

# LEON VALLEY



# PERSONNEL MANUAL

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## PREFACE

1. A permanent paper copy of the City of Leon Valley Personnel Manual will be kept on file in the Office of the Human Resources Director who has been charged with the responsibility for keeping the manual and all subsequent amendments or revisions. In addition, all Department Directors are to retain a copy in their files which will be available for review by City employees.
2. This Personnel Manual is a general, non-comprehensive guideline for procedures between the City and its employees. The Personnel Manual is intended to educate and orient the employee as to the expectations associated with being a City of Leon Valley employee.
3. The purpose of the manual is to set forth clearly and concisely the policies, procedures, and practices of the City of Leon Valley. All City employees are subject to the guidelines set forth in this manual and are expected to be familiar with those sections of the manual which relate to them.
4. In the event of a conflict between the operating policies and procedures of the City and the departmental rules and regulations, City policies and procedures will supersede the departments' policies and procedures.
5. Questions regarding the meaning of any portion of the manual should be directed to the Employee's Department Director, while inquiries regarding changes, additions or deletions to this manual should be submitted to the City Manager.
6. Policies and procedures regarding disciplinary actions, grievances, and performance evaluations are outlined in separate manuals.

## ARTICLE ONE GENERAL PROVISIONS

### **Section I – Mission**

Personnel of the City of Leon Valley will provide outstanding customer service in a cost effective manner. To accomplish this mission, we will:

- Provide responsive and effective service to the community
- Stay focused on methods to improve quality, cost and effectiveness
- Create and maintain effective partnerships and regional collaborations
- Value diversity in the organization and in our community
- Be accountable to citizens and each other for our actions
- Uphold the highest professional and ethical standards

### **Section II – Purpose**

The Personnel Manual is designed to provide personnel processes and policies of the City of Leon Valley for Employees. This manual supersedes all previous Personnel Manuals. The City reserves the right to modify, change, or revoke any or all such plans, policies and procedures, in whole or in part, at any time, with or without notice. Any change made to these policies is immediate and no rights or privileges in past personnel policies are grandfathered. **The language used in the manual does not alter the at-will employment relationship or constitute an employment agreement, a contract, or guarantee of continued employment.** Should any Employee have questions as to the interpretation or understanding of any policy or practice, please make an appointment with the Department Director immediately. If the Department Director is unable to answer your questions, please see the Human Resources Director. It is important that all Employees have a full and complete understanding of the City of Leon Valley's personnel policies.

### **Section III – Definitions**

1. Anniversary Date – The annual date coinciding with an Employee's date of hire or promotional date of hire.
2. Calendar Year – The annual period from January 1<sup>st</sup> through December 31<sup>st</sup>
3. Fiscal Year – The annual period from October 1<sup>st</sup> through September 30<sup>th</sup>
4. Separation – The date an Employee retires, resigns, dies or is dismissed from employment with the City of Leon Valley.

5. Regular Employee – A regular employee is designated by the City Manager to fill a budgeted regular position, either full-time or part-time who has satisfactorily completed their probationary period.
6. Temporary Employee – A temporary employee is one hired for a specific length of time, usually less than six months, to meet short term needs.
7. Part-time Employee – A part-time employee is any regular or temporary employee who routinely works less than a 19-hour work week. All requests for this status will be judged according to the effect it will have on the operation of the City.
8. Full-time Employee – A full-time employee is an employee that is a regular employee who routinely works a 40-hour work week and is designated as Fair Labor Standards Act (FLSA) exempt or non-exempt by the City Manager. This will be determined through a review of the applicable job description and in compliance with the federal guidelines in the FLSA.
9. Volunteer Employee – A person who donates their services without any express or implied compensation except for incidental expenses as approved by the City Manager.
10. Probationary Employee - A probationary employee is one who has been appointed to a budgeted regular position but who has not successfully completed their probationary period.
11. Seasonal Employee - An employee hired at either a fulltime or part-time work schedule on a seasonal basis (a street maintenance worker hired for the summer months). A seasonal employee is eligible for City designated holidays.

#### **Section IV - City Government**

1. Organizational Chart – Will be presented to and approved by the City Council during the budget process.
2. City Council:
  - a. The City of Leon Valley is a Home Rule City governed by a Mayor and City Council that by election has adopted the City Manager form of government.
  - b. The Mayor presides at meetings of the City Council and is the chief civic representative of the City.
  - c. The City Council functions as the legislative branch of city government, provides policy for the conduct of municipal affairs, enacts ordinances, exercises budgetary authority and maintains oversight of city government.

### 3. City Manager

The City Manager is the Chief Executive Officer of the City of Leon Valley and is responsible for the day to day management and administration of the City. The City Manager shall carry out the policies set by the City Council and enforce the ordinances of the City and laws of the State of Texas.

### 4. Department Directors:

- a. Department Directors report directly to the City Manager and are responsible for enforcement of the provisions of this manual as it relates to the supervision and administration of personnel in their department.
- b. Department Directors will, in addition to their other duties, assure the maintenance of high standards of ethical and moral conduct among their personnel so as to reflect favorably on the City at all times.
- c. Department Directors are responsible for the protection of all information which is created for or primarily used by their respective department. This responsibility includes the protection of computerized information which is placed in the custody of individual Employees including authorizing access to all computerized information.

### 5. Employees:

All Employees of the City will familiarize themselves with the provisions of this manual and comply with the policies set forth.

## **ARTICLE TWO AUTHORITY AND APPLICATION OF POLICY**

### **Section I – Authority**

1. These policies are generally established by the City Manager; and any amended, revised, or new policies must be approved by the City Manager. In addition to these personnel policies, Department Directors may establish departmental policies and procedures, but they must be approved by the City Manager before taking effect. These policies must relate specifically to their Department. Departmental rules and regulations shall not conflict with these policies and procedures.
2. The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.
3. In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.
4. The City Manager will issue **Procedural Directives** which outline more specific details of the policies and procedures outlined in this Personnel Manual.

### **Section II - Responsibility for Implementation of Personnel Policies**

1. The City Manager is responsible for the administration of the personnel policies and procedures. The City Manager may delegate authority to appropriate staff members to act on his or her behalf in the administration of these policies and procedures.
2. Except for matters reserved to the City Council by statute or ordinance, final authority on appointments and personnel decisions is reserved to the City Manager.
3. Each Department Director is responsible for enforcing the policies and procedures contained in this manual and or providing assistance and advice to their employees regarding the content of this policy manual. They are also responsible for assisting their employees in interpreting these policies and standards in individual situations. In the event they need assistance with the interpretation or enforcement, they are to seek assistance from the Human Resource Director.
4. Each employee is responsible for familiarizing themselves with the policies and procedures in this manual. Lack of awareness of any policy or procedure is not to be construed as an excuse for disobeying or ignoring these rules.

