

RESOLUTION NO. 2026-241

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS AMENDING THE CITY'S PERSONNEL POLICY MANUAL AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sandy Oaks Personnel Policy Manual is provided to protect the interest of the City of Sandy Oaks ("City") and ensure consistent treatment for all employees of the City; and

**WHEREAS**, the Personnel Policy Manual outlines procedures and guidelines for employees; and

**WHEREAS**, the City Council desires to amend the City's Personnel Policy Manual;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:**

**SECTION 1. FINDINGS.** The City Council hereby finds all of the above premises true and correct and hereby approves and incorporates such findings into the body of this Resolution as if copied in their entirety.

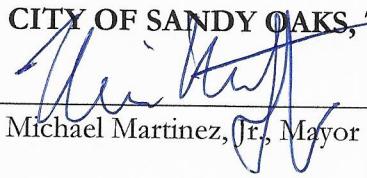
**SECTION 2. ADOPTION OF PERSONNEL POLICY MANUAL.** The City Council hereby adopts the City of Sandy Oaks Personnel Policy Manual attached as Exhibit A and incorporates it fully herein.

**SECTION 3. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act.

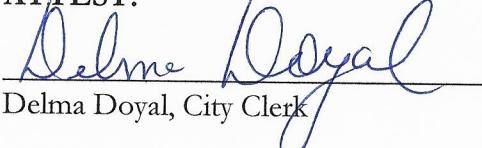
**SECTION 4. EFFECTIVE DATE.** The amended Personnel Policy Manual and this Resolution shall take effect immediately from and after the passage and approval of this Resolution.

**PASSED AND APPROVED ON THIS 8<sup>TH</sup> DAY OF JANUARY, 2026.**

CITY OF SANDY OAKS, TEXAS

  
Michael Martinez, Jr., Mayor

ATTEST:

  
Delma Doyal, City Clerk

# **CITY OF SANDY OAKS**

## **PERSONNEL POLICY MANUAL**



City of Sandy Oaks  
22870 Priest Rd  
Sandy Oaks, TX 78112

# **City of Sandy Oaks Personnel Policy Manual**

Action	Date
Revised by City Council	January 8, 2026
Revised by City Council	May 15, 2024
Revised by City Council	April 11, 2024
Revised by City Council	November 9, 2023
Revised by City Council	January 26, 2023
Revised by City Council	December 9, 2021
Adopted by City Council	May 9, 2019

# City of Sandy Oaks Personnel Policy Manual

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# **City of Sandy Oaks Personnel Policy Manual**

## **1. General**

### **A. 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,” the Chief of the Sandy Oaks Police Department shall be referred to as “Chief,” the term “Mayor” shall be used to refer to the Mayor of the City of Sandy Oaks. The duly elected representatives of the City of Sandy Oaks, Texas, serving on the City Council shall be referred to as “City Council.”

### **B. Authority:**

All City personnel policies and 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 specific policies.

### **C. Policy Changes**

The City Administrator and City Attorney may review 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 at any regular or special meeting of the Council. No changes or amendments shall become a part of this manual unless approved by the City Council.

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

The City Council shall have the authority to make decisions and take actions regarding any personnel matters not addressed in these policies and 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.

### **D. Deviations**

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.

### **E. 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.

# **City of Sandy Oaks Personnel Policy Manual**

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.

## **F. Application**

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

## **G. 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.

## **H. 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 meeting minutes of the City Council shall be conclusive in determining what action the City Council has taken.

## **I. 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.

# **City of Sandy Oaks Personnel Policy Manual**

## **2. Employee Status Policy**

### **A. Full-Time**

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

### **B. Part-Time**

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

### **C. Temporary or Seasonal Employees**

Temporary employees include all employees in positions that are expected to exist for a specific period (usually 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.

### **D. 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.

### **E. Mayor**

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

### **F. Council Members**

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.

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## **3. Hiring and Selection Policy**

### **A. Purpose**

The City is committed to hiring qualified employees, regardless of race, color, religion, national origin, sex (including pregnancy, sexual orientation, gender identity, or transgender status), age, disability, genetic information (including family medical history), 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 specific qualifications to perform job duties.

### **B. 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.

### **C. Application Process**

- 1) Forms and Submission
  - a) Applicants seeking full-time, part-time, temporary, or seasonal employment or re-employment with the City must complete the application process as determined by the City Council.
  - b) 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.
  - c) To help disseminate the same information to all applicants, the City may provide an information packet, which may include:
    - (1) a copy of the documents that provide the criteria for the position, indicating key objectives and priorities, and the position profile,
    - (2) the Ordinance adopting the position, if it contains significant or unusual provisions regarding the position,
    - (3) a summary of information about the City, including organizational structure, personnel practices, number of employees, and services provided,
    - (4) the link to the City website,
    - (5) the name, phone number, and e-mail address of a contact person,
    - (6) a copy of this personnel policy manual, and
    - (7) any other information or documents that may assist the applicant with the application for the position.

# **City of Sandy Oaks Personnel Policy Manual**

## **2) Falsified or 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.

## **3) Consideration of Applications**

After the deadline to respond to a job opening, the Department Head may consider the applicants. The Department Head may deliberate on the applications and take the action the Department Head 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 request the City readvertise the position, or selecting a final applicant for recommendation to the City Council. In cases where no Department Head is assigned to the position, the City Administrator shall assume these responsibilities.

## **D. 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.

## **E. Educational Requirements**

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

## **F. Selection**

### **1) 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 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 the Equal Employment Opportunity Commission

# **City of Sandy Oaks Personnel Policy Manual**

(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.

## **2) 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:

- a) possession of the necessary knowledge, skills, abilities, training, education, and experience required for the position,
- b) 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
- c) satisfactory results on criminal history, driving record, employment, and education reference checks.

## **3) Minimum Age.** Eighteen (18) is the minimum age for City employment, except for:

- a) Police uniformed services, the minimum age is twenty-one (21), and
- b) Selected seasonal and temporary positions where people aged 14 and over, but under 18, may be employed as allowed by law.

## **G. Certification Policy**

### **1) Certification**

If a job requires certification, the employee hired to fill that position shall be notified of exactly which certification is required and the steps to obtain it.

### **2) 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 (1) 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 City Council.

### **3) Failure to Obtain Certification**

If any employee does not receive certification after two (2) attempts or after one (1) year of hire, and the certification is a requirement of the position, the employee shall be terminated with two (2) weeks' notice. If required, the employee must request an extension in writing from the City Council.

### **4) Effect of 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 (1) year or

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be terminated. This requirement is only for those positions that have certification as a job requirement.

**5) Additional Certification**

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

**6) 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.

## **H. Nepotism in Hiring**

**1) Purpose**

Employment of certain related persons to any elected or appointed official or municipal officer 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.

