subject to administrative approval and not every employee can take accumulated time in December as the City must continue to serve citizens.) The City will not pay for or reimburse the employee for any PTO that is not taken by the employee.

If an employee has used PTO time not yet accrued, and employment terminates, the PTO taken is deducted from the final paycheck. Employees who give two weeks' notice of employment termination or less must work the two weeks or noticed time without utilizing PTO.

Bereavement/Funeral Leave

When necessary, up to three (3) workdays of bereavement/funeral leave may be granted in the event of a death within the employee's immediate family. For this purpose, immediate family shall include wife, husband, children, grandchildren, mother, father, grandparents, brother, sister, daughter-in-law, son-in-law, guardian, ward, stepfather, stepmother, stepchildren, or persons bearing the same relationship to the spouse of the employee. Employees may use unpaid family/medical leave upon the death of an immediate family member. (For more information, see below for Family/Medical Leave).

Bereavement/funeral leave is not charged to PTO.

Notice to the employee's supervisor and Policy Administrator of the need to use bereavement/funeral leave must be given in advance. With advanced notice to and approval of the Policy Administrator, bereavement/funeral leave may be supplemented by the use of PTO or leave without pay.

Documentation of the need for bereavement/funeral leave may be required.

Leave Under the Family Medical Leave Act

As required by the federal Family and Medical Leave Act of 1993 (FMLA), eligible employees are provided up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. All City employees that have worked for the City for 12 months and 1,250 hours during the 12 months prior to the start of leave are eligible. The City will grant up to twelve weeks of unpaid family/medical leave for any of the reasons provided by the FMLA.

Employees seeking to use FMLA leave are required to provide 30-days advance notice to their supervisor and the Policy Administrator of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable.

The City may require that the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a health care provider. The City will allow the employee at least 15 calendar days to obtain the medical certification pursuant to the FMLA. The City may require a second or third medical opinion (at the City's expense) if it has reason to doubt the validity of the medical certification.

For more information, see the Family and Medical Leave Act of 1993 – FMLA – 29 U.S.C 28 et seq., which may be found at <https://www.dol.gov/whd/regs/statutes/fmla.htm> and an Overview by the Department of Labor at <https://www.dol.gov/WHD/fmla/index.htm>

Military Leave

The City shall comply with the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA) and Texas Government Code section 437.202 concerning the treatment of City employees with military obligations.

An employee is entitled to a paid leave of absence from the employee's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of PTO.

The City shall provide written notice of the number of workdays of paid leave to which an employee described by the above subsection is entitled each fiscal year and, if applicable, the number of workdays of paid leave to which an employee is entitled to carry forward each fiscal year.

The employee is entitled to carry forward from one fiscal year to the next the net balance of unused accumulated leave that does not exceed 45 workdays.

The City shall, on the request of an employee described in Government Code 473.202(a), provide to that employee a statement that contains: (1) the number of workdays for which the employee claimed paid leave under in that fiscal year; and (2) if the statement is provided to an employee: (A) the net balance of unused accumulated leave for that fiscal year that the

employee is entitled to carry forward to the next fiscal year; and (B) the net balance of all unused accumulated leave under to which the employee is entitled.

Employees are required to notify their immediate supervisor as soon as possible when orders are received for annual military training, active duty, emergency duty, or any other military activity where his/her presence is required. Employees are also required to notify the Policy Administrator as soon as possible to coordinate issues regarding their pay, benefits, re-employment rights and submission of official orders for the record.

For more information, see the Uniformed Service Employment and Reemployment Rights Act of 1994, 38 USC 4301 et seq. and Texas Government Code section 437.202.

Jury duty

The City recognizes that jury duty is a civic responsibility of its employees. The City will honor the employee's jury duty service as required by the court. The employee must provide a copy of the jury duty summons to his/her supervisor and the Policy Administrator as soon as possible in advance of the first day of service.

The City provides paid leave when an employee must serve on a jury. The employee will be paid his/her normal salary or hourly compensation while he/she is on jury duty. The City will not pay overtime, if the employee would be eligible for overtime pay during the time of jury duty.

The employee's employment will not be affected for the performance of jury duty. The employee will not be harassed, threatened, or cajoled into getting out of jury duty and the employee's same job will be available upon his/her return. Employees must keep their supervisor and the Policy Administrator apprised of the time anticipated for jury duty service as soon as practical through the duration of the employee's service. The City may retain a temporary worker to perform or assign temporary duties to another employee for the performance of the employee's duties for the continued operation and business of the City.

An employee who is dismissed from jury duty, must report to work for the remainder of each day he/she is dismissed. An employee who does not need to report to court on any day during the duration of jury duty service, is required to report to work.

Upon completion of jury duty service, the employee must submit a copy of his/her release, dismissal or other proof of completion of jury duty service.

Holiday Schedule

The City will be closed on the following holidays:

New Year's Day	January 1
Memorial Day	Last Monday in May
July 4 th	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

City Holidays are not charged to PTO.

HEALTH AND SAFETY

Safety Policy

It is the policy of the City to make every effort to provide healthful and safe working conditions for all of its employees.

Employee Responsibilities and Reports.

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her Department Head or supervisor immediately. The supervisor is responsible for informing the Department Head as soon as practicable. The Department Head is responsible for filing all accident reports immediately with the City Administrator.

Failure to report an on-the-job injury, no matter how minor, could result in the denial of worker's compensation benefits.

Employee Suggestions

Employees shall report immediately to their Department Heads any conditions that in their judgment threaten the health and safety of employees or visitors. Employees are encouraged to make suggestions to their Department Head for improvements that would make the City workplace safer or more healthful.

Workers' Compensation

Insurance

The City provides Workers' Compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than seven days.

This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. An employee injured on the job is covered by Workers' Compensation Insurance. The Workers' Compensation system will determine the rate of pay for the injured employee. The injured employee will use their accumulated PTO for the first week they are off the job due to on-the-job injury. If there is insufficient PTO available, vacation leave can be substituted for sick leave. Workers' Compensation will begin payment for the second week of absence due to injury.

No employee may combine any type of paid leave benefit, workers' compensation, disability benefit, or any other paid benefit in such a way that the resulting compensation would exceed the employee's average weekly earnings for the pay period in question. If an employee is receiving workers' compensation benefits that total less than the employee's average weekly earnings, as determined for purposes of the workers' compensation claim, the employee may

elect to use available PTO to cover the difference between the workers' compensation benefits and the average weekly earnings. However, use or application of any type of paid leave beyond that amount will not be permitted during the period covered by workers' compensation.

An employee receiving workers' compensation payments does not accrue PTO and is not entitled to receive additional holiday pay, except in instances where employee leave covers the remainder of the average pay not covered by workers' compensation. If an employee elects to use available PTO to cover the portion not paid by workers' compensation, benefits will only be accrued according to the portion covered by employee leave. The employee's participation in the City's retirement system, as well as the City's matching contribution, will also be limited to the amount contributed by the employee. If the employee chooses not to use available leave time to offset the portion not covered by workers' compensation, the employee will not accrue benefits or receive any retirement earnings.