### **Section III - Enforcement of Policy**

In order to maintain the integrity of the City government, the following guidelines listed below should be followed:

1. Employees All employees of the City are entrusted with protecting the rights and privileges of their fellow employees and the citizens of Leon Valley. This protection entails assisting with compliance and enforcement of all policies set forth by the City. City Employees may be exposed to, and have access to, confidential information about citizens of the community, the City, City plans, co-workers, Municipal Court and all actions by City departments. Any Employee who discloses confidential information may be subject to disciplinary action to include immediate termination. It is also the responsibility of each Employee to promptly report any breach of this policy by a co-worker to their Department Director and/or the City Manager.
2. Department Directors Department Directors are responsible to the City Manager for assisting with the compliance and enforcement of all City policies, by themselves and for the employees they supervise. They will keep the City Manager informed of any pending policy actions and will conduct investigations to protect the rights and privileges of the citizens of Leon Valley as necessary and if requested to do so by the City Manager.
3. City Manager It is the responsibility of the City Manager to see that the employees and citizens of Leon Valley are protected by enforcing the policies set forth by the City and to conduct investigations when policies are not followed. Once an investigation is completed, the guidelines for disciplinary action as outlined in the Disciplinary Actions Manual will be followed if appropriate.
4. City Council The City Council of Leon Valley has been elected by the citizens to govern the community. The City Council has delegated the authority to supervise the actions of the City employees to the City Manager.

#### **Section IV - Distribution of Manual**

1. All Department Directors will maintain a current paper copy of the Personnel Manual and will answer any questions regarding material in the manual.
2. This Personnel Manual shall be furnished to all employees and to each new employee when hired.
3. This Personnel Manual will also be available on the City's website.
4. Each employee will sign an acknowledgement of receipt of the Personnel Manual and policy letter.



## **ARTICLE THREE EMPLOYEE RIGHTS**

### **Section I - Equal Employment Opportunity**

1. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline or any other aspect of personnel administration because of political opinions or affiliations, membership or non-membership in employee organizations, or because of age, race, color, religion, sex, national origin, veteran's status or disability which does not impair their ability to perform the job is prohibited. Any employee who feels that they have been discriminated against may file a grievance in accordance with the policies and procedures outlined in the Grievance Manual.
2. The City of Leon Valley will attempt to make reasonable accommodations for all qualified individuals with a disability. Reasonable accommodations shall be in accordance with the Americans with Disability Act. If an accommodation needs to be made in accordance with this act, the employee shall so advise the Department Director or the Personnel Director so that the City can engage in an interactive process with the employee to explore what reasonable accommodations, if any, can be made.
3. The City of Leon Valley will allow a reasonable break time for employees to express breast milk for her nursing child for one year after child's birth (each time such employee has need to express the milk). The US Department of Labor guidelines will be followed in regard to this right.
4. The City Manager and Department Directors are responsible for implementing and maintaining the City's Equal Employment Opportunity (EEO) Program as set forth by appropriate Civil Rights Acts, Executive Orders, this Policy Manual, and/or any Supreme Court decisions now in effect or to be so rendered in the future.
5. As part of the City's continuing fair employment efforts, the City has adopted the following policy:
  - a. It is against the policies of the City for any employee, male or female, to harass another employee in any manner, including but not limited to the following:
    - i. Making unwelcome sexual advances;
    - ii. Requesting sexual favors;
    - iii. Making other verbal or physical conduct of a sexual nature a condition of the employee's continued employment;
    - iv. Making submission to or rejections of such conduct the basis for employment decisions affecting the employee; and/or

- v. Creating an intimidating, hostile or offensive working environment by such conduct.
- b. Employees who believe that they have been the subject of harassment or other unlawful discrimination shall report the alleged act directly to the City Manager. An investigation of all complaints will be undertaken immediately. Any supervisor, agent, or other employee who has been found by the City after appropriate investigation to have harassed another employee will be subject to appropriate disciplinary action, up to and including discharge from the City.
- c. Any Department Director, upon receipt of a harassment or unlawful discrimination complaint, shall immediately notify the City Manager. Failure to do so will result in disciplinary action.

## **Section II - Political Activities**

To insure against any political interference in the governing of the City of Leon Valley or with the job of any City employee, the following rules on political activity shall apply:

Employees of the City of Leon Valley:

1. Are encouraged to vote.
2. May campaign for or assist in the election of any public official running for public office; however, these activities shall at all times be confined to off-duty hours.
3. Must utilize their personal leave to participate in political activities if they are doing so during working hours.
4. May not engage in any political activity while wearing City uniforms or driving a City vehicle. Furthermore, no buttons slogans or the like may be worn on uniforms or other clothing in the workplace during an employee's duty/working hours.
5. May not use City rank or title to assist any public official or candidate in any election at anytime.
6. May not seek or accept a nomination or election to any public office as a mayor, or councilperson of the City of Leon Valley while employed by the City.

## **Section III - Employment At Will**

1. As a condition of employment, all non-elected officials and Employees of the City shall conform to the general procedures in the City of Leon Valley Personnel Manual and within their specific department. The Personnel Manual is a general, non-comprehensive guideline for procedures between the City and its Employees. The

Policies and Procedures outlined in this manual are binding and do not alter the Employee's at will status.

2. The City Manager has the sole discretion to unilaterally amend the Personnel Manual at any time with or without notice except for those items which are specifically promulgated by the City Council.
3. All Employees of the City of Leon Valley shall be appointed or hired for an indefinite term and either the City or employee can terminate the employment and compensation, at will, at any time, with or without cause and with or without notice. However, any full- time, regular employee may appeal, directly to the City Manager, any decision which will terminate employment for that employee. The City Manager's decision is final and un-appealable. Furthermore, if an employee terminates employment, a two-week notice for FLSA non-exempt and a thirty-day notice for FLSA exempt employees is required if the employee wants to be eligible for rehire.

## **ARTICLE FOUR STANDARDS OF CONDUCT**

### **Section I - Employees' Code of Ethics**

1. Employees of the City of Leon Valley are entrusted by the citizens to provide quality services. This level of trust creates a special responsibility for the employees. Therefore, employees are expected to maintain a high level of ethical standards, to act with integrity in all public relationships and to always conduct themselves in a manner which maintains public confidence. This is accomplished by following the City of Leon Valley Code of Ethics.
2. Employees of the City of Leon Valley shall strive to always uphold the Constitution, laws and ordinances of the United States, State of Texas, and the City Leon Valley, and shall also strive to:
  - Be honest and trustworthy in verbal and written communications and in all professional relationships;
  - Be dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
  - Be fair and considerate in the treatment of fellow employees and citizens, addressing concerns and needs with equity;
  - Be committed to accomplishing all tasks in a superior way, and abstain from all job behaviors that may tarnish the image of the City;
  - Recognize that policy decisions are the responsibility of the City Council, and;
  - Provide the best services to improve the quality of life in the City of Leon Valley.
3. This Code of Ethics requires hard work, courage and choices. Employees and citizens will always be better served when a standard Code of Ethics is followed.
4. Although the standards set forth increase the responsibilities of the Department Directors in supervising their teams, the standards are not intended to define the limit of departmental responsibility in this area, nor do they limit the circumstances under which a Department Director may act to remove, demote, reassign, or otherwise discipline any employee whose conduct is unacceptable.