**2) 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.

**3) Relatives**

The following relatives are covered by these guidelines:

**a) Any person related by blood or adoption as follows:**

- (1) mother or father
- (2) daughter or son
- (3) sister or brother
- (4) grandmother or grandfather
- (5) granddaughter or grandson
- (6) niece or nephew
- (7) aunt or uncle
- (8) great grandmother or great grandfather
- (9) great granddaughter or great grandson

**b) Any person related by marriage as follows:**

- (1) spouse
- (2) mother-in-law or father-in-law
- (3) daughter-in-law or son-in-law
- (4) spouse's brother or sister
- (5) brother's spouse or sister's spouse
- (6) spouse's grandmother or grandfather
- (7) spouse's granddaughter or grandson

**4) Required Disclosure**

All applicants for employment are required to disclose a relative relationship to any

# **City of Sandy Oaks Personnel Policy Manual**

elected or appointed official, municipal officer. 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.

## **5) Prohibitions**

### **a) Relatives 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.

### **b) Relatives 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 who is related by the prohibited degrees and 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.

## **6) Volunteers**

This section does not apply to individuals related as specified above, who perform unpaid, volunteer positions.

## **I. Immigration Law Compliance**

### **1) 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 acceptable 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 (Form I-9, Employment Eligibility Verification, to verify the identity and employment authorization of individuals hired for employment in the United States).

## **City of Sandy Oaks Personnel Policy Manual**

### **2) Recordkeeping**

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

# City of Sandy Oaks Personnel Policy Manual

## 4. Alcohol and Drug Use Policy

### A. Purpose

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 an appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

### B. 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,” 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 onto City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

### C. 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 equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing illegal or unauthorized drugs into the body.

### D. 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.

### E. Mandatory Disclosure by Employees

Employees taking prescription medication 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,

# **City of Sandy Oaks Personnel Policy Manual**

or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

## **F. Law Enforcement Employees**

Certain law enforcement employees may be required to be in possession of alcohol 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 the Police Department's operating procedures.

## **G. 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 is called out and 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.

## **H. 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 or in the workplace, no later than five (5) calendar days after the conviction.

## **I. 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.

## **J. Policy Violation**

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.

## **K. Testing**

### **1) Types of Tests**

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

### **2) Testing of Applicants**

Applicants to whom a conditional offer of employment has been made for a safety or security-sensitive position may be required to submit a test for illegal or unauthorized use of drugs. A positive test result, refusal to test, or attempts to alter or tamper with a

# **City of Sandy Oaks Personnel Policy Manual**

sample or any other part of the test will render the applicant ineligible for consideration of employment or future employment with the City.

## **3) Testing of Employees**

Employees may be tested for alcohol or illegal and unauthorized drugs after a workplace injury or accident, where there is evidence that the employee was at least partially at fault, when reasonable suspicion exists, based on individualized conduct, that the employee is under the influence of drugs or engaging in illegal use or drug abuse while on the job. The City may conduct random testing on employees.

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, where there is evidence that the employee was at least partially at fault, 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, and 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 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 Alcohol and Drug Use Policy is ineligible for future employment with the City.

## **4) 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 timeframe, the City Administrator may, in their sole discretion, authorize testing of an employee. If the City Administrator is unavailable within a reasonable period, the Department Head may, in their sole discretion, authorize testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors that led the supervisor to suspect that the employee is under the influence of illegal or

## **City of Sandy Oaks Personnel Policy Manual**

unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor has made articulable observations.

If an employee's conduct resulted in a workplace injury or accident, or if there is reasonable suspicion 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 arrange for the employee to be 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

- 1) the City Administrator,
- 2) 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,
- 3) first aid and safety personnel, when appropriate,
- 4) government officials,
- 5) insurance companies, as may be necessary to provide health or life insurance to employees,
- 6) by court order or as otherwise legally mandated, and
- 7) as necessary to protect the interests of the City.

# City of Sandy Oaks Personnel Policy Manual

## 5. Cash/Asset Control Policy

### A. 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.

### B. Municipal Court Receipts

Cash, check, and credit card transactions will be treated as if they were cash, and transactions may only occur at the designated payment intake window, over the City phone line during regular business hours, municipal court hours, or at an authorized payment link on the City's official website. 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, leaving only \$300.00 (three hundred dollars) for the next day's change requirements. Following the re-establishment of the change account, receipts will be reconciled with cash/checks/etc. and any overage or shortage will be noted prior to the day's deposit being processed. Any overage or shortage reported on the daily receipt shall be brought to the attention of the City Administrator and the designated city official authorized to make deposits.

### C. Departmental Transaction Receipts

Cash, check, and credit card transactions will be treated as if they were cash, and transactions may only occur at the designated payment intake window, over the City phone line during regular business hours, or at an authorized payment link on the City's official website. All receipts from daily business, including municipal court funds, will be deposited in the City bank on a semi-weekly basis on days designated by the City Administrator and in a timely manner before the close of the accounting period, or when the balance exceeds \$1,000 (one thousand dollars). Only the designated city official(s) is authorized to make deposits. Cash, check, and credit card transactions will be treated as cash. The cash drawer and current software will serve as the checks and balances to reconcile and maintain the change fund of \$300 (three hundred dollars). Any overage or shortage will be noted before the day's deposit is processed. The overage or shortage should be reported to the City Administrator and the designated city official authorized to make deposits.

### D. Petty Cash

Petty cash will be handled only by the employee given this responsibility. Employees who are issued petty cash will be responsible for providing a receipt to the department where the petty cash was obtained. The City Secretary, Court Clerk, and Community Center Employee are designated as the employees responsible for petty cash.

### E. 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 person handling monetary funds through the registers or making deposits must be bonded with the City.

### F. Building Security

Cash and negotiable instruments shall always be kept in a location under lock and key to limit access to such cash or negotiable instruments. Any person not employed with the City

# **City of Sandy Oaks Personnel Policy Manual**

should not be allowed to enter anywhere other than the main City Hall foyer, unless otherwise directed by the Mayor, Mayor Pro Tem, City Administrator, City Secretary, or Chief of Police. The combination to the safe will be limited to the following personnel:

- 1) Mayor,
- 2) Mayor Pro Tem,
- 3) City Administrator,
- 4) City Secretary, and
- 5) Court Clerk.

## **G. Documentation Required**

All source documents relating to the receipt and deposit of funds must be maintained by each City department. All documents should be accounted for and promptly forwarded with the cash receipt form daily for deposit and verification.

# **City of Sandy Oaks Personnel Policy Manual**

## **6. Conflict of Interest and Outside Employment Policy**

### **A. 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 regarding the employee's work and responsibility as a City employee.