During the time an employee is receiving worker's compensation benefits, the employee will be responsible for payment of any employee paid health benefit premiums, such as health benefits for dependents and other voluntary policies.

During the time an employee is not working, the employee will communicate his or her status at least once a week to the appropriate Department Head. This is to ensure the employee's personnel records are accurate and to provide for adequate coverage of the employee's duties during their absence. Medical clearance will be required for the employee to return to work.

During the time an employee is recuperating from an on the job injury with the City, they shall not work at any other full-time or part-time job outside the City. Working at another position during leave is cause for discipline including but not limited to termination.

Workers' Compensation leave is subject to the Family and Medical Leave Act.

Medical Attention

An employee, who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The City requires statements of medical condition and of release to return to work from the attending physician. An employee may be required to submit to examination by an independent physician as determined by the City Administrator at the City's expense.

Compensation

An employee receiving workers' compensation payments does **not** accrue vacation or sick leave and is **not** entitled to receive either additional holiday pay or other holiday benefits.

Exclusion

Injuries caused by a willful attempt to injure self or to unlawfully injure another, intoxication, acts of God except in certain limited circumstances (i.e., assigned to official duty during a hurricane, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from workers' compensation coverage.

Reporting Requirements

While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the appropriate City supervisor. Any change in the employee's condition, which might affect his or her entitlement to workers' compensation payments, must also be reported to the appropriate supervisor. In addition, the injured employee must contact his or her supervisor at least once each week to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the City is grounds for revoking the employee's leave and for taking disciplinary action up to and including dismissal.

Return to Service

A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the City. Failure to report to work when released will result in appropriate disciplinary action up to and including termination.

Medical Examination

Upon receipt of a release to return to work, the City may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of the position, with or without reasonable accommodation. If the employee cannot perform the essential functions of the position even with reasonable accommodation, the City will consider placing the employee in another vacant position in which the employee indicates an interest and for which the employee is qualified. If there are no vacancies, or if the employee is not qualified to perform the available position(s), the employee will be kept on or returned to leave of absence, subject to all requirements of leave of absence policy. The City's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

Temporary Light Duty Status

During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be kept on or returned to a leave of absence, subject to all requirements of the leave policy.

An employee who is able to return to work in light duty status is a temporary employee and may be required to work in a different department and perform duties not contained within

his or her current job duties. When an employee is assigned to temporary light duty status and is performing different duties, he or she will be paid according to the level of pay that he or she would receive for the temporary light duty job if the assignment were the result of reorganization. The length of any light duty assignment(s) will be determined by the Department Head with the approval of the City Administrator.

Final Release or Settlement

At the time of final release or settlement of a workers' compensation claim, the employee must furnish the City with a certificate from the employee's physician stating the status of the employee's physical condition.

Physician Restrictions

If the employee's physician restricts an employee from taking part or performing certain physical activities outside the workplace, the employee shall abide by these restrictions. Violating the physical restrictions placed upon the employee by their physician shall be grounds for the termination of benefits under this program and the termination of employment.

Legal Compliance

Any state or federal law, if found in conflict with this policy, shall supersede this policy to the limited extent of the provision(s) affected. The remaining policy provisions shall remain in full effect and shall be construed together to carry out the intent of the policy.

USE OF CITY PROPERTY AND EQUIPMENT

Purpose/Policy

The City has a substantial investment in the property and equipment provided for employee convenience to ease the effective and efficient accomplishment of City business. Appropriate use of facilities, equipment, and other items of City property is expected from employees.

General Provisions

An employee shall use City equipment in accordance with established procedures and shall not abuse, damage, or lose City equipment. City property or equipment shall not be used for any personal non-City business, except as specified in this Manual.

All City equipment, vehicles and supplies shall be used only for official city business and operation. This includes the use of cell phones and electronic devices. City equipment should be used only in a professional manner and the employee must conduct himself/herself appropriately at all times on or off the clock.

Personal use of City vehicles, equipment or supplies may make an employee subject to disciplinary action. Only employees are allowed at worksites and in a City-owned vehicle or as authorized by the employee's supervisor.

Employees may be assigned authorized use of City owned or leased vehicles, phones, lockers, desks, cabinets, computers, and/or cases for the mutual convenience of the City and its employees. These items are subject to inspection at any time for any reason. Data caches, voice and e-mail boxes, pager and cellular phone memory banks, and other electronic storage systems provided by the City may be "opened," "read," or inspected in the same manner as the contents of City furnished vehicles, desks, lockers, and other equipment.

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 duty-related use is forbidden. The theft or borrowing of tools or any other equipment, removing property from a City worksite, 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 duty-related use, or unauthorized use of City vehicles is prohibited.

The City may, at times, rent/loan equipment for city projects and training will be completed prior to use.

Purchasing

Purchases by City employees shall be made only as authorized by the City Administrator in accordance with the City budget and shall comply with state purchasing laws. No employee shall use the City's name or its tax-exempt status for his or her personal advantage.

Damage to Vehicles /Equipment

Any damage to vehicles, equipment or other City property or caused by City property ***must be reported immediately*** to the City Administrator.

City Tools

Each employee is required to keep an inventory of all tools on vehicle and be responsible for them. Inventory sheet copy is to be given to the supervisor. The employee is responsible for replacement costs.

Liability for Loss/Damage to City Property or Issued Equipment

Repayment Required. 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, excluding theft, may have to repay the City for the loss or damage as follows:

- For loss or damage valued in excess of \$500, repayment will be determined by the City Administrator. The City Administrator has the discretion to elect to recoup less than the full amount of damage or loss.
- For loss or damage valued at \$500 or less, repayment will be determined by the City Administrator.

"Misconduct" as used in this Section is violation of a rule, procedure, or law.

"Negligence" as used in this Section is failure to exercise the degree of care that an employee with ordinary prudence would exercise under the same or similar circumstances.

Appeal

- In cases involving determination of liability by the Department Head, the Department Head will provide the employee with the proposed findings and a copy of any documents considered in making the determination. The employee may respond in writing within ten (10) days. The decision of the Department Head will be rendered as proposed or as modified within ten (10) days after the employee's response. The employee may appeal, within ten (10) days of receipt of the Department Head's decision, to the City Administrator.
- If the Department Head's decision is appealed to the City Administrator, the City Administrator will evaluate the Department Head's decision and either approve, modify or overturn the Department Head's decision. The City Administrator will provide the employee with the proposed findings and a copy of any documents considered in making the determination. The employee may appeal, within ten (10) days of receipt of the City Administrator's decision, to the City Council. The City Council's decision is final, non-appealable and non-grievable.

Payroll Deduction

Required repayment under this Section will be made by payroll deduction from the employee's pay in an amount not to exceed 10% of the net pay per pay period for as many pay periods as necessary to recoup the amount to be recovered. If the employee resigns, retires, or is dismissed, recoupment of the City's loss may be made by deduction from the employee's terminal pay.