### **Section II - Specific Personal Conduct**

1. Gifts, Entertainment and Favors
  - a. City employees and their families are prohibited from accepting gifts, gratuities, favors, entertainment, loans, or anything else of monetary value arising out of their duties as City employees, from any person who has or

will obtain contractual or other business with the City, as well as those who conduct operations that are regulated by the City.

- b. Exceptions to this policy are awards presented for meritorious public contributions or achievements given through charitable, religious, professional, or non-profit social or recreational organizations.
- c. A token gift exceeding the amount of \$50 in value presented as a sincere thank you for services rendered will become the property of the Department or City as a whole. Department Directors will be held accountable to the City Manager to ensure that this policy is strictly enforced.

## 2. Conflicts of Interest

- a. All City employees and their families are prohibited from having direct or indirect financial interests or transactions that result from information obtained through City employment or because of their City title and position.
- b. All City employees and their families are also prohibited from using information obtained directly or indirectly through their employment to further their private interests if such information has not been made available to the general public.
- c. Professional persons performing contractual work for the City may not represent privately any client or interest that is now or will in the future have like business with the City.

## 3. Outside Employment

- a. All requests for outside employment must be approved in writing by the appropriate Department Director and the City Manager.
- b. Employees of the City are prohibited from engaging in outside employment or activities not compatible with the satisfactory performance of their regular duties.
- c. Employees of the City are prohibited from engaging in outside employment with companies who have current contracts with the City.
- d. Employees are prohibited from working outside employment if they are out on Major Medical Leave or Workers' Compensation, unless approved by the City Manager.

## 4. Nepotism

- a. An applicant may not be hired as an employee of the City of Leon Valley, if the City already employs a person who is related within the third degree of consanguinity (blood) or second degree of affinity (marriage).
- b. No person related within the second degree by affinity or within the third degree by consanguinity to any elected officer of the City, to the City Manager, or Director, shall be appointed/hired to any office, position or clerkship or other City service.

## 5. Use of City Property

- a. All City employees are prohibited from directly or indirectly using City property for any use other than officially sanctioned City business or activities. Department Directors, with the approval of the City Manager, may place personnel who are determined strategic to specific departmental emergency functions “on call”. An employee designated in this category may use City vehicles when approved by their Department Director and the City Manager. This includes authorized appropriations for transportation between the employee’s place of residence and their usual workplace or department.
- b. Employees will be held accountable for improper or negligent use of City-owned furniture, equipment, and materials.

## 6. Personal Conduct

- a. City employees are expected to conduct themselves in a mature, responsible manner in their relationships with other City employees and the citizens.
- b. Employees shall not conduct themselves either privately or publicly in any manner that will cause a loss of public confidence in the City government or be in any way detrimental to the efficiency of the City government.
- c. Employees shall be courteous in their conduct at all times. As a representative of the City, they shall avoid answering questions in a rude or abrupt manner, and shall refrain from publicly using coarse, profane or abusive language at all times.
- d. Employees shall not devote any on-duty time to any activity other than City business. Exceptions to this policy are personal emergencies with the consent of the Department Director and/or City Manager.
- e. Employees shall prohibit any conduct, either in connection with City business or of such a public nature that it adversely reflects on the City or the employee’s ability to function satisfactorily as a City employee.

### **Section III - Alcohol and Drug Policy**

1. It is the City of Leon Valley's policy to maintain a safe and healthy work environment for all employees. Therefore, it is the City's policy that the workplace, city-wide, be free from the unlawful manufacture, distribution, dispensation, possession, or use of a drug, or any substance controlled by law. The term, "drug" includes alcoholic beverages as well as illegal inhalants and illegal drugs. Non-narcotic prescription drugs are allowed if employee is able to produce a current (not expired) prescription and the prescription requires that it be taken during working hours. It is specifically the City's policy to prohibit the use of alcohol and the adverse effects from alcohol while on duty. On-duty includes special events (i.e. July 4<sup>th</sup>, Ciclovía and other City sponsored events)
2. All employees must notify their Department Director of a criminal arrest no later than 24 hours after the employee is arrested (Reference Article four, Section V of this policy).
3. The City has adopted a policy of "reasonable suspicion" regarding drug testing employees for illicit drug or alcohol use.
  - a. When there is reasonable grounds to believe that an employee's unsatisfactory behavior or job performance is due to substance abuse or that substance abuse may be a contributing factor, the employee's Department Director and/or the City Manager may require a fitness for duty examination
  - b. When there are reasonable grounds to believe that an employee is under the influence of an illicit drug or alcohol, the employee's Department Director and/or the City Manager may require either a fitness for duty examination and/or may require an immediate drug and/or alcohol test.
  - c. If an employee refuses to consent to a fitness for duty examination, or an alcohol or drug screening test, such refusal shall be grounds for termination of employment.
  - d. A positive test result from a fitness for duty examination or alcohol or drug screening test may be grounds for disciplinary action. Any behavior causing the fitness for duty examination or alcohol or drug screening may be grounds for disciplinary action up to and including dismissal.
  - e. All employees must refrain from drinking alcohol at least 8 hours prior to their scheduled work time.

### **Section IV - Smoking Policy**

The City Council has adopted a policy that no smoking will be allowed in any buildings or structures owned or operated by the City. In addition, no City Employee will be allowed to smoke in the view of the public. All Department Directors shall designate authorized smoking areas away from the view of the public. If an employee is caught smoking or possessing a burning tobacco, marijuana or other plant product or any lighted or burning pipe, cigar, cigarette of any kind or smoking equipment or device, in a prohibited building or structure, they will be subject to disciplinary action up to and including termination. Apart from any disciplinary action, the employee will also be considered in violation of Ordinance 1212 and subject to various levels of fines.