### **B. Prohibited Activities**

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

- 1) 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,
- 2) accepting employment, compensation, gifts, or favors that might tend to induce the employee to disclose confidential information acquired in the performance of official duties,
- 3) accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the City,
- 4) 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, and
- 5) 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.

### **C. 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 interfere with their ability to effectively perform the duties of their City job. The City Council shall make this determination in its sole discretion.

# **City of Sandy Oaks Personnel Policy Manual**

## **7. Discipline Policy**

### **A. Authority**

The City Administrator 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.

### **B. Discipline**

Based on the severity of the action, discipline may consist of a verbal reprimand, a 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 City Council action.

### **C. Termination**

If the City Administrator 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.

### **D. Documentation**

The City Administrator or supervisor shall prepare a written report of any disciplinary action and shall date and sign it. The report shall then be provided to the employee, who will be requested to sign a statement confirming receipt and review of the report. The employee may, if they wish, add written comments to explain the conduct in question. The report shall then be added to the employee's file. If it is the third written report within 12 months, or the disciplinary action includes a suspension (with or without pay), the City Council shall review a copy of the report at its next meeting.

### **E. Appeal**

Any employee or former employee who feels wrongfully disciplined, or disciplined more severely than their conduct warranted, may initiate a grievance under the City's Grievance Policy 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:

- 1) allow the City Administrator's decision to stand,
- 2) set aside the City Administrator's decision entirely,
- 3) amend the City Administrator's decision to provide for less severe disciplinary action,  
or
- 4) amend the City Administrator's decision to provide for more severe disciplinary action.

# City of Sandy Oaks Personnel Policy Manual

## 8. Electronic Communication Policy

### A. Introduction

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

### B. Definition

“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, and other similar devices.

“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 phone, and other similar devices.

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

### C. General Provision

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 the City with access to their equipment and systems and to grant the City authorization to obtain electronic communications data from a third-party provider, including email and text message content, when requested.

Data created during City business on electronic communication systems is considered a record under the Texas Local Government Records 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 in accordance with departmental requirements. Employees shall not provide any information to any requester outside of their normal job duties without an official request.

Since 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 from 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

# **City of Sandy Oaks Personnel Policy Manual**

being used on City property or being used to conduct City business, including cell phones, unless specifically delineated otherwise, includes:

- 1) engaging in illegal, fraudulent, or malevolent conduct,
- 2) 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,
- 3) obtaining unauthorized access to any City-owned computer or data system,
- 4) unauthorized disclosure of City computer data to another individual, whether or not the individual is an employee of the City,
- 5) unauthorized creation, duplication, destruction, deletion, or alteration of City computer data,
- 6) 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,
- 7) unauthorized access or attempting to gain unauthorized access to physically secured City computer equipment,
- 8) tampering with City-owned office computer equipment in any way, whether physically secured or not, without prior authorization,
- 9) using another individual's account or identity without explicit authorization,
- 10) distributing or storing chain letters, solicitations, offers to buy or sell goods, or other non-business material of a trivial or frivolous nature,
- 11) activity used for outside employment or other direct financial profit,
- 12) conducting political campaigns or other activity, and
- 13) gambling or playing a game for money or other stakes.

Electronic communications systems may be monitored to:

- 1) provide a workplace that is free of unlawful discrimination,
- 2) control the presence of inappropriate material,
- 3) ensure that resources are being used properly, and
- 4) investigate complaints of improper use.

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

## **D. 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 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 may be installed or used at one time. All software shall be registered as soon after acquisition as is reasonable.

# **City of Sandy Oaks Personnel Policy Manual**

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.

Permitted Subjects:

- 1) city-wide computer and wide and local area network issues,
- 2) planned network service by the Information Technology Department,
- 3) issues that may affect the health 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.

The Information Technology Department will send global e-mail messages when they pertain to computer- and network-related issues affecting all employees. Any other global e-mail messages must be approved and processed by the City Administrator.

## **E. Use of Cellular Phones**

- 1) At the discretion of the City Administrator, employees may be provided with a City cell phone based on need, frequency of use for City business, or contact from citizens or City Council members.
- 2) The City Administrator, with the City Secretary, must:
  - a) contract with a cell-phone provider, purchase or lease, and assign City cell phones,
  - b) maintain a list of all employees' phone numbers, verify active service, and budget appropriately,
  - c) 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, and
  - d) monitor usage as it relates to need, rate plan, and review billings prior to payment authorization.
- 3) Employee Responsibility. Employees using a City-issued phone must:
  - a) reimburse the City for all non-business charges within 30 days of being billed, and
  - b) Report lost or stolen property immediately to their supervisor. Failure to demonstrate reasonable care in the use of issued phones 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.

# City of Sandy Oaks Personnel Policy Manual

## 9. Employee Leave and Holiday Schedule Policy

### A. Scope

The City's Leave Policy applies to all City employees, including full-time, part-time, exempt, and non-exempt employees.

### B. Authorities and Administration

The City Administrator is responsible for administering, implementing, and maintaining the Employee Leave Policy. The administrator of the Employee Leave Policy shall document each employee's PTO status and provide the documentation to the City Secretary 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."

### C. 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.

### D. Guidelines for PTO Use

Each full-time employee will accrue PTO annually based on their length of service as defined below. PTO is added to the employee's PTO bank on January 1st of each year. For new employees, PTO accrues after 90 days of employment and is prorated based on the date of hire. Part-time, temporary, and contractor employees are not eligible to accrue PTO.

PTO may be used and will be subtracted from an employee's PTO bank in hourly increments. The time that is not covered by the PTO policy, and for which separate guidelines and policies exist, includes City paid holidays, bereavement time off, required jury duty, and military service leave, as described in this policy.

To take PTO, at least two (2) days of notice must be given 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 an employee knows they expect to miss work due to a scheduled absence.

### E. Earned PTO

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

Paid Time Off Scale (Full-time)	
0-5 years	3 Weeks (15 days or 120 hours)
6-10 years	4 Weeks (20 days or 160 hours)
>10 years	5 Weeks (25 days or 200 hours)

# **City of Sandy Oaks Personnel Policy Manual**

Unused PTO may not be carried over to the following calendar year, except as provided in Government Code § 437.202. Employees are responsible for monitoring and taking their PTO throughout the year so 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 the employee does not take.

## **F. 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 from the Policy Administrator, bereavement/funeral leave may be supplemented using PTO or leave without pay. Documentation of the need for bereavement/funeral leave may be required.

## **G. 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 twelve (12) weeks of unpaid, job-protected leave for certain family and medical reasons. All City employees who have worked for the City for 12 months and at least 1,250 hours during the twelve (12) months prior to the start of leave are eligible.