- Improper pay deductions contrary to the requirements of the Fair Labor Standards Act are prohibited. Any improper pay deductions made contrary to these requirements will be reimbursed to the employee. The City commits, in good faith, to comply now and in the future with these requirements and other requirements of the Fair Labor Standards Act. Any employee, who believes that his or her pay has been subject to improper deductions or who otherwise believes that the requirements of the Fair Labor Standards Act have not been met, is encouraged to file a grievance under the City's Policy on Grievances contained herein.
- Discipline. Repayment for loss or damage required under this Section may be in addition to or in lieu of disciplinary action.

VEHICLE USE/OPERATIONS

Business Use

Except as specified in this Section, City vehicles are furnished for official City business and may not be used for personal reasons without express written prior authorization by City Administrator. These City vehicles may only be used for City business and transportation to and from work, unless other use is approved in writing by the City Administrator. The employee must ensure that all required preventive maintenance and repair work is done on the vehicle. Failure to ensure proper maintenance will result in discipline up to and including loss of the assigned vehicle.

General City Vehicles

City vehicles not assigned to a position are considered to be General City Vehicles. General City Vehicles shall be assigned to departments by the City Administrator, according to the needs of the City. General staff vehicles may not be used for transportation to and from work unless designated as “on-call” vehicles or expressly authorized in writing by the City Administrator.

Any City officer or employee using a General City Vehicle must follow the protocol for use of a General City Vehicle, which includes:

- Sign in with the City Clerk of the date, time purpose of use of the General City Vehicle, and beginning mileage;
- Sign out with the date, time, address of all places visited, mileage to and from each place, and City business for which the General City Vehicle was used;
- Any passenger(s);
- If fuel purchased for the General City Vehicle or services performed on the General City Vehicle, the gallons purchases, the cost of purchase, the services performed, and the cost of services performed and the method of payment;
- Maintain cleanliness of City vehicles to include interior and exterior.

Use of City Vehicles

No City vehicles may be used for transportation to and from work by employees residing outside the Sandy Oaks city limits. This policy applies to general staff vehicles and vehicles assigned to an employee as part of his/her compensation unless specifically authorized in writing by the City Administrator.

Tracking Devices. GPS vehicle tracking devices may be installed in any and all of its vehicles or other property. With regard to city vehicles, these devices allow the City to monitor the location, speed, direction, and other information related to the use and operation of its vehicles. GPS data may be used in part to determine whether employee’s use of the equipment is appropriate and/or violates City personnel policies and/or departmental orders. Employees shall have no expectation of privacy with regard to the City’s ability to monitor an employee’s use of city-owned equipment and vehicles.

Valid Driver's License

Anyone operating a licensed City-owned vehicle must have a valid Texas Driver's License and must show it on request to their supervisor.

Driving Records

Individual driving records shall be reviewed annually in order to comply with Insurance company request.

ELECTRONIC COMMUNICATIONS

Introduction

In the course of conducting City business, employees will create, store, transmit, receive and manage electronic data. All data that is handled by City employees is the property of the City of Sandy Oaks regardless of the media (including paper copies), equipment or information system that is used to create, store or transmit the data.

Definitions

“City-owned Equipment” means any device that the City physically provides employees that accesses, stores or transmits electronic data. This includes, but is not limited to, computers, cell phones, traditional phones, radios, etc.

“Personal Equipment” means any device that is not provided by the City that an employee may be using to access, store or transmit City electronic data. This includes, but is not limited to, any type of personal computer, tablet computer, cell phones, etc.

“Information System” means the software application, operating system, e-mail system or web site, either Internet or intranet, that is used to access, store or transmit electronic data.

General Provisions

Employees shall have no expectation of privacy in information contained on any City information system. Employees who use personal equipment to access City data are obligated to provide access to their equipment and systems to the City and will provide the City with authorization to obtain electronic communications systems data from a third-party provider including e-mail and text message content when requested.

Data created in the course of City business on electronic communication systems is considered a record under the Texas Local Government Record Act and all electronic documents are subject to retention guidelines set by the City’s local government control schedules. Employees are responsible for maintaining original documents and electronic files according to departmental requirements. Employees shall not provide any information to any requestor outside of their normal job duties or without an official request.

Since many information systems retain data on the equipment used to access the data, employees are discouraged from using public computing equipment to access City information systems.

The purpose of electronic communications systems is to enhance the City’s accessibility to citizens and improve service delivery. Limited personal use of electronic communications systems is acceptable; however, no expectation of privacy arises to personal use. Department Heads will determine the level of access assigned to authorized users and the limits on non-business use in their respective departments.

Prohibited activity with any City-owned, or personal electronic communications system being used on City property or being used to conduct City business, including cell phones, unless specifically delineated otherwise, includes:

- Engaging in illegal, fraudulent, or malevolent conduct;
- Transmitting or storing material that is threatening, obscene, sexually explicit or disparaging of others based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
- Obtaining unauthorized access to any City-owned computer or data system;
- Unauthorized disclosure of City computer data to another individual, whether or not the individual is an employee of the City;
- Unauthorized creation, duplication, destruction, deletion or alteration of City computer data;
- Sharing or disclosure of City-owned computer user IDs. This applies equally to an employee disclosing this information as well as any employee using it;
- Unauthorized access or attempting to gain unauthorized access to physically secured City computer equipment;
- Tampering with City-owned office computer equipment in any way, whether physically secured or not, without prior authorization;
- Using another individual's account or identity without explicit authorization;
- Distributing or storing chain letters, solicitations, offers to buy or sell goods, or other non-business material of a trivial or frivolous nature;
- Activity used for outside employment or other direct financial profit;
- Conducting political campaigns or other activity; and
- Gambling or playing a game for money or other stakes.

Electronic communications systems may be monitored to:

- Provide a workplace that is free of unlawful discrimination;
- Control the presence of inappropriate material;
- Ensure that resources are being used properly; and
- Investigate complaints of improper use.

Employees must follow applicable copyright laws. If any doubt exists regarding copyright status of material, contact the copyright owner to obtain written permission prior to use.

Software Regulations

Employees must adhere to all software license and copyright requirements for all City software. The City shall authorize all software that is used on City equipment. The use of unauthorized software is prohibited. The use of an employee's personal software on City equipment is prohibited. Employees are prohibited from installing City software on personal equipment or using or sharing City license key codes.

The Information Technology Department is responsible for tracking all City software and ensuring that the City maintains license compliance. All software acquisition and installation

shall be performed by, or coordinated with, the Information Technology Department. Under no circumstances shall license requirements be violated, including license limitations on the number of copies of software that maybe installed or used at one time. All software shall be registered as soon after acquisition as reasonable.

Global E-Mail Messages. Global e-mail messages are internal communications sent electronically to all City employees simultaneously to provide uniform coverage in matters of interest to all employees.