## **Section V – Arrest, Confinement, and Indictments**

1. City employees are subject to disciplinary action up to and including termination and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in detainment, charges being filed, arrest, confinement, indictment, and /or conviction, as well as to acts prohibited by law not resulting in detainment, charges filed, arrest, confinement or indictment.
  - a. Employee Notice of Felony and Misdemeanor Charges: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are detained, arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Failure to report these events in a timely manner may result in immediate termination.
  - b. Employee Status after Alleged Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources, the City Attorney and the City Manager to determine available options which may include, but are not limited to:
    - i. Allowing the employee to return to regular duty with pay;
    - ii. Allowing the employee to return to restricted duty with pay;
    - iii. Placing the employee on paid administrative leave;
    - iv. Placing the employee on unpaid administrative leave; or
    - v. Terminating the employee.
  - c. Employee Status after Adjudication: Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are completed, the Department Director will determine, in conjunction with the Human Resources Director, City Attorney and City Manager the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on



administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal. Even though charges are reduced or dismissed, the employee may still be subject to disciplinary action up to and including termination.

### **Section VI – Cell Phone Use**

1. The City recognizes that many employees bring cell phone to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability is determined by each Department Director. Employees, who use cell phones to violate City policy, will be subject to disciplinary action up to and including termination.
2. Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls. Employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records used for City business purposes. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.
3. Public Information Act – Employees are advised that records related to calls and text messages made and received on City owned cell phones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtained through the Texas Public Information Act, except in narrowly defined circumstances.
4. Monitoring of cell phone calls – Employees should be aware that cell phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

### **Section VII – Electronic Communications and Systems Access Use**

1. The City may provide computer networks, internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, hand-held radios and fax communication systems for use by City employees in the performance of their job duties. These communications devices are referred to collectively in the policy as "electronic communication systems" or "systems." These electronic communication systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic

communication systems. This policy applies to all City employees, volunteers and other affiliates who use the City's electronic communication systems. The City's electronic communication systems access must be used in a professional, responsible, efficient, ethical and legal manner.

2. Acceptable uses of the City's electronic communication system are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material. Users must understand that use of any City-provided, publicly accessible computer network such as the internet, instant messaging and email is a privilege which can be revoked at any time for violations of this policy.
3. Personal use of City electronic media is permitted during downtime, lunch and when on breaks as long as the use is lawful and doesn't adversely impact the City.
4. The person in whose name the City provided internet, email, or other electronic communication system accounts are issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered communications of the City and held to the same standards as formal letters.
5. No Right of Privacy/Monitoring. Users of City's electronic communication systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communication systems, the City will monitor their use. Management staff has the ability and will with or without advance notice, monitor and view usage. This includes but is not limited to: employee email, voice mail, instant messages, text messages, information and material transmitted received or stored using City systems and user internet access and usage pattern. This is to ensure that the City's internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.
6. Copyright Restriction. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material.

### **Section VIII – Social Media**

1. An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City

or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging, internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employees as an individual, but also on the City.

2. The term "social media" encompasses: Twitter, Facebook, Instagram, Snapchat, LinkedIn, Next Door, blogs, online journals and diaries, bulletin boards and chat rooms, micro blogging, instant messaging, the posting of video on YouTube and similar media, and all other social networking sites.
3. This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action up to and including termination. The City provides an effective system for employee complaints "off-line" through the "General Complaint and Grievance" policy without resorting to social media.
4. The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of the following guidelines regarding posting of work-related information on personal social media sites:
  - a. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
  - b. Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Employees should recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
  - c. Employees shall respect coworkers and the City at all times. Employees shall not put anything on any social media site that may defame, embarrass, insult, demean, or damage the reputation of the City or any of its employees.
  - d. Employees shall not put anything on social media that may constitute violation of the City's Harassment Policy. Employees may not post any pornographic pictures of any type on social media. Employees must be mindful that the City's harassment policy covers both work and non-work time, including posting on social media sites.

- e. Employees may not post pictures of themselves or others on social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- f. Employees shall not post information on social media that could adversely impact the City and/or an employee of the City. Employees shall not post any comment on social media that interferes with the duties of other employees or the mission of any department within the City.
- g. Employees shall immediately remove postings violating this policy, even when placed by others on your social media site. Failure to remove the postings or posting in violation of this policy may result in discipline up to and including termination.
- h. Employees who see violations of this policy on other employee's social media posts shall immediately notify their Department Director in writing of the violation. Failure to notify the Department Director shall be grounds for disciplinary action.

## **ARTICLE FIVE EMPLOYMENT AND SEPARATION PROCEDURES**

### **Section I - General Hiring Responsibility**

The City Manager is responsible for providing fair and equal opportunity to all qualified persons seeking employment with the City of Leon Valley. Included in the City Manager's responsibilities are employment planning, recruitment, selection, retention and placement. The City Manager may only delegate hiring authority to a Department Director, typically the Human Resources Director; however, the City Manager retains the ultimate responsibility.

### **Section II - Recruitment**

1. Objective - It is the objective of the City of Leon Valley to find and recruit the most qualified candidates for each vacancy within the City government. This section outlines the policies and procedures the City Manager or his/her designee will use to achieve this objective.
2. Notification of Vacancy - Department Directors, in writing, will immediately notify the City Manager of an impending job vacancy.
3. Posting/Advertising of Vacancy
  - a. Once notified of a vacancy, the Human Resource Director shall post notice of the job opening internally and/or externally for a period of fourteen (14) days. At the City Manager's discretion, and for good cause, the City Manager may waive this time period, but in no instance shall it be posted internally for a period of less than five (5) days.
  - b. If the City Manager and/or the Human Resources Director are not satisfied that there is a sufficient quantity or quality of qualified persons from the application pool, he/she may reopen the position.

### **Section III - Selection Procedures**

1. Objective - The objective of this section is to set forth guidelines to aid selection of the most qualified persons to fill job vacancies.
2. Applications
  - a. The first step in the selection process is the submission of an application. The application will determine if the prospective employee

fulfills minimum requirements of education, training, certifications and experience for the posted vacancy. Minimum requirements are those listed in the job description at the time of the vacancy announcement and cannot be waived. If the City Manager determines that there are an inadequate number of candidates to assure that the best interests of the citizens are served, he/she may waive this requirement.

- b. Applications will be received and reviewed by the Human Resource Director for completeness. Each application will be evaluated by the applicable Department Director to determine the most qualified applicants.
- c. A minimum of three (3) of the most qualified applicants will be chosen by the Department Director and Human Resources Director for further screening.
- d. If a job opening occurs within six months of the job initially being filled, the City Manager has the option to review and select applications received from the initially advertised opening.
- e. Volunteers – For the purposes of this section, a volunteer employee will be eligible for consideration of employment during the internal City posting period.