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

The City requires that the need for leave due to 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 and renewed annually, as needed. The City will allow the employee at least 15 calendar days to obtain the medical certification pursuant to the FMLA.

For more information, see the Family and Medical Leave Act of 1993 – FMLA – 29 U.S.C. 28 et seq.

## **H. Military Leave**

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

# **City of Sandy Oaks Personnel Policy Manual**

An employee who is a member of the state military forces or the armed forces is entitled to a paid leave of absence from the employee's duties on a day in 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 supplementing their military pay up to their current City pay scale for up to 15 workdays. In addition to the 15 workday military leave, a member of the state military forces called to active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year.

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 § 437.202(a), provide to that employee a statement that contains:

- 1) the number of workdays for which the employee claimed paid leave 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 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 or her presence is required. Employees are also required to notify the City 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 U.S.C. 4301 et seq., and Texas Government Code § 437.202.

## **I. 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 or her supervisor and the City Administrator as soon as possible before the first day of service.

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

The employee's employment will not be affected by performing jury duty. The employee

# **City of Sandy Oaks Personnel Policy Manual**

will not be harassed, threatened, or cajoled into getting out of jury duty, and the employee's same job will be available upon his or her return. Employees must keep their supervisor and the City 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 or 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 or her release, dismissal, or other proof of completion of jury duty service.

## **J. Holiday Schedule**

The City will be closed on the following holidays:

<b>Observed Holiday</b>	<b>Date / Day</b>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Fourth of July	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Eve	Begins at 12:00 p.m. the day before Christmas
Christmas Day	December 25

Good Friday and the Friday following Thanksgiving shall be observed as holidays in the year 2025. Beginning in 2026, these days will no longer be designated as an official holiday.

City Holidays are not charged as PTO. When a holiday falls on a Saturday, City employees who work Monday to Friday observe the holiday on the previous Friday. City employees who work on Saturday observe the holiday on Saturday and, for them, Friday is a regular workday. Holidays that fall on a Sunday, City employees who work Monday to Friday observe the holiday on the following Monday. City employees who work on Sunday observe the holiday on Sunday and, for them, Monday is a regular workday.

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## **10. Grievance Policy**

### **A. 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, City Council Member, or Mayor. A current or former employee must initiate the grievance process within fifteen (15) days of the occurrence of the term, condition, or activity the employee or former employee wishes changed, except for “Whistleblower” claims, for 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 federal or state law, shall not be considered grounds for a grievance.

### **B. Procedure**

Grievances shall be handled in accordance with the following procedures:

- 1) 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 (3) working days of the initial discussion, the supervisor shall provide the employee or former employee with a decision as to whether they 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 (3) working days, the employee or former employee may proceed to the next step within five (5) working days.
- 2) If the employee or former employee is not satisfied with the result in Step 1, 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 Administrator. If the City Administrator 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 or Mayor Pro Tem. The City Administrator or Mayor, or Mayor Pro Tem when applicable, shall review the facts of the grievance and provide the employee or former employee with a written response within five (5) working days. If the response is not satisfactory, or if no response is received within five (5) working days, the employee or former employee may proceed to the next step within five (5) working days.
- 3) If the employee or former employee is not satisfied with the result of Step 2, 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 City Council's designee shall present a report to the City Council that includes the facts of the grievance. The City Council shall provide the employee or former employee with a decision concerning the grievance at the meeting the City Council considers the grievance, or the following City Council meeting. The City

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Council's decision is final.

## **C. 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 by which a response will be given in writing.

An employee may skip Step 1 or Step 2 in the grievance procedure if the employee desires and submits the grievance to the City Council for final decision.

## **D. 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.

## **E. 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.

## **F. 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 (2) years from the decision, except as provided by the Public Information Act or state law regarding recordkeeping.

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## **11. Health and Safety Policy**

### **A. Safety**

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

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 the applicable personal protective equipment as required by the job.

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

All employees will secure the area where they are performing work

### **B. 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 the health and safety 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 with the City Administrator immediately.

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

### **C. Employee Safety Suggestions**

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

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## **12. Job Description and Performance Evaluation Policy**

### **A. Job Descriptions**

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

### **B. Distribution**

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

### **C. 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.

### **D. Employee Performance Evaluation**

Supervisory personnel will conduct an annual written performance evaluation and interview with each City employee. Performance evaluations have the primary purpose of:

- 1) evaluating the employee's work performance during the last year,
- 2) set goals for the employee for the next year
- 3) improving the employee's understanding of his or her progress on the job, and
- 4) the supervisor's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation.

The City Administrator shall determine the format and performance evaluation procedure.

The supervisor shall draft a report on the results of the evaluation and goal-setting. This report shall be added to the employee's personnel file.

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. Performance evaluations are used for developmental purposes to identify strengths and weaknesses and plan 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 conducted if the supervisor determines it necessary.

### **E. Employee 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 necessary to achieve a satisfactory overall rating for the employee. The length of the improvement plan will be determined by the Department Head on a case-by-case basis.

The supervisor 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 in their current position. The City Administrator oversees the

## **City of Sandy Oaks Personnel Policy Manual**

Performance Evaluation System. Performance evaluation records are maintained in each employee's personnel file.

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## **13. Pay and Compensation Policy**

### **A. Purpose**

The City's compensation philosophy is to maintain a competitive pay structure to recruit and retain an effective and efficient workforce. The pay structure is designed to pay employees what their 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 pay categories, as specified in this Section.

### **B. 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 the City's hired, appointed, or elected positions. These funds are allocated annually through the budget process or as the budget is amended. Each position within the City shall have an established pay level.

### **C. 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 City's financial situation.

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.

### **D. 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 these policies or the annual budget.

### **E. Pay Period**

The pay period for City employees shall be every two (2) weeks or twenty-six (26) pay periods per year. Pay periods begin on Friday at 12:00a.m. and end on Thursday at 11:59 p.m. Every other Friday is payday. If a payday falls on a holiday, the paychecks shall be issued on the last normal workday preceding the holiday.

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

### **F. Pay Scale**

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

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The City Council approves the following pay scales:

<b>Police Pay Scales (\$)</b>	
Chief of Police	\$35.00 - \$60.00
Captain	\$30.00 - \$55.00
Lieutenant	\$30.00 - \$50.00
Sergeant	\$25.00 - \$35.00
Corporal	\$22.00 - \$30.00
Patrol Officer	\$20.00 - \$28.00

<b>City Pay Scales (\$)</b>	
City Administrator	\$38.00 - \$58.00
Public Works Director	\$20.00 - \$30.00
Public Works Employee	\$15.00 - \$25.00
City Secretary	\$20.00 - \$30.00
Court Clerk	\$20.00 - \$30.00
Deputy Clerk	\$15.00 - \$25.00
Animal Control Officer	\$20.00 - \$30.00
Deputy Animal Control	\$18.00 - \$28.00
Animal Shelter Technician	\$15.00 - \$25.00

## **G. Rates of Pay**

- 1) Base Rate. The base rate of pay for each employee is the amount the employee is designated to receive within the salary range for their job classification or, for those on the police pay schedules, that amount designated for the appropriate incremental step level for their job classification.
- 2) 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.
- 3) Overtime Rate. The overtime rate of pay is one and one-half (1.5) times the regular rate of pay.