1. Permitted Subjects:
 1. City-wide computer and wide and local area network issues;
 2. Planned network service by Information Technology;
 3. Issues that may affect the health and/or safety of all employees;
 4. Information relating to employee policies or benefits;
 5. Department events relating to the entire City workforce; and
 6. Other issues as directed by the City Administrator or designee.
2. Authorization. The Information Technology Department will send out global e-mail messages when they pertain to computer and network related issues that affect all employees. Any other global e-mail messages must be approved and processed by the City Administrator.

Use of Cellular Phones

1. At the discretion of the City Administrator, employees may be provided with a City-cell phone based on the need frequency of use of City business or contact from citizens or City Councilmembers.
2. The City Administrator, with the City Clerk must:
 - Contract with a cell-phone provider, purchase/lease and assign City cell phones;
 - Maintain a list of all employees' phone numbers, verify active service and budget appropriately;
 - Maintain phone records for five (5) years and advise employees of open record procedures. This includes flat rate plans that do not detail individual calls;
 - Monitor usage as it relates to need, rate plan, and review billings prior to payment authorization.
3. Employee Responsibility. Employee utilizing a City issued phone must:
 - Reimburse the City for all non-business charges within 30 days of being billed; and
 - Report lost or stolen property immediately to their supervisor. Failure to demonstrate reasonable care in use of issued phone or allowances may result in repayment to the City for the loss or damage as determined by the City Administrator.
4. Using a cellular telephone or other mobile communications device while operating a motor vehicle is strongly discouraged and prohibited to the extent prohibited by federal, state or local law. It is the employee's responsibility to ensure his or her

knowledge and compliance with federal, state or local law regarding cell phone use during the operation of a motor vehicle.

SOCIAL MEDIA POLICY

Policy/Purpose

The City may utilize social media and social network sites to further enhance communications with various stakeholder organizations in support of City goals and objectives. City officials and City organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

General Provisions

All City of Sandy Oaks social media sites shall be:

- approved by the City Council;
- published using approved City social networking platform and tools; and
- administered by the Mayor, City Administrator or their designee. Designees can be any City officer, employee or volunteer that has a complete understanding of this policy and has appropriate content and technical experience.

All City of Sandy Oaks social networking sites and entries shall adhere to applicable state, federal and local laws, regulations and policies including all City policies relating to Information Technology and records management and retention and other applicable City policies.

Texas Public Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.

All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.

Content submitted for posting that is deemed not suitable for posting by the administrator of the social media site because it is not topically related to the particular social media site objective being commented upon, or is deemed prohibited content based on the criteria in this policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.

The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

Each City of Sandy Oaks social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media site. Where possible, social media sites should link back to the official City of Sandy Oaks website for forms, documents and other information.

City social media content and comments containing any of the following forms of content shall not be allowed for posting:

- Comments not topically related to the particular site or blog article being commented upon;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems; or
- Content that violates a legal ownership interest of any other party

All social networking sites shall clearly indicate they are maintained by the City of Sandy Oaks and shall have City of Sandy Oaks contact information prominently displayed.

Where appropriate, IT security policies shall apply to all social networking sites and articles.

Employees representing the City government via social media outlets must conduct themselves at all times as a representative of the City and in accordance with all City of Sandy Oaks Personnel Policies.

Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

Employee Guidance for Participating in Social Networking

City computers must not be used for social media purposes, unless otherwise instructed by the City Administrator. Any infraction to this policy may result in disciplinary actions. While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks.

No personnel may post online content as a representative of the City, or on the City's behalf without the City Administrator's approval. If discussing City-related issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City, by displaying a disclaimer that states: "This is my own opinion and not necessarily the opinion or position held by the City or City Council."

All City-sanctioned social media sites shall be approved by the City Administrator before publishing. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Administrator or his designee before it is posted.

All personnel that engage in social media activities on the City's behalf and all City-sanctioned social media sites shall adhere to applicable federal, state, and local laws, regulations and policies, including the Texas Public Information Act and the records retention schedule. All content must be managed, stored, and retrieved to comply with these laws.

All online content posted as representative of the City, or on the City's behalf, shall clearly indicate that it is subject to records retention and public disclosure. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to records retention and public disclosure. Any content posted as representative of the City, or content posted to a City-sanctioned social media site, shall not contain any of the following:

- Comments not typically related to the particular site or blog article being commented upon;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- Sexual content or links to sexual content;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Content that violates a legal ownership interest of any other party; or
- Content that the City Administrator or his designee deems inappropriate for posting.

Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Administrator or his designee because it violates criteria shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed unsuitable for posting.

Any hyperlinks posted on a City-sanctioned social media site shall be accompanied by a disclaimer which states, "The City does not guarantee the authenticity, accuracy, appropriateness, or security of the link, website, or content linked thereto."

Email and Internet Policy

The City maintains electronic mail access for employees to conduct the business of the City in a timely and efficient manner. The e-mail and internet systems and its contents are the property of the City. Information that is deemed as improper material is at the City Administrator's discretion. This policy is intended to prevent the misuse of e-mail and Internet access, specifically as it pertains to the following unacceptable practices:

- Improperly downloading files that may contaminate City information systems and/or databases.
- Accessing objectionable or improper material.
- Use of work time to access non-work-related information or to “surf” the internet.

All employees are responsible for meeting the requirements of these policies when creating, sending, and forwarding or saving electronic mail. Employees who violate these policies are subject to disciplinary action. The City Administrator of the City is responsible for establishing, updating and monitoring adherence to the electronic mail policy.

As e-mail is considered a record for all legal, fiscal, administrative and historical purposes, all City’s Records Management Policies and Texas Public Information Act apply to any e-mail created, sent, received, forwarded and saved by employees of the City.

E-mail created, sent, forwarded, received or saved on the City’s e-mail system is the property of the City and are not considered private communications of any employee. All e-mails on the City’s systems are subject to retrieval and disclosure at any time for litigation discovery, law enforcement or other regulatory investigations.

The Internet should not be used for any personal monetary interest or gain. Employees must be aware that all Internet usage can be recorded and stored along with the source and destination of all information. Each employee is personally responsible for complying with this and all other relevant policies when using the City’s resources for accessing the Internet. Use of these same resources in violation of this policy, or subsequent departmental policies is grounds for disciplinary action including but not limited to termination.

While the City encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the good will and reputation of the City among its citizens or in the community. For these reasons, the City reminds its personnel that the guidelines in this apply in their use of social media, both on and off duty.

Under this policy, the City disavows, and is not responsible for, any sites, posts, opinions, or content not coordinated through and approved by the City Administrator. If City personnel posts data purporting to be on behalf of the City while using a social media site without the approval of the City Administrator, the City is not responsible for that content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or City administration, and the City is not responsible for archiving such content in accordance with the records retention schedule, or providing copies in accordance with the Texas Public Information Act. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If an employee is uncertain about the applicability of the policy to a specific situation, the employee should consult his or her supervisor or manager before proceeding.

The City has the right to view and monitor all e-mail created, sent, saved, forwarded or received on the City's e-mail system.