### 3. Examinations

- a. All examinations for employment used by the City shall be valid. In most cases an independent third party will be used for appropriate job recruitment and be reliable as determined by the Human Resources Director, in accordance with federal, state, and local statutes. It is the Department Directors' responsibility to see that the selection techniques used by their respective departments abide by the City's Equal Employment Opportunity (EEOC) policy and all applicable federal, state and local guidelines. Examinations only determine minimum qualifications. The City encourages the appointment of superior applicants who have the capacity for promotion and leadership.
- b. The Human Resources Director will keep the City Manager informed of all selection examination procedures used: the type and composition of the exams, the rating scale used, and who conducts the exams. The selection procedure will be continuously refined to assure that the most advanced techniques are used in the selection process. The Department Director is responsible for submitting their procedures for selection to the Human Resources Director. Finally, the examinations used should follow the EEOC Uniform Guidelines on Employee Selection Procedures (UGESP).

- c. The Human Resources Director through the Departments Directors may use one or more of the following selection techniques to determine the most qualified person for a job vacancy once applications have been reviewed.
- i. **Oral Examination** – An oral examination or interview may be used to elicit information regarding abilities of the applicants not readily obtained in a written examination. All interviews should be structured and use more than one interviewer to reduce subjectivity.
  - ii. **Written Examination** – A written examination may be used if it is objective and valid. Written examinations should not be relied on as the only method of selection technique unless it measures the only qualification necessary for the job.
  - iii. **Performance Testing** – A performance test requiring the applicant to perform a task that will help determine ability and manual skills for a job (such as a typing test for a clerk) may be used.
  - iv. **Physical Testing** – Jobs requiring physical ability (such as police, fire or public works) may require a physical test. The test may be either competitive or qualifying, and may consist of a test of physical strength, ability and/or coordination. Each department shall use the same standardized physical test for all like job applicants.
  - v. **Evaluation of Education, Training, and Experience** – This evaluation shall be based on information in the application form, from other data secured through the interview process or from other sources and shall be subject to investigation for truth and completeness.
  - vi. **Drug Testing** – Employees that hold safety or security sensitive positions must undergo a drug screening to be performed at City expense. Individuals who do not pass this test will not be considered for employment with the City.
  - vii. **Employment Eligibility Verification** – (I-9) The Immigration Reform and Control Act of 1986 requires all employers to verify employment eligibility of any person hired after November 6, 1986. Each individual considered for hire must provide proof of U.S. citizenship or employment eligibility as prescribed by rules adopted by and on forms provided by the Immigration and Naturalization Services. The City Manager or their designee shall maintain records of employment eligibility verification.

#### 4. Selection

- a. After receiving examination results from all qualified candidates, Department Directors will recommend their choice(s) to the City Manager in writing. The City Manager will make the final selection. Upon making this selection and making a conditional offer of employment to the prospective employee, that individual will be required to undergo a physical examination which will be performed at the City's expense.
- b. The physical examination will be designed to ensure that the prospective employee meets minimum physical standards as outlined in the appropriate job description. If the prospective employee fails to meet the minimum physical standards as outlined in the job description, the City will attempt to assist the prospective employee by examining different avenues under which the prospective employee could perform the necessary minimum job functions. If this is not possible, this may disqualify the prospective employee from the position for which he/she was given a conditional offer of employment.
- c. When a job opening occurs at the Department Director level, the same selection process will be undertaken to find a replacement. The City Manager will announce his/her choice for the position to the City Council at a regular council meeting for introductory purposes only. In all cases, except for the positions of Fire Chief and Police Chief, the City Manager's selection will be appointed to the vacant position. The positions of Fire Chief and Police Chief require appointment by the City Manager and the concurrence of the City Council.
- d. The City Manager may fill any position on an interim basis if he/she determines this is in the best interest of the City. Persons filling an interim position may be considered for regular appointment at the conclusion of the recruitment process.

#### **Section IV - Probationary Period**

The probationary period is the final employment examination. The following policies will be in effect for new hires and regular employees on probationary status:

##### **1. New Hires**

- a. All newly hired employees will be on a twelve (12) month probationary period. If an employee's employment with the City is terminated for whatever reason prior to the completion of their probationary period, they will not be entitled to be compensated for accrued personal leave.
- b. To successfully complete a probationary period, an employee must perform the functions outlined in their assigned job description to



standard. The new employee may be dismissed without appeal, except on grounds of discrimination, while on probationary status.

- c. Employees on probation will be evaluated at twelve (12) months of employment for job retention. After twelve (12) months of satisfactory performance, the employee will convert to regular status unless their probation is extended by the Department Director or City Manager.

## 2. Regular Employees on Probationary Status

- a. All regular employees on probationary status in a new position will be on twelve (12) months' probation for that new position.
- b. All regular employees will be evaluated in the same manner as new hires: at twelve (12) months of work at the new position for retention. To successfully complete the probationary period, the regular employee must perform the functions outlined in their job description to standard. The employee may be returned to the same or a similar position they previously held with the City if they do not satisfactorily complete the probationary period if a similar position is still available. If a similar position is not available, the employee may be terminated. Furthermore, a regular employee on probation for a new position may also have their probation extended by the Department Director or City Manager.
- c. Regular employees placed on probation for disciplinary or job performance purposes will not be allowed to use benefits, personal leave, sick leave, annual leave, etc.). This is a time for corrective and improvement purposes and the employee needs to be present in order for these corrective actions to take place.

## **Section V - Termination of Employment**

The city follows a progressive disciplinary procedure. The procedure is outlined in the disciplinary action manual. Any actions affecting ranking, pay or leave must be submitted to the Human Resources office to be processed through payroll. The City Manager has full discretion to substitute disciplinary actions based on the need of the department.

### 1. Resignation

- a. Whenever possible, an employee desiring to leave City service in good standing should submit a written resignation through his/her departmental chain of command to the Department Director at least 2 weeks in advance of the last day of work. Department Directors desiring to leave the city in good standing should provide 30 calendar days in advance of the last day

of work. The City Manager may waive any portion of the notice period. The resignation should include the reason for leaving.

- b. An employee who resigns without sufficient notice is subject to having their rehire status affected adversely for failure to give sufficient notice. The City Manager, upon recommendation from the appropriate Department Director, will make this determination.

## 2. Retirement

The same notice requirement for resignation applies in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly. Retirement programs will be in compliance with State and Federal laws.

## 3. Reduction in Force

An employee may be laid off because of changes in duties or the organization of the City or a department. Whenever possible, at least thirty days written notice shall be given to an employee prior to the layoff. If there is more than one employee in any particular position, layoffs shall be carried out on the basis of demonstrated job performance in that particular position. This policy does not mean that a person shall be retained for a similar or subordinate position. If a person is laid off from any position, it will be his/her responsibility to apply for any openings (if there are any) with the City for which they wish to be considered.