## **H. Overtime**

- 1) Overtime Compensation  
Overtime shall be any time worked by the employee more than 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 worked, such as paid leave, shall not be included as time worked for the purpose of determining whether overtime has been worked.

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## **2) Advance Approval**

Employees must receive their supervisor's approval in advance before working overtime, except in emergency situations. Employees who work unapproved overtime, except in emergency situations, may be subject to disciplinary action.

## **3) Overtime Compensation**

Overtime for all non-exempt employees under FLSA shall be paid at a rate of one and one-half (1.5) times the employee's regular rate. Employees called back to work in an overtime situation shall be paid a minimum of one (1) hour of overtime.

## **4) Recordkeeping**

Each employee shall be required to maintain an accurate daily record of all hours worked. The employee shall sign in on the time and attendance system clock or application. Records of hours worked shall be kept in the time and attendance system provided by the City.

## **I. 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 read his or her check, help should be sought from the City Administrator.

## **J. Payroll Deductions**

### **1) Deductions will be made from each employee's pay for the following:**

- a) federal Income Taxes at the rate selected by the employee identified on the W-4,**
- b) Social Security/Medicare, as determined by federal law, as modified by contract with the State of Texas,**
- c) court-ordered payments for child support, judgments, etc.,**
- d) additional insurance coverage as elected by the employee for coverage not provided by the City,**
- e) Texas Municipal Retirement System contributions (for regular full-time employees),**
- f) any other deductions required by law, and**
- g) other "authorized" payroll deductions.**

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

- a) when required by law,**
- b) when available to all regular City employees with individual employee consent and City Administrator approval,**
- c) as payment for a fringe benefit or special program authorized by the City Administrator and offered with City participation,**
- d) as repayments to the City for reasons specified below: (Except for final paychecks, the time of repayment will equal the period in which payments were made.),**
- e) erroneous payment made by the City to an employee,**

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- f) loss or damage to City property or issued equipment,
- g) theft of City property, equipment, or money,
- h) PTO paid to an employee when the employee also received workers' compensation benefits for the same time, or
- i) non-equipment loss or damage costs such as expense accounts, personal calls, or court costs associated with a judgment for the City.

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

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

## **K. 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 be terminated.

## **L. Changes to Personal Information**

If there is a change in the employee's family status, address, or any other factor affecting their 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.

## **M. Group Medical Insurance**

### 1) Eligibility

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

### 2) 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.

### 3) Premiums

The City pays 65% of the premium for coverage on the employee, and the employee is responsible for the remaining 35% of the premium.

### 4) Dependent Coverage

An employee may cover eligible dependents under the Group Medical Insurance, provided the dependents meet the eligibility requirements 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.

### 5) 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 regular working hours.

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## **N. Workers' Compensation Insurance**

### **Compensation**

The City provides Workers' Compensation Insurance for all its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work for more than seven (7) days because of a bona fide, on-the-job, work-related injury.

This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. The Workers' Compensation system will determine the injured employee's rate of pay. An employee receiving workers' compensation benefits may elect to use their previously accrued PTO in an amount equal to the difference between the benefits provided for under workers' compensation and the weekly compensation the employee was receiving before the injury occurred. If an employee elects to use his or her PTO to cover this difference, the employee's PTO benefits will be deducted proportionately from his or her PTO balance. The injured employee will use their accumulated PTO for the first week they are off the job due to an on-the-job injury. Workers' Compensation will begin payment starting the second week of absence due to injury.

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

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## **14. Personnel Records Policy**

### **A. 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 City Secretary. The employee's personnel file will not contain any medical records, drug or 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 or alcohol test results or information herein shall only be kept between the testing facility, and the City Secretary.

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

### **B. 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 their home address and telephone number to the public upon 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, except for 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 in the City Secretary's office.

### **C. Examination of File**

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

### **D. Supervisory Access**

When a supervisor or Department Head requires access to the official personnel file of an employee under their supervision for the handling of personnel matters, the City Secretary will provide access to the specific file(s) upon obtaining authorization from the City Administrator.

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## **E. 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, 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.

## **F. 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 the employee authorization in writing to provide additional information or is required to release information in response to a written record request.

## **G. 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, separate 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 has routine access to employee medical records.

## **H. Personnel Action Form**

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

- 1) employment Category,
- 2) position title and classification,
- 3) pay group and rate, and
- 4) other actions affecting the employee's status.

The Personnel Action Form is completed on the employee's first day of work and again whenever there are any changes in his or her status that relate to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is provided to the employee each time an action is taken.

## **I. 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 access to it to only those employees who need it. These records are not to be released at any time. Only the City Administrator is authorized to have access to this information.

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## 15. Political Activity

### A. Employee Status for Political Support

A City employee will not be appointed or retained on the basis of their political support or activities.

### B. Voting

City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with State and Federal law, and these policies.

### C. Candidate for Public Office

No City employee is prohibited from becoming a candidate for public office. However, if the employee is elected to public office, the employee may be required to resign his or her position as a City employee as provided by State law prior to taking office.

### D. Prohibited Activities

City employees are prohibited from the following political activities:

- 1) No employee may publicly endorse or campaign in any manner for any election issue or measure or for any person seeking City public office, while the employee is on duty or in uniform.
- 2) Employees may not use their position of office to coerce another employee or citizen into participating in an election campaign, contributing to a candidate or political committee, engaging in any other political activity relating to a particular party, candidate, or issue, or refraining from engaging in any lawful political activity.
- 3) No employee shall use working hours or City property or solicit or receive any contribution or political service to circulate petitions or campaign literature on behalf of an election, issue, or candidate for public office in any jurisdiction. Employees shall not create or distribute materials to be used in a political campaign or for any other purpose in support of a political campaign while on duty.
- 4) No employee shall meet with any City official, candidate for City office, person, or group for political campaign purposes while the employee is on duty or in uniform.
- 5) No City employee shall use or authorize the use of City facilities, personnel, equipment, or supplies for the creation or distribution of materials to be used in a political campaign or for any other purpose in support of a political campaign. This prohibition includes the use of City computers, emails, phones and cell phones, copiers and scanners, office supplies, vehicles, and other City-owned and issued equipment. However, meeting rooms and other City facilities made available for public use may be used for political purposes by City employees under the same terms and conditions as they are made available for other public uses.
- 6) No employee may wear campaign literature for a candidate for City Council or a City election issue at work or in a city uniform.
- 7) No employee may circulate petitions for City Council candidates or for or against a particular City election issue, although the employee may sign such petitions.