The City e-mail system will *not* be used for the any of the following purposes:

- Commercial activities
- Religious causes
- Solicitations of any type
- Political activities
- Download of any file/software or data that has not been previously scanned and cleared as free of viruses
- Transmission or accessing copyrighted information in a manner that would violate the copyright

COMPENSATION

Policy/Purpose

The City of Sandy Oaks' compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees what jobs are worth, ensure appropriate movement through the salary range for that classification, and recognize performance through merit increases (where applicable). The pay plan is designed to comply with both state and federal laws, including the Fair Labor Standards Act (FLSA). The City also offers a variety of other categories of pay as specified in this Section.

Rates of Pay

Base Rate. The base rate of pay for each employee is that amount the employee is designated to receive within the salary range for the employee's job classification or, for those on the police pay schedules, that amount designated for the appropriate incremental step level for the employee's job classification.

Regular Rate. The regular rate of pay for each employee is the employee's base rate of pay, plus any other type of pay for which the employee is eligible including, but not limited to shift differential, assignment pay, language pay, acting status pay, longevity pay - if taken biweekly and, education incentive pay as specified in that department's written regulations.

Overtime Rate. The overtime rate of pay is one and one-half (1.5) times the regular rate of pay.

Payroll Deductions. Initial and continued employment with the City is conditional on employee agreement to deductions from pay as specified in this Section. Deductions will be made as follows:

- When required by law;
- When available to all regular City employees with individual employee consent and City Administrator approval;
- As payment for a fringe benefit or special program authorized by the City Administrator and offered with City participation;
- As re-payments to the City for reasons specified below: (Except for final paychecks, the time of re-payment will equal the period in which payments were made.)
- Erroneous payment made by the City to an employee;
- Loss or damage to City property or issued equipment;
- Theft of City property, equipment or money;
- PTO paid to an employee when the employee also received workers' compensation benefits for the same time period; or
- Non-equipment loss or damage costs such as expense accounts, personal calls, or court costs associated with a judgment for the City.

IMMIGRATION LAW COMPLIANCE

Procedure for Employment

Each employee hired after November 6, 1986, is subject to a document inspection process. This requirement applies to U.S. citizens as well as non-citizens.

Each new employee must present all necessary documents as required by the Immigration Reform and Control Act (IRCA) within three (3) days of being hired or as required by Federal or Texas State Law whichever is sooner.

Recordkeeping

The City Secretary shall be responsible for requesting, copying, updating and maintaining information needed by the IRCA.

GROUP MEDICAL INSURANCE

Eligibility

All full-time employees will be eligible for Group Medical Insurance if otherwise eligible under the requirements of the Insurance Carrier.

Waiting Period

An employee shall be required to have been employed for ninety (90) calendar days before the employee can be covered by the Group Medical Insurance.

Premiums

The premiums for coverage on the employee paid by the City is 65% of the cost.

Dependent Coverage

An employee may cover eligible dependents under the Group Medical Insurance provided the dependents meet the requirements for eligibility as defined in the master contract and the employee pays the full premium for dependent coverage.

Premiums for dependent coverage shall be deducted from the employee's paycheck.

Benefits

A copy of the master policy for Group Medical Insurance, which gives the details of the benefits provided, shall be kept in the City Secretary's office and may be reviewed by employees at any time during normal working hours.

WORKERS' COMPENSATION

Policy/Purpose

The City is committed to meeting its obligation under the Texas Workers' Compensation Act to provide medical, rehabilitation, and wage-replacement benefits to employees who sustain work-related injuries or illnesses. All work-related injuries and illness are eligible under the Family and Medical Leave Act (FMLA), and any missed time due to the injury or illness will be counted toward the employee's FMLA allotment.

The purpose of this Section is only to describe the financial benefits available to an employee who is unable to work the regular position because of an on-the-job injury covered under the Texas Workers' Compensation Act.

Eligibility

All employees shall be covered under the City's Worker's Compensation insurance, pursuant to the terms of the contract and State requirements in force at any given time.

Employee Responsibility

An employee who suffers a work-related injury or illness shall be responsible for notifying the employee's supervisor as soon as practical after the employee first realizes that a work-related injury or illness has occurred. Except in unusual circumstances this notification should occur the same day the injury or illness occurs. The employee shall provide all information required in order for the City Secretary to assist in filing the proper forms for the incident.

Supervisor's Responsibility

The supervisor shall immediately notify the City Secretary. The supervisor shall assist the employee to provide all information required in order for the City Secretary to assist in filing the proper forms for the incident.

City Secretary's Responsibility

The City Secretary shall assist the employee or the supervisor in preparing a written report of the incident that caused the injury or illness. The City Secretary shall follow up with all required Workers Compensation forms until the doctor releases the employee. A complete and accurate file will be maintained in the office of the City Secretary. The City Secretary will notify the employee and their supervisor when she received a return to work release from the doctor.

Statutory Provisions

Payment Purposes. When an employee is injured within the course and scope of employment for the City of Sandy Oaks, the employee is eligible for workers' compensation payments pursuant to Title 5 of the Texas Labor Code. These payments are for:

- Reasonably required and necessary medical treatment;
- A statutory amount that provides a portion of the employee's average weekly wage while the employee is unable to work because of the injury for up to 104 weeks; and
- Additional monetary benefits for permanent disability suffered as a result of the on-the job injury.

Contest of Claim/Termination of Benefits. Workers' compensation entitlements are subject to termination for grounds specified in the statute. The City may contest any claim for reasons authorized by law. An employee whose claim is being contested by the City is not eligible for injury leave with pay or salary continuation until a final determination of eligibility is made by Human Resources in conjunction with the City's third-party workers' compensation administrator.

Physician Choice. An employee may use any physician that accepts workers' compensation payments to administer treatment in connection with the on-the-job injury. The City will pay (or reimburse the employee for payment of) the cost of such treatment so long as the employee meets the eligibility requirements of workers' compensation and the charges are reasonable and necessary within Texas Division of Workers' Compensation guidelines.

Temporary Income Benefits. Under worker's compensation, temporary income benefits do not begin until after the seventh calendar day of absence from work due to an on-the-job injury.

- A regular full-time employee who appears initially to be eligible for workers' compensation weekly payments will be carried on the payroll in an injury leave with Pay status for all work time missed during the first seven days of absence.
- If it appears initially that the employee is not eligible for workers' compensation weekly payments, or the claim is being contested by the City, the employee must use accrued paid leave, if available. If the employee has no accrued paid leave, the employee will be carried on the payroll in injury leave without pay status. If it is determined that the employee is eligible for temporary income benefits, any accrued leave used will be restored to the employee's leave balance, or any unpaid leave time will be retroactively compensated.

CONFLICT OF INTEREST AND OUTSIDE EMPLOYMENT

Conflict of Interest

A City employee shall not engage in any employment, relationship, or activity that would affect the employee's job efficiency or that would reduce the employee's ability to make objective decisions in regard to the employee's work and responsibility as a City employee.