## 4. Absences Due to an Illness or Injury

- a. Employees, absent due to an illness or injury which prevent them from performing the essential functions of their job, will be terminated for employment with the City after the completion of 12 weeks of Family Medical Leave (FMLA) and a period of 90 days of extended leave usage.
- b. If an employee returns to work during the 90 days in any capacity other than full-time, unrestricted duty, and then later is unable to work due to the same circumstances, the employee will still be subject to termination upon the completion of the original 90 day extended leave usage for the same illness or injury.
- c. If the qualified employee falls under the guidelines of the Americans with Disabilities Act, the City will attempt to make a reasonable accommodation so that the employee may resume the duties of their position. After reasonable accommodations have been made and the employee is still unable to fulfill the required duties of their current position, the City will determine if another position is vacant within the City for which the

employee is qualified. If it is determined that a reasonable accommodation cannot be made, the employee is still subject to termination procedures.

- d. At the City Manager's discretion, severance pay may be offered to employees who might be subject to termination under the City's 90-day extended leave usage policy. The employee's hourly rate at the time of termination will be used when calculating the severance pay.

## 5. Termination by Dismissal

- a. Employees may be terminated by dismissal due to the inability of the employee to satisfactorily perform the job requirements, just cause or failure to comply with the rules and regulations outlined in this or other City or departmental manuals. An employee may also be terminated when a physician appointed by the City Manager determines that the employee, for whatever reason, is unable to perform the required duties of the position.
- b. The Department Director through the Human Resources Office will make a recommendation to the City Manager for employee dismissal.
- c. Any employee can appeal a decision regarding their termination directly to the City Manager. Ultimately the decision for dismissal is made by the City Manager.
- d. If the dismissal is recommended by a Department Director, the City Manager is still the final decision maker and his/her decision is not subject to appeal.

## 6. Termination Procedures

- a. With cooperation of the employee, an Exit Interview will be conducted upon an employee's separation from the City service, regardless of length of service, position, or the circumstances of separation.
- b. The Human Resources Director will be responsible for conducting all Exit Interviews and ensuring each employee is interviewed prior to their separation from City employment, if possible.
- c. A termination performance evaluation will be conducted by the respective supervisor or Department Director for all employees who are leaving employment.
- d. All personnel records on employees shall be maintained by the City for a minimum length of time as required by appropriate state and federal regulations.

## **Section VI - Personnel Files and Reports**

### 1. Personnel Files

- a. Personnel files shall be maintained in the Human Resources Office. The record copy of all personnel information related to an employee shall be filed in the employee's personnel file, subject to specific exceptions under the law.
- b. Information in an employee's personnel file is public information and must be disclosed upon request except for specific items exempted by law. No information in an employee's personnel file will be communicated to any person or organization except through the Office of the City Secretary.
- c. Upon request, an employee or representative of the employee designated in writing may examine any item contained in the employee's personnel file not exempted by law. When a supervisor of an employee requires access to the official personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the Human Resources Director.

### 2. Retention of Adverse Information

- a. Adverse information is defined as any written report which would tend to adversely affect one's employment status or possibly prevent an employee from obtaining employment with others in the future. This definition includes but is not limited to reports relating to suspensions, probations and reprimands resulting from some type of employee misconduct.
- b. Department Directors may review employees' official personnel files with their employees during the annual evaluation process each year. The Department Director may request of the City Manager that any records containing adverse information which are dated at least five full calendar years previously be removed from the Personnel File. The City Manager has the option to waive the five year removal stipulation if he/she finds that the removal is in the best interest of the City.

## **Section VII – Confidentiality of Medical Information**

1. Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.

2. Examples of information that may be provided to the City by an employee or the employee's health care provider and maintained in the confidential medical file, include:
  - a. Notes to justify an absence;
  - b. Reports to request leave;
  - c. Documentation to verify the employee's ability to return to work;
  - d. Medical records to support a claim for sick pay or disability benefits;
  - e. Copies of insurance records;
  - f. Workers compensation records;
  - g. Work related medical history records; and
  - h. All other applicable medical information.
3. It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to their Department Director or the Director of Human Resources. When an employee provides information to the Department Director, they are expected to share the information only on an "as needed" basis with other members of management.
4. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

## **ARTICLE SIX WAGE AND SALARY ADMINISTRATION**

### **Section I - Objective**

The City Manager, with the approval of City Council, will establish a personnel pay plan that outlines compensation by salary ranges. The pay plan will be established in accordance with budgeted funds and established annually by the City Council through the annual budget adoption process.

### **Section II – Pay System**

1. Regular full-time and part-time City positions are classified according to the duties, responsibilities and requirements of the job. Each job is assigned a salary schedule designation.
2. The City Manager may appoint a person to a non-budgeted position on a temporary basis not to exceed ninety (90) days pending approval of a budgeted position by the City Council.
3. The City Manager may also appoint a person to double fill a budgeted position if at his/her discretion the double fill is necessary to meet the obligations of the department.
4. Salaries which are outside of the salary range will require approval of the City Manager and City Council confirmation.

### **Section III - Job Classifications**

1. Job descriptions for regular positions are created by the Human Resources Director through the City Manager and are statements of general duties, responsibilities and job requirements of the various positions within the City.
2. Job descriptions will be updated by the Department Director on a regular or on an as needed basis. Updated descriptions will be submitted to the Human Resources Director and to the City Manager for final approval.

### **Section IV - Payroll Procedures and Work Schedules**

1. All City employees are compensated every fourteen calendar days, with paydays being every other Friday. In the event Friday is a holiday, payday will be the first work day thereafter. The City Manager may authorize the distribution of paychecks earlier, but in no event shall distribution be later than as stated above. The pay period will begin Saturday morning at 0001 hours and will terminate at 2400 hours on Friday.

2. The normal work period for all full-time employees, except commissioned peace officers and certified firefighters/paramedics acting in that capacity shall be forty (40) hours. Exempt employees may be expected to exceed the 40 hour a week work period.
  - a. Full-time employees, except commissioned peace officers and certified firefighters acting in that capacity, will receive one hour for lunch. Employees **may** have two fifteen minutes breaks (one in the morning and one in the afternoon) as time allows, but no employee will be compensated for these two breaks if not taken during the workday.
  - b. Full-time employees, except commissioned peace officers and certified firefighters acting in that capacity, may utilize flexible work schedule. Such flexible schedules must be approved by the employee's immediate supervisor, Department Director **and** City Manager.
  - c. The work schedules for the Police and Fire Departments are prepared by the Chief of Police and Fire Chief and will be in compliance with the guidelines set forth by the Fair Labor Standards Act (FLSA).
3. All Department Directors will fill out time records on themselves and their employees for each pay period and submit them to the Human Resources Department. Department Director's time records must be approved by the City Manager. Department Directors need to maintain regular office hours in order to be available to the citizens of Leon Valley.