### E. Permitted Activities

The following actions by employees are not prohibited by this policy:

- 1) The making of a general statement encouraging another person to vote in an election.

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- 2) Participating in an election campaign, contributing to a candidate, City official or political committee, or engaging in any other political activity relating to a particular party, candidate, or issue that is not otherwise prohibited by this policy or by State and Federal law.
- 3) Transporting individuals or groups to designated polling places to vote in an election. However, an employee who transports such voters while on duty or in uniform must abide by the campaign restrictions set out in the section entitled "Prohibited Activities" of this policy.
- 4) Engaging in lawful political activities.

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## **16. Sexual Harassment, Other Forms of Harassment, and Discrimination Policy**

### **A. Purpose and Equal Opportunity Statement**

The purpose of this section is to prevent city employees from being subjected to discrimination, harassment, or sexual harassment, and to ensure full equal employment opportunity in conformance with federal, state, and local law. Training will be provided annually via in-person or online web-based training. The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, veteran's status, disability, or any other characteristics protected by law is strictly prohibited.

It is the policy of the City to provide a productive and professional work environment free from all forms of discrimination, including harassment. Harassment undermines the integrity of the employment relationship and erodes morale and productivity. The City prohibits any form of sexual harassment, whether it be visual, verbal, or physical, and without regard to whether the harasser or the victim is a supervisor, co-worker, vendor, or customer. Harassment on the job is unlawful, whether it involves co-worker harassment or harassment by a supervisor or manager. Any employee engaging in any form of harassment will be promptly disciplined, up to and including termination. If the harasser is a vendor or customer, appropriate action will be taken to end the harassment and prevent future occurrences. This policy shall not be construed and is not intended to abridge the rights and duties of Sandy Oaks Police Officers or other law enforcement officers to uphold and enforce the laws of the City of Sandy Oaks and the State of Texas, or to use any amount of force that is deemed reasonably necessary to affect an arrest or to protect persons who are in danger of bodily injury or death.

### **B. Scope of Coverage of Policy**

This policy applies to all city employees, customers, vendors, and visitors on city premises who use any communication medium. All city employees are entitled to a workplace free of harassment by management, supervisors, co-workers, vendors, and customers.

### **C. Definitions**

#### **1) Discrimination**

- a) Discrimination is any act or omission of an act which would create a hostile work environment or exclude any person from employment or promotional opportunities because of creed, color, national origin, sex, gender identity or expression, age, religion, veteran status, disability, or sexual orientation.
- b) In addition, the city will not discriminate on the basis of an individual's AIDS, AIDS-related complex, or HIV status; nor will the City discriminate against individuals who are perceived to be at risk of HIV infection, or who associate with individuals who are believed to be at risk.
- c) Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions that result in an employee being offended or insulted

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## **2) Sexual Harassment**

- a) Sexual Harassment is a form of discrimination. Sexual harassment is any unwelcome sexual conduct that occurs under one or more of the following conditions:
  - (1) unwelcome sexual advances,
  - (2) requests for sexual favors, and
  - (3) other verbal or physical conduct of a sexual nature will be considered harassment when:
    - (a) submission to such conduct is made either openly or by implication a term or condition of an individual's employment,
    - (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person, or
    - (c) such conduct unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive working environment.
- b) Sexually oriented jokes, remarks, gestures, or pictures may be offensive to other employees and will not be tolerated.
- c) Any manager, supervisor, or employee who engages in such objectionable conduct is subject to immediate discipline up to and including termination.

## **3) Other Forms of Harassment**

- a) Harassment is abusive, obscene, or threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass, or injure a person.
- b) Harassment of employees on the basis of race, religion, color, national origin, age, disability, or any other characteristics protected by law is also prohibited. Slurs, jokes, offensive or derogatory comments, or other verbal or physical conduct based on these characteristics could be unlawful if the conduct creates an intimidating, hostile, or offensive working environment, or unreasonably interferes with the individual's work performance. Slurs, epithets, offensive jokes, and derogatory comments have no place in the workplace. Conduct, comments, or innuendoes that others may perceive as offensive are wholly inappropriate and are strictly prohibited.
- c) Harassment via Electronic Means. This policy also prohibits sending, showing, sharing, or distributing any form of inappropriate jokes, pictures, stories, etc. via facsimile, internet, voice mail, or other electronic means.

## **D. Additional Considerations**

Harassment is abusive, obscene, or threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass, or injure another. Employees who engage in such conduct while on duty or on City premises will be subject to immediate discipline.

Discrimination and harassment do not include actions that are in accordance with established rules, principles, or standards, including the following:

- 1) acts or omissions of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and
- 2) bona fide requests or demands by a supervisor that an employee improve his work quality or output, that the employee report to the job site on time, that the employee

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comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

## **E. No Retaliation**

No retaliation will be tolerated or permitted against employees who make a good-faith charge or report of discrimination or harassment.

## **F. Reporting of Discrimination or Harassment Complaints**

It is important for employees to report incidents of discrimination or harassment to prevent violations from going undetected. No one connected with the City, in any capacity, is authorized to discriminate against or harass a city employee or customer. Any employee who feels that he or she has been subjected to discrimination or harassment, or who observes discrimination or harassment in the workplace, should take action to end it by observing the City's reporting procedure, outlined as follows:

- 1) Step One- If the employee is the victim, the victim is encouraged to immediately confront the person discriminating or harassing him/her and tell that person to stop the behavior. Although the employee may find it difficult to directly confront the person discriminating or harassing, the conduct perceived as harassment may be a simple misunderstanding that can be quickly and privately resolved.
- 2) Step Two- If the conduct does not cease or if the employee does not feel comfortable confronting the person discriminating or harassing the employee, the employee (victim) must immediately report the matter to the employee's Supervisor, the Department Director, the City Administrator, the Mayor, or the Mayor Pro Tem.
- 3) Step Three- If the employee (victim) is not satisfied with how the matter was handled at Step 2 and/or feels that they have experienced retaliation because they filed a complaint or assisted in an investigation, contact the City Council.

## **G. Investigation**

The City Administrator shall coordinate and direct the investigation reviews of all discrimination or harassment complaints. If the City Administrator is subject to or otherwise involved in the discrimination or harassment complaint, then the Mayor shall coordinate and direct the investigation review of the complaint. If the Mayor is subject to or otherwise involved in the discrimination or harassment complaint, then the Mayor Pro Tem shall coordinate and direct the investigation of the complaint. If the Mayor Pro Tem is subject to or otherwise involved in the discrimination or harassment complaint, the City Council shall designate an individual to coordinate and direct the complaint. All reports of harassment will be thoroughly investigated immediately. The person coordinating and directing the review of the complaint will thoroughly investigate the complaint, including interviewing the alleged harasser, victim, and any other witnesses.