Prohibited Activities

Activities that constitute a conflict of interest under this policy shall include but not be limited to:

- Soliciting, accepting or agreeing to accept a financial benefit, gift or favor (other than from the City) that might reasonably tend to influence the employee's performance of duties for the City or that the employee knows or should know is offered with intent to influence the employee's performance.
- Accepting employment, compensation, gifts or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties.
- Accepting outside employment, compensation, gifts or favors that might reasonably tend to impair independence of judgment in performance of duties for the City.
- Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City.
- Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a City employee in favor of that person.

Outside Employment

Employees of the City may hold employment other than their job with the City provided such employment does not create a conflict of interest or in any other way interferes with their ability to effectively perform the duties of the City job. This determination shall be made by the City Council in its sole discretion.

POLICY ON ATTENDANCE AND TIMELINESS

Attendance

Employees shall be required to be at work on all days scheduled unless the employee's Supervisor has given prior approval for absence.

Timeliness

Employees shall be required to work their entire schedule for each workday unless the Supervisor has given prior approval for the employee's late arrival or early departure.

Emergency

If an emergency arises causing an employee to be late or absent, the employee shall be required to contact the Mayor or City Secretary or the employee's Supervisor prior to the start of the workday to explain the situation.

If an employee fails to report to work or to call within one half hour after the start of the work schedule, the employee shall be placed on leave without pay until returning to work. After three days with no notice from the employee, it will be assumed that the employee has terminated employment with the City and consequent steps shall be implemented.

Unexcused Absence and Tardiness

Unexcused absences, tardiness. And early departures may make an employee subject to disciplinary action.

On Call

Employees on call must remain within the City during time of on call duty and answer all calls unless released by his or her supervisor. On call employees must perform all duties assigned, i.e., answer calls for alerts, feed and provide water to animals, and other duties as assigned. All employees on call will be given a minimum of 2 hours at regular rate of pay for each day on call.

POLICY ON SAFETY

Safety

Each City employee shall be expected to perform the duties of the job in a safe manner.

Employees observing any work situation that is unsafe for City employees or members of the public should take active steps to correct the situation whenever practical, and, if necessary, notify the Mayor or another member of the City Council.

All accidents must be reported to the employee's supervisor immediately.

All employees will be required to wear applicable personal protective equipment as the job demands:

- Minimum equipment will be hard hat and safety glasses.
- When using high noise level tools, hearing protection in the form of ear plugs will be required.
- When working in areas potentially contaminated with sewage, or trash OSHA requirements for the area will be required. (This includes foot wear.)
- When working around compressed chlorine gas, respiratory protection must be immediately available.

All employees will secure the area where they are performing work.

POLICY ON ALCOHOL AND DRUG USE

Policy

It is the desire of the City to provide an alcohol and drug-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal Unauthorized Drugs

No employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer, while performing work for the City. The phrase “performing work for the City,” as referenced throughout these Personnel Policy, includes all employee activity occurring while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment outside normal City business hours, may not drive a motor vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the use of alcohol or drugs. Without specific approval by the City Administrator, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while performing work for the City. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissible Use of Prescribed and Over-the-Counter Drugs

The legal use of prescribed and over-the-counter drugs is permitted while performing work for the City only if it does not impair an employee's ability to perform the essential functions of the job (or operate a vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Mandatory Disclosure by Employees

Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Administrator if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

Law Enforcement Employees

Certain Law Enforcement employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by City Marshal Office's operating procedures.

On-Call Employees

Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Convictions

Employees must notify their immediate supervisor and the City Administrator, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

Off-Duty Conduct

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

Policy Violations

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment. Law Enforcement may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the City

Administrator to receive assistance or referrals to appropriate resources in the community.

Testing

Types of Tests

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedure.

Testing of Applicants

All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees

Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury, or accident, when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.

Law enforcement employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.

Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

A positive test result is a violation of this policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.

Testing Procedures

All testing must normally be authorized in advance by both the employee's Department Head and the City Administrator. If the Department Head is unavailable within a reasonable period of time, the City Administrator may, with sole discretion, authorize the testing of an employee. If the City Administrator is unavailable within a reasonable period of time, the Department Head may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

If an employee's conduct resulted in a work place injury or accident, or reasonable suspicion exists to believe that the employee has violated this policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received.

The City will make arrangements to have the employee transported home after the testing.

All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the City Administrator or the Mayor; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

POLICY ON DISCIPLINE

Authority

The Mayor shall have the authority to discipline any employee who violates the City's policies or rules, abuses the benefits or privileges provided by the City, affects the efficient operation of any City function, either through action or inaction, or who brings negative attention to the City.

Discipline

Based on the severity of the action, discipline may consist of a verbal reprimand, written reprimand, probation, suspension with or without pay, or termination of employment.

Three (3) written reports by a supervisor within a year will result in Council action.

Termination

If the Mayor determines that termination is the appropriate discipline, the employee shall be suspended with pay until the City Council can meet, at which meeting the City Council shall vote on the appropriate disciplinary action. A Special Meeting of the City Council may be called for this action.

Documentation

The Mayor shall make a written report of any disciplinary action, and shall date and sign such report. The report shall then be provided to the employee who will be requested to sign a statement indicating the employee has received and reviewed the report, and shall be allowed, if the employee wishes, to add written comments to explain the conduct in question. The report shall then be added to the employee's file, and a copy of the report shall be reviewed by the City Council at its next meeting.

Appeal

Any employee or former employee who feels wrongfully disciplined, or discipline more severely than his conduct warranted, may initiate a grievance under the City's Policy on Grievances to explain the employee's side of the incident and request that the disciplinary action be set aside, or made less severe. If the employee or former employee appeals the grievance to City Council, the meeting shall be held in accordance with the Texas Open Meetings Act, and the City Council shall decide among the following options:

- Allow the Mayor's decision to stand
- Set aside the Mayor's decision entirely
- Amend the Mayor's decision to provide for less severe disciplinary action.
- Amend the Mayor's decision to provide for more severe disciplinary action.

POLICY ON GRIEVANCES

Grievances

A current or former City employee may file a grievance on any term, condition, or activity of employment that the employee or former employee wishes changed, including an act or omission of another employee, officer Council Member, or Mayor. A current or former employee must initiate the grievance process within 15 days of the occurrence of the term, condition or activity the employee or former employee wishes changed, except for “Whistleblower” claims of which a grievance must be initiated no later than the 90th day after the occurrence.

Matters over which the City Council has no control, such as requirements of the federal or State law, shall not be considered grounds for a grievance.

Grievance Procedure

Grievances shall be handled in accordance with the following procedures:

A. The employee or former employee shall informally discuss the grievance with the employee’s supervisor or former supervisor stating the nature of the grievance and the action expected to resolve the grievance. Within three working days of the initial discussion the supervisor shall provide the employee with a decision as to whether the employee or former employee should proceed with the grievance. If the decision is not satisfactory to the employee or former employee or if no decision is received within three working days, the employee or former employee may proceed to the next step within five working days.