### **Section V - Pay Increases**

1. An employee may be eligible to receive a merit pay increase on their anniversary date with a "meet's expectations" evaluation and the approval of the Department Director. The City Manager, at his or her discretion, may develop a range of merit increases which are dependent on performance. The merit pay increase and the range of the pay increase will be determined annually by the City Council during the budget process. Generally, if an employee does not receive their merit increase on their anniversary date, the merit increase will be approved retroactively. If an employee fails to receive a satisfactory evaluation, they will not be eligible for a merit pay increase.
2. Cost-of-living raises shall be determined annually by City Council during the budget process.

### **Section VI - Overtime**

1. The policy of the City of Leon Valley is to keep overtime to a minimum. Overtime is defined as hours worked in excess of the allowable number of hours per work

period under the Fair Labor Standard Act (FLSA). The preferable method to limit overtime compensation is to schedule equal time off for the employee during the same work period in which the extra hours were worked.

2. Executive, administrative, and professional employees, as defined in the FLSA, are exempt from the overtime provisions of FLSA and are expected to render necessary and reasonable overtime services without additional compensation. The salaries of these positions are established with this assumption in mind. Extra hours worked by executive, administrative, and professional employees may be used as a factor in granting flexible leave hours. Each City job description designates whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA.
3. For employees who are covered by the overtime provisions of the FLSA, the policy of the City, in order of preference, is to compensate the employee with:
  - a. Scheduled time off within the same work period, so that the overtime provisions do not apply; or
  - b. Compensatory time off taken outside the same work period at the rate of one and one-half times the number of overtime hours worked, up to a maximum of hours which may be accrued; or
  - c. Payment at the rate of one and one-half times the employee's regular hourly rate of pay.
4. The City discourages the excessive accumulation of compensatory time because of the contingent financial liability this creates for the City. The maximum amount of compensatory time which by law may be accrued by a firefighter or police officer shall be 480 hours (representing 320 hours of actual overtime hours worked) and 240 hours (representing 160 hours of actual overtime hours worked) for all other employees. Any employee who has accrued the maximum number of hours of compensatory time allowed shall be paid overtime compensation. This shall be reflected in the employee's next regular paycheck for all additional overtime hours worked.
5. If any employee is required to work extra hours during a work period in which he has used sick leave, personal leave or any other type of leave time (including holiday time off), the employee will be paid for the extra hours at the regular, straight-time rate of pay. However, if the extra hours worked are more than the number of leave time hours taken; the employee will be paid at one and one-half time the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken.



6. If an employee has used sick leave, annual leave, personal leave or any other type of leave time (including holiday time off) and works an additional shift the employee will still be paid for their leave; however, this leave will not count towards hours worked for purposes of overtime calculations.
7. Certification Pay will be set by the City Council during the budget process on an annual basis. The Police Department, Fire Department and Public Works are the only departments eligible for certification pay.
8. Longevity Pay will be set by the City Council during the budget process on an annual basis for all City Departments.
9. Payment of accrued compensatory time upon termination of employment shall be calculated at the employee's regular rate of pay.
10. An employee (except for those positions which have been classified as exempt under the FLSA) may be required to utilize accrued compensatory time in lieu of taking leave without pay for violations of rules and regulations.

#### **Section VII – Car and Clothing Allowance & Training/Travel**

1. The City of Leon Valley may provide a car allowance to employees who use their own automobiles to conduct City business on a continuing day-to-day basis. The amount of car allowance must be authorized by the City Council. Employees receiving a car allowance will not be compensated for any additional mileage when travelling to a venue that is less than 20 miles from City Hall. The vehicle used during working hours or on official business should reflect favorably on the image of Leon Valley.
2. A clothing/uniform reimbursement program is granted to codes, firefighters and police officers to cover the cost of maintaining a neat, presentable, and uniform appearance to the public. The clothing reimbursement will be determined during the budget process on an annual basis.
3. New employees receive only the amount of reimbursable value that remains through the fiscal year from the date they were hired. For example, if the employee is allowed to be reimbursed up to \$700 for that fiscal year for a uniform, the \$700 is divided by 26 pay periods (\$26.92 per pay period). If an employee starts with only 20 pay periods left, the \$26.92 is multiplied by 20. That means an employee is eligible for reimbursement up to \$538.40.
4. Public Works employees are provided five (5) uniforms by the City per year. These uniforms are to be laundered and maintained by the City. Upon termination of employment with the City, failure to turn in all required uniforms will cause the cost of those uniforms not turned in to be deducted from the employee's final paycheck.

5. Public Works Department receives a \$100 voucher per year to purchase safety shoes, as part of their Personal Protective Equipment (PPE). Any overage is paid by the employee.
6. Employees required to wear a Leon Valley shirt will be provided appropriate attire as provided in the departmental budget.
7. Employees are encouraged to seek training. Whenever possible the employee should select a training that is local. The City of Leon Valley will reimburse reasonable travel expenses and adhere to the City's travel policy. Employees that utilize city funds to go to training are responsible for refunding the city all training cost if the employee terminates employment prior to completing two years of employment following the date of the training session.
8. The City will purchase and issue the initial equipment needed to start employment as a firefighter or police officer. Specific equipment requirements are determined by the appropriate Department.
9. If an employee terminates employment with the City the employee is responsible for and still owes the City money for, but not limited to, uniforms or equipment, they are still responsible to reimburse the City for the monies owed. Failure to pay this debt to the City will affect the employee's eligibility for rehire and the City may take legal action to recover the monies owed to the City. The City also maintains the right to deduct the amount owed from the employee's final paycheck.
10. Uniform Allowance-Taxable Items
  - a. Purchase made directly by the employee
    - i. When a uniform allowance purchase is made directly by the employee and the purchase is considered taxable per IRS Guidelines, the Department Director is responsible for ensuring that a copy of the invoices is forwarded to the Payroll clerk for processing through the payroll system. The Department must mark on the invoice if the purchase is "TAXABLE" or "EXEMPT". The employee will be reimbursed via his/her paycheck for the purchase.
  - b. Purchase made through the Purchasing Agent (City Purchases)
    - i. When a uniform allowance purchase is made through the Purchasing Agent the department Director must mark on the Requisition if the purchase is "TAXABLE" or "EXEMPT". If the item is considered taxable per IRS Guidelines, the Purchasing Agent must forward a copy to the Payroll Clerk as soon as the purchase is made. The purchase will be processed through the payroll system on the next pay period. The purchase will be added and a deduction for the same amount will be reflected on their paycheck. This ensures the purchase is taxed. The employee does not need to be reimbursed as the City made the purchase.