The following procedures shall apply to the receipt, review, and handling of such complaints:

- 1) The individual making the complaint will be interviewed on the nature of the allegations and will be asked to provide a written statement.
- 2) The person investigating the complaint shall notify the City Administrator, Mayor, and Mayor Pro Tem of the complaint.
- 3) The person against whom the complaint is being made will be notified that a complaint has been filed.

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- 4) A complainant may withdraw a complaint at any time. However, the City will pursue an investigation to determine whether disciplinary action is warranted either on the basis of a validated complaint or falsification of a complaint.
- 5) Employees filing a discrimination or harassment complaint will be advised in writing of the corrective action taken by the City.
- 6) Falsified complaints shall warrant disciplinary action up to and including termination.

## **H. Confidentiality**

All reports of harassment will be investigated confidentially. An employee who files a complaint will be instructed not to discuss the details of the incident with anyone other than the complaint investigator while the investigation is pending. The employee may discuss the incident with their private attorney. These restrictions shall also apply to any employee against whom a complaint has been filed, as well as those who may have witnessed the incident. All employees are expected to cooperate with the investigation. The names of the complaining party and the alleged harasser, as well as the circumstances of the alleged harassment, may be revealed during the course of the investigation to ensure the investigation is as thorough and fair as possible. Therefore, the City cannot guarantee the complete confidentiality of complaints. However, disclosure of any information about the complaint will be strictly limited to persons who "need to know." Unauthorized disclosure of information regarding any harassment complaints or investigations may result in disciplinary action, up to and including termination.

## **I. Upon conclusion of the investigation, the person investigating the complaint shall meet with the appropriate parties to discuss the findings and determine appropriate action, if any.**

Disciplinary and other actions: Sexual and other forms of harassment are prohibited by the City. The City will take appropriate action against any person found to violate this policy. (Note: A person who has harassed another or retaliated against another may also be subject to civil or criminal liability under state or federal law.)

- 1) Disciplinary Actions - Any employee who has harassed another employee, customer, vendor, or who retaliates against such person for bringing a complaint of harassment, or otherwise violates this policy shall be guilty of misconduct and subject to disciplinary action up to and including termination in accordance with applicable law, rules, or policies.
- 2) Other Actions - The City will take such legal corrective action as necessary against customers or vendors found to have violated this policy as may be appropriate under the circumstances. If the investigation substantiates an allegation of prohibited conduct, appropriate measures will be taken to remedy all violations of this policy.

## **J. Notice to Complainant**

The person investigating the complaint shall notify the complainant of the findings of the investigation and shall, if necessary, follow up on a periodic basis until the final decision on the matter is made.

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## **17. Social Media Policy**

### **A. General Provisions**

Employees representing the City government via social media outlets must always conduct themselves as representative of the City and in accordance with all City Personnel Policies.

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

### **B. 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 of 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."

The City Administrator shall approve all City-sanctioned social media sites 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 who 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:

- 1) comments not typically related to the particular site or blog article being commented upon,
- 2) profane language or content,
- 3) 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,
- 4) sexual content or links to sexual content,
- 5) solicitations of commerce,

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- 6) conduct or encouragement of illegal activity,
- 7) information that may tend to compromise the safety or security of the public or public systems,
- 8) content that violates a legal ownership interest of any other party, or
- 9) content that the City Administrator or his designee deems inappropriate 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."

## **C. E-mail and Internet Policy**

The City provides 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 their 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:

- 1) improperly downloading files that may contaminate City information systems or databases,
- 2) accessing objectionable or improper material, and
- 3) 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, forwarding, or saving electronic mail. Employees who violate these policies are subject to disciplinary action. The City Administrator 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 is 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 on City resources or City work time 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 to access 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

- 1) impairing the work of any official or employee,

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- 2) harassing, demeaning, or creating a hostile working environment,
- 3) disrupting the smooth and orderly flow of work, or
- 4) harming the goodwill 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 manual 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 the City, and the City is not responsible for archiving such content under 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 to which this policy applies. If an employee is unsure whether the policy applies to a specific situation, they should consult their supervisor 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 any of the following purposes:

- 1) commercial activities,
- 2) religious causes,
- 3) solicitations of any type,
- 4) political activities,
- 5) download of any file/software or data that has not been previously scanned and cleared as free of viruses, or
- 6) transmission or accessing copyrighted information in a manner that would violate the copyright

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## **18. Termination Policy**

### **A. 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.

### **B. 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.

### **C. 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 or its goals.

### **D. Resignation**

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

### **E. Final Paycheck**

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

### **F. 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 the City's property in their possession. The amount invoiced will be deducted from their final paycheck and they will be billed for any remaining balance.

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## **19. Travel Policy**

### **A. 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 under which the employee is traveling.

- 1) 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.
- 2) Any travel time accrued during regular work hours is counted as hours of work.
- 3) 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.

### **B. Mileage**

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

### **C. Meals**

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

### **D. 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 City's business 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 more than 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 in pay must be filed in duplicate in a letter to the City Administrator. The letter requires the authorization of the employee's Department Head prior to submission. Once the letter is complete, timely submission to the City Administrator is imperative.

### **E. 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

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own vehicles shall be reimbursed at the statutory rate per mile as specified by the IRS. This reimbursement is the only reimbursement allowable for the use of a private vehicle on City business.

### **F. 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.

# City of Sandy Oaks Personnel Policy Manual

## 20. Use of City Property and Equipment Policy

### A. Purpose

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

### B. 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 employees must always conduct themselves appropriately on and off the clock.

The personal use of City vehicles, equipment, or supplies may make an employee subject to disciplinary action. Only City employees are authorized to operate city owned vehicles. Only employees are allowed at worksites and in a City-owned vehicle unless authorized by the City Administrator. Police vehicles are exempt from this restriction.

Employees may be assigned authorized use of City-owned or leased vehicles, phones, lockers, desks, cabinets, computers, 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, 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 -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 control 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 or loan equipment for city projects, and training will be completed prior to use.

### C. Purchasing

Purchases by City employees shall be made only as authorized by the City Administrator, in accordance with the City's 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.

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## **D. Damage to City Property and Equipment**

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

## **E. City Tools**

Each employee is required to keep an inventory of all tools or vehicles and be responsible for them. A copy of the inventory sheet shall be given to the supervisor.