B. If the employee or former employee is not satisfied with the result in Step A, the employee or former employee may present a written statement of the grievance, along with a statement of the action desired to resolve the grievance, to the Mayor. If the Mayor is the subject of the grievance, the employee or former employee may present the written statement of the grievance, along with a statement of the action desired to resolve the grievance, to the Mayor Pro Tem. The Mayor, or Mayor Pro Tem when applicable, shall review the facts of the grievance and provide the employee with a written response within five working days. If the response is not satisfactory, or if no response is received within five working days, the employee may proceed to the next step within five working days.

C. If the employee or former employee is not satisfied with the result of Step B, the employee or former employee may present a written statement of the grievance, along with a statement of the action desired to resolve the grievance, to the City Council. The City Council may meet with the employee or former employee, other involved individuals, or take other steps necessary to obtain information on the facts of the grievance in conformance with the Open Meetings Act. The City Council may also designate a representative to meet with the employee or former employee, other involved individuals or take other steps necessary to obtain information on the facts

of the grievance. The Council's designee shall present a report to City Council that includes the facts made basis of the grievance. The City Council shall provide the employee or former employee with a decision concerning the grievance at the meeting the Council considers the grievance or the following City Council meeting. The decision of the City Council is final.

Deviation from Procedure

If any responding party will not be able to provide the employee with a response within the time frame set, that party shall explain the situation to the employee and set a date as to when a response will be given in writing.

An employee may skip Step A or Step B in the grievance procedure if the employee desires and submit the grievance to City Council for final decision.

Retaliation

No elected official, appointed staff member or other employee shall retaliate against any employee for filing a grievance, whether such grievance is later found to be valid or invalid.

Standard

The standard of review shall be the best interests and safety of the citizens of the City and the entire workforce employed by the City. Fairness to an individual employee shall be a secondary consideration.

Recordkeeping

The City may dispose of or destroy any documentation, including e-mails, relating to a grievance submitted under this policy after the expiration of two years of the decision, except as provided by the Public Information Act or State law regarding record keeping.

POLICY ON TERMINATION

City Employment

All City employees serve solely at the pleasure of the City Council and employment may be terminated at any time by either the employee or the City for any reason that does not violate federal or State law.

Notice

Except in the situation of a discharge for cause, the City shall attempt to provide the employee with two weeks' notice prior to termination of employment.

Immediate

Employees shall be discharged immediately if they are convicted of a felony, report for work under the influence of alcohol or illegal drugs or use them on the job, or are involved in any activity or action that the City Council determines to be significantly detrimental to the City and/or its goals.

Resignation

Under normal circumstances, an employee shall be expected to give two weeks written notice prior to the effective date of resignation.

Final Paycheck

Employees will be issued their final paycheck on the next regular pay day.

City Property

All employees shall return all City property in their possession on their last day of employment. Employees who do not return City property may be invoiced for the fair market value of City property in their possession.

PERSONNEL RECORDS

Personnel Records

The City Administrator or designee shall be responsible for the proper maintenance and security of all personnel files. Personnel records, except medical records, are maintained in a secure central location by the City Secretary. Medical records are kept in a separate confidential file maintained by the City Secretary.

Personnel records will be released only to Department Heads with the City Secretary maintaining a log of all personnel files released. The respective employee, Department Head or proper designee may request; upon approval, to view the employee's file, but it must remain with the City Administrator or within the Human Resources department. The employee's personnel file will not contain any medical records, drug/alcohol tests or any I-9 forms.

Employees may sign a release of information form that would authorize information in their personnel file to be released to requestors. Any information regarding drug/alcohol test results or information herein shall only be kept between the testing facility, City Secretary.

No information will be removed or added to any personnel file without the specific approval of the City Administrator or City Secretary.

Disclosure

Some information in an employee's personnel file is public information and must be disclosed upon request. Specific items are exempted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Administrator or by an employee authorized to do so by the City Administrator.

Each employee may choose whether the City discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first fourteen (14) days of employment, the home address and telephone number on file are considered public information, with the exception of peace officers, whose addresses and telephone numbers are not public information. Employees may change their elections for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available at the Director of Human Resources office.

Examination of File

An employee or his or her representative designated in writing may examine the employee's personnel file upon request during normal working hours at the City offices. The employee may request copies of items or materials in his or her personnel file but may not remove anything from the file.

Supervisory Access

When a supervisor or Department Head requires access to the official personnel file of an employee under his or her supervision for the handling of personnel matters, the City Secretary

will provide access to the specific file(s) after authorization has been obtained from the City Administrator.

Changes and Corrections

Employees are expected to inform the City Secretary of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, and person to be notified in case of emergency, or other pertinent information. The City Secretary will notify the City Administrator of any changes or corrections.

Responding to Reference Checks

In responding to reference checks on employees or former employees, the City will verify only dates of employment, position, and salary unless authorized by the employee in writing to provide additional information or required to release information in response to a written record request.

Contents of Personnel Files

An employee's official personnel file contains all documents related to an employee's employment relationship with the City except for medical records and I-9 forms.

I-9 forms for all City employees are filed chronologically in a single file that is separated from individual personnel files.

An employee's personnel file does not contain information regarding an employee's medical record(s) nor does it contain any information relating to drug or alcohol testing. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the City Administrator and the City Secretary have routine access to employee medical records.

Personnel Action Form

The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- Employment Category;
- Position Title and Classification;
- Pay Group and Rate; and
- Other Actions Affecting the Employee's Status.

The Personnel Action Form is completed on the employee's first day of work and again when there is any change in his or her status that relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

Health Insurance Portability and Accountability Act

In compliance with the Health Insurance Portability and Accountability Act of 1996, the City protects private health information by limiting those employees with access to this information. These records are not to be released at any time. Only the City Administrator is authorized to have access to this information.

POLICY ON ANNUAL EMPLOYEE PERFORMANCE APPRAISAL

Annual Appraisal

The Mayor or City Administrator shall meet with each individual employee of the City as needed. During this meeting the Mayor or Supervisor will evaluate the employee's work performance during the last year and shall set goals for the next year.

The format and performance evaluation procedure shall be determined by the Mayor.

The Mayor or City Administrator shall write a report of the results of the evaluation and goal setting. This report shall be added to the personnel file of the employee.

POLICY ON EMPLOYEE SALARIES

Salary

The City Council shall set the salary of each City employee based on recommendations by the City Administrator or the Mayor.

Each City employee's salary shall be reviewed annually during the budget process and raises may be awarded based on the financial situation of the City.

A City employee's salary may be reviewed at any time that the City Administrator submits such a request in writing to the City Council or by request of the Mayor.

Probation

Full time and Part time employees will be hired on a probationary basis. After 90 days, the employee will be reviewed on performance and either retained on a permanent basis, remain on probation for an additional 30 days, or will be terminated.

CERTIFICATIONS

Certification

If a job requires certification, an employee hired to fill that position shall be notified as to exactly what certification is required and which measures must be taken to obtain the certification.

City Responsibility

When the City can afford time and expenses to send the employee to proper training classes toward certification, the City may allow time off, and may pay fees for the school, as well as mileage, room and board in accordance with the City's policy on travel while the employee is attending the programs necessary to receive certification.