- c. Each Department will maintain a separate file for all taxable uniform allowance purchases. These purchases will also be reflected on the regular uniform allowance spreadsheet that tracks the total uniform allowance spent for the fiscal year.

**ARTICLE SEVEN  
EMPLOYEE BENEFITS**

**Section I - Objective**

This Article describes the various types of benefits the City offers its employees.

**Section II - Holidays and Holiday Pay**

1. The City of Leon Valley recognizes the following days as official paid holidays for all personnel as determined by Council:

|                               |                               |
|-------------------------------|-------------------------------|
| New Year's Day                | * Fourth of July              |
| Veteran's Day                 | Thanksgiving Day              |
| Presidents' Day               | Friday following Thanksgiving |
| Memorial Day                  | Christmas Eve                 |
| Labor Day                     | *Christmas Day                |
| Martin Luther King's Birthday | Day after Christmas           |
| Battle of Flowers             |                               |

\* The City of Leon Valley puts on a Fourth of July event which mandates the majority of staff to work. Therefore, the staff that is required to work will be given a subsequent day off. If Christmas is on a weekend, Friday and Monday will be the holidays; otherwise, the previous workday will be the holiday.

2. As many employees as possible shall be given each holiday off consistent with the maintenance of essential City functions.
3. Fair Labor Standards Act (FLSA) non -exempt regular full-time employees are entitled to twice their hourly rate of pay if they work on a City Council approved holiday. Holiday work schedules must be approved by the respective Department Director.
4. Effective October 1, 2017, holiday leave will no longer be accumulated.
5. For administrative personnel working Monday through Friday, if a holiday falls on Saturday or Sunday, the following Monday shall be observed.
6. To receive leave for a holiday, an employee must work their last regularly scheduled workday preceding a holiday and their first regularly scheduled workday following a holiday, except for prescheduled personal leave. However, if an employee is on paid leave status, but absent from the workplace, for a period in excess of 90 days, the employee will not be eligible to receive leave for a holiday which occurs beyond the 90<sup>th</sup> day of the absence.

### **Section III - Leaves of Absence**

#### 1. Definitions

- a. Personal Leave – Leave made available to eligible regular full time employees in order to provide vacation leave, personal illness leave, personal business leave, and family leave away from work without loss of compensation. Personal Leave may be used as it is accrued.
- b. Major Medical Leave – Leave made available to eligible regular full-time employees for protection in the event an employee experiences a long-term illness or injury. Major medical leave may be used after an employee has first utilized 40 hours of their personal leave or 24 hours for firefighter regularly scheduled to a 24 hour shift for a long-term illness or injury.

#### 2. General Provisions

- a. Department Directors are charged with the responsibility of keeping systematic and thorough records of all leave scheduled and granted according to these regulations. The scheduling of all leave is the responsibility of each Department Director. The Department Director must maintain the proper number of employees to continue efficient operations at all times.
- b. Approval of request for most types of leave is the responsibility of the Department Director. Certain types of leave must be approved by the City Manager, as noted in Article 7, Section 14, Part A & C of this manual.
- c. All types of leave begin to accrue the first day of regular hire. However, no paid leave may be taken until the employee has successfully completed three months of employment. If an employee on probation leaves employment or is terminated before the completion of the probationary period; the employee is not entitled to be paid for any accrued personal or annual leave.
- d. All regular employees may accrue up to twice their annual rate of personal leave
- e. At the discretion of the City Manager FLSA exempt staff, specifically Department Directors may accrue up to 100 additional hours over the allowable maximum. The City Manager may buy down leave within the constraints of the budget.

- f. If an employee is receiving benefits from the worker compensation insurance carrier, the employee is required to utilize 40 hours of personal leave for regular employees and 24 hours for shift Firefighter personnel; after which major medical leave will be used for the difference in salary between the worker compensation benefits and their base salary. An employee is eligible to continue to utilize leave under this program only for as long as they comply with required policies/procedures. Failure to comply with these policies/procedures will cause the benefits received under this program to be revoked.
  - g. Upon termination of employment, an employee shall be paid for any unused personal leave at the rate of pay the employee was receiving just prior to leaving employment with the City. Accumulated major medical leave is forfeited upon termination of employment. Any employee who terminates employment before the end of a pay period will not earn any paid leave for that pay period.
  - h. Temporary or Part-time employees are not eligible to accrue paid leave.
3. Personal/Major Medical leave is charged against the employee only for regular workdays the employee is off. If an employee's absence falls on a scheduled day off or a holiday that time is not charged to paid leave. The minimum charge to any of these leaves is thirty minutes.

An employee who returns to work on a part-time status after any injury or illness, defined as any work day less than eight (8) hours, (or 24 hours if the employee is a firefighter), may utilize the appropriate type of leave (to include major medical leave) to make up the difference between a full week and the hours actually worked.

- 4. Prior supervisory approval to use paid leave is required unless an absence from work is the result of an unforeseen emergency, illness, or injury.
- 5. City employees who are ill or have an emergency and are unable to work are responsible for notifying their Department Director or supervisor one (1) hour in advance of the start of the work period. Police and Fire Department personnel must notify their Department Director, supervisor, of their absence at least three (3) hours in advance of their normal duty hours.
- 6. An employee who is on a paid leave status for a period in excess of 90 days will not be eligible to accumulate paid leave beyond the 90<sup>th</sup> day of absence.
- 7. An employee who is absent due to illness or emergencies on a frequent or predictable basis may be required by the Department Director to submit verification of the reasons for the absence from a licensed physician. Abuse of the paid leave

system may subject an employee to disciplinary action. Each Department Director is responsible for establishing internal policies/procedures designed to prevent the abuse of paid leaves.

## 8. Major Medical Leave Provisions

- a. To use major medical leave, an employee must be on personal leave, and/or leave without pay because of injury, illness and/or an FMLA qualifying event for forty (40) consecutive hours for regular full-time employees and twenty-four (24) hours for Shift Firefighter personnel.
- b. An employee who has met the requirements for using major medical leave and returned to work but again has to be off because of the same injury or illness within thirty (30) calendar days will need no additional qualifying time to continue using major medical leave.
- c. Major medical leave accrual is capped at 1040 hours for all applicable employees. For a Shift Firefighter, it may be accumulated up to four times the annual rate for annual leave.
- d. Effective October 1, 2016, Firefighter personnel will no longer receive long-term leave. Those that have accumulated long term leave will be able to utilize it as major medical leave.

## 9. Paid Leave Accruals

### Personal Leave for Regular Full-time Employees

| Years With the City    | Hours Per Pay Period | Estimated Days per Year |
|------------------------|----------------------|-------------------------|
| 6 months thru 5 years  | 5