## **F. Liability for Loss of or Damage to City Property or Issued Equipment**

### **1) 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. 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.

### **2) Appeal**

- a) 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 respond in writing within ten (10) days. The City Administrator's decision 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 City Administrator decision.
- b) If the City Administrator's decision is appealed to the City Council. The City Council will evaluate the City Administrator's decision and either approve, modify, or overturn the City Administrator's decision. The City Council's decision is final, non-appealable, and non-grievable.

### **3) Repayment**

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, the City may recoup its loss 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 in contravention of these requirements will be reimbursed to the employee. The City commits, in good faith, to comply with these requirements and other Fair Labor Standards Act requirements now and in the future. 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.

### **4) Discipline.**

Repayment for loss or damage required under this Section may be in addition to or in

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lieu of disciplinary action.

5) Definitions

"Misconduct" as used in this Section is a 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.

## **G. City Vehicle Use and Operations**

1) Business Use

Except as specified in this Section, City vehicles are furnished for official City business. They may not be used for personal reasons without express written prior authorization by the 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.

2) General City Vehicles

City vehicles not assigned to a specific position are General City Vehicles. General City Vehicles shall be assigned to departments by the City Administrator, based on 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:

- a) sign in with the City Clerk with the date, time, purpose of use, and beginning mileage,
- b) sign out with the date, time, address of all places visited, mileage to and from each place, and the City business for which the General City Vehicle was used
- c) any passenger(s),
- d) if fuel is purchased for the General City Vehicle or service performed on the General City Vehicle, the gallons purchased, the cost of purchase, the services performed, and the cost of services performed, and the method of payment,
- e) maintain the cleanliness of City vehicles to include interior and exterior.

3) 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 Council.

4) Tracking Devices. GPS vehicle tracking devices may be installed in all City vehicles or other property. Regarding city vehicles, these devices enable the City to monitor the location, speed, direction, and other information related to the use and operation of City vehicles. GPS data may be used in part to determine whether employees' use of

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the equipment is appropriate or violates City personnel policies or departmental orders. Employees shall have no expectation of privacy regarding the City's ability to monitor an employee's use of city-owned equipment and vehicles.

5) **Valid Driver's License**

Anyone operating a licensed City-owned vehicle must have a valid Texas driver's license and must show it to their supervisor upon request.

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## **21. Work Week and Work Schedule Policy**

### **A. 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.

### **B. Work Schedule**

The employee's work schedule shall be provided to them by their supervisor. An employee's work schedule shall be all times the employee is expected to be at work.

### **C. Workday**

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

### **D. 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.

### **E. Attendance**

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

If an employee fails to report to work or to call within thirty (30) minutes 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

#### **1) Timeliness**

Employees are required to work their entire scheduled shift each workday unless the supervisor has given prior approval for the employee's late arrival or early departure.

#### **2) Emergency**

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

#### **3) Unexcused Absence and Tardiness**

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

### **F. On Call**

Employees on call must answer all calls unless released by his or her supervisor. On-call

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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.

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## **22. Workers' Compensation Policy**

### **A. Purpose**

The City is committed to meeting its obligation under the Texas Workers' Compensation Act, Texas Labor Code, Title 5, to provide medical, income, burial, and death benefits to employees who sustain work-related injuries or illnesses. An employee who has a work-related injury or illness that qualifies as a serious health condition under the Family and Medical Leave Act (FMLA) and who qualifies for FMLA may take leave under FMLA.

The purpose of this Policy 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.

### **B. Eligibility**

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

### **C. 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's work-related injury or illness has occurred, but not later than 30 days after the work-related injury or illness occurred. Except in unusual circumstances, this notification should be done the same day the injury or illness occurs. For an occupational disease, the employee must notify the City no later than 30 days after the employee knew or should have known the disease may be related to employment with the City. An employee who fails to provide the City notice of a work-related injury or disease within the time specified may be denied benefits. The employee shall provide all information required to enable the City Secretary to assist in filing the proper forms for the incident, which includes

- 1) the name, address, and telephone number of the injured employee,
- 2) the date, time, and place the injury occurred,
- 3) a description of the circumstances and the nature of the injury,
- 4) the names of any witnesses, if known, and
- 5) the name of any person, if any, acting on behalf of the injured employee.

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.

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.

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An employee receiving workers' compensation payments does not accrue PTO and is not entitled to receive holiday pay, except in instances where the employee's PTO 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 PTO 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 workers' 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.

## **D. Supervisor's Responsibility**

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

## **E. 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. The City Secretary shall file the required workers' compensation forms with the City's workers' compensation insurance carrier within eight (8) days or immediately, if the injury is a work-related disease or death. The City Secretary shall provide the employee a copy of the completed forms with the employee's Division of Workers' Compensation Notice of Rights and Responsibilities. A complete and accurate file will be maintained in the City Secretary's office. The City Secretary will notify the employee and their supervisor when he/she receives a return-to-work release from the doctor.

## **F. 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.

## **G. 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.

## **H. Reporting Requirements**

While out of work due to 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 supervisor. Any change in the employee's condition,

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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. 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. 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.

## **I. 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 leave due to a workplace injury 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 upon release will result in appropriate disciplinary action up to and including termination.

## **J. 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 for which the employee indicates an interest and 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 the leave of absence policy. The City's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

## **K. Temporary Light-Duty Status**

During the course of leave due to a workplace injury, if an employee is released by their physician for light-duty, the employee's job or alternative job assignment 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 can 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 their current job duties. When an employee is assigned to temporary light-duty status and is performing different duties, they will be paid according to the level of pay that they would receive for the temporary light-duty job if the assignment were the result of reorganization. The length of any light-duty assignment will be determined by the Department Head, with the approval of the City Administrator.

## **L. Final Release or Settlement**

At the time of final release or settlement of a workers' compensation claim, the employee

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must furnish the City with a certificate from the employee's physician stating the status of the employee's physical condition.

## **M. 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.

## **N. Statutory Provisions**

- 1) Contest of Claim/Termination of Benefits. Workers' compensation entitlements are subject to termination for the 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 leave due to a workplace injury with pay or salary continuation until the City Administrator makes a final determination of eligibility in conjunction with the City's third-party workers' compensation administrator.
- 2) If the employee is not eligible for workers' compensation weekly payments or the claim is being contested by the City, the employee must use accrued PTO, if available. If the employee has no accrued PTO, the employee will be continued on the payroll in a leave due to a workplace injury without pay status. If it is determined that the employee is eligible for temporary income benefits, any accrued PTO used will be restored to the employee's PTO balance, or any unpaid PTO time will be retroactively compensated.

## **O. 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.

# **City of Sandy Oaks Personnel Policy Manual**

## **23. Acknowledgement**

I hereby acknowledge that I have received a copy of the Personnel Policy 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.

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Employees' Printed Name

Employee's Signature

Date