If necessary, the City shall allow the employee to retake any courses and examinations one time only, as soon as the employee is eligible to do so and pay the expenses for the second attempt upon the approval of the Council.

Failure to Obtain Certification

If any employee does not receive certification after two attempts or after one year of hire and the certification is a requirement of the position, the employee shall be terminated with two weeks' notice. As required, the employee must request an extension in writing to the Council.

Effect on Salaries

Certification or the lack of certification may be a factor considered by the City Council when reviewing salaries.

An employee who has been decertified must become recertified within one year or be terminated. This requirement is only for those positions that have certification as a job requirement.

Additional Certification

Any employee attaining a higher level of certification shall receive additional consideration for a salary increase contingent on city finances.

Certification in Other Fields

Any employee attaining certification in additional areas may also be eligible for a salary increase if the certification is deemed vital to the City. This amount will be agreed upon by the City Council before the employee applies for certification.

POLICY ON OVERTIME AND OVERTIME COMPENSATION

Normal Working Hours

Normal working hours for employees are from 8:00 a.m. to 5:00 p.m., with a one-hour lunch period.

Normal working hours are subject to change if deemed necessary for the best interests of the City. Normal working hours cannot be extended past forty (40) hours in the defined work week without the hourly employee being paid overtime.

Overtime

Overtime shall be any time worked by the employee in excess of forty (40) hours in the defined work week.

Time worked shall include all time spent in the service of the City as defined in the Fair Labor Standards Act (FLSA).

Time for which pay would normally be due, but that is not time actually worked, such as paid leave, shall not be included as time worked for purposes of determining if overtime has been worked.

Advance Approval

Employees must receive approval in advance from their supervisor before working overtime except in emergency situations.

Employees who work unapproved overtime except in emergency situations may be subject to disciplinary action.

Overtime Compensation

Overtime for all employees not exempt under FLSA shall be paid at a rate of one and one-half times the employee's regular rate.

Employees called back to work in an overtime situation shall be paid a minimum of one (1) hour overtime.

Recordkeeping

Each employee shall be required to maintain an accurate record on a daily basis of all hours worked. The employee shall sign the time sheet and the supervisor will approve the weekly time sheet.

Records of hours worked shall be kept on the time sheet provided by the City.

POLICY ON TRAVEL

Travel

All travel must be pre-approved by the Mayor and City Administrator in conformance with the City's budget.

Travel time compensation varies depending on the circumstances of which the employee is traveling.

- Traveling from home to work before the regular workday and leaving work after the regular workday is considered ordinary work travel time and is not counted as hours of work.
- Any travel time accrued during regular work hours is counted as hours of work.
- Travel time will be compensable as outlined by the standards established by the Fair Labor Standards Act (FLSA).

No person who is not necessary to the transaction of official City business shall accompany the City employee if the employee is driving a City owned vehicle.

If an employee is to run personal errands while out of the City on official City business, such activities must be specifically pre-approved.

Mileage

City employees required to use their own vehicles when traveling on official City business shall be reimbursed at the current IRS mileage rate for each mile traveled.

Meals

Employees on travel for the City shall be reimbursed at the current IRS rate per day for any meals that they may require. Employees shall submit receipts or proof of purchases for meals while on travel for the City.

Lodging

If an employee is required to remain overnight while on City business, the City will pay for lodging expenses on the premises where the school or seminar is being conducted at the current Federal Government per diem rate.

If lodging is not available on premises, the City shall pay for lodging within a reasonable distance and at a rate not to exceed the current IRS rate for the area of lodging. Where confirmed lodging rates exceed the maximum allowable rate, the City Administrator or designee *may* authorize per diem in excess of the maximum allowable rate. The authorization must be in the best interest of the City and not for the convenience of the traveler. Request

for advance must be filed, in duplicate in a letter to the Administrator. The letter requires the authorization of the employee's Department Head prior to submission. Once the letter is complete, timely submission to finance is imperative.

Use of Vehicles

City vehicles will be utilized, when available, for all ground transportation.

Private automobiles will be used when no City vehicle is available. Employees using their own vehicles shall be reimbursed at the statutory rate per mile of the Internal Revenue Code. This reimbursement is the only reimbursement allowable for use of a private vehicle on City business. Mileage reimbursement will be computed using the web page www.cpa.state.tx.us

Air Travel

Employees must show that air travel is more cost effective than ground transportation prior to any travel by air. City employees will only travel coach and tickets will be purchased in advance to access maximum savings to the City.

CASH/ASSET CONTROL POLICY

Purpose

The purpose of this policy is to establish appropriate controls for the proper handling of and accounting for cash and negotiable cash instruments within the City.

Municipal Court Receipts

All receipts from the Municipal Court will be deposited in the City bank account on a daily basis. Cash, check and credit card transactions will be treated as if they were cash. The cash register will be the only receptacle for cash and other negotiable instruments. As the business day begins the change in the register will be counted with only \$300.00 remaining for the next day's change requirements. Following the re-establishment of the change account, the receipts will be reconciled to the cash/checks/etc., and any overage or shortage noted prior to the days deposit being processed. Any overage/shortage reported on the daily receipt shall be brought to the attention of the City Administrator.

Departmental Transaction Receipts

All receipts from daily business will be deposited in the City bank on a daily basis. Cash, check and credit card transactions will be treated as if they were cash. The cash drawer and current software will serve as the check and balance to reconcile and maintain the change fund of \$300. Any overage/shortage will be noted prior to the day's deposit being processed. The overage/shortage should be reported to the City Administrator or in his absence to the Assistant City Administrator and/or the Director of Human Resources.

Petty Cash

Petty cash will be handled only by the employee given this responsibility. Employees issued Petty Cash will be responsible for providing a receipt to the department where the petty cash was obtained.

Cash Register

The cash register will only be handled by the employee assigned this responsibility. No employee will access the cash register at any time without specific authorization. Any persons handling monetary funds through the registers must be bonded with the City.

Building Security

Cash and negotiable instruments shall be kept in a location under lock and key at all times to limit access to such cash or negotiable instruments. Any persons not employed with the City should not be allowed to enter elsewhere other than the main City Hall foyer, unless otherwise directed by Mayor, Mayor Pro Tem, City Administrator or City Secretary. The combination to the safe will be limited to the following personnel:

- Mayor;
- Mayor Pro Tem;
- City Administrator;
- City Secretary and
- Court Clerk.

ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the Personnel Policies Manual for the City of Sandy Oaks.

I have read and understand the policies and procedures outlined and agree to all the requirements contained therein.

I realize that changes in the policies may be unilaterally implemented by the City Council. Nothing in these policies is to be construed as a contract or a provision guaranteeing a specific term or tenure of employment, nor shall any portion of this policy manual change the at-will status of an employee with the City of Sandy Oaks.

I understand that compliance with the policies and procedures is a condition of employment with the City of Sandy Oaks. I understand that disciplinary action up to and including termination may be taken if I am found in violation of these policies and procedures.

Employee's Printed Name

Employee's Signature

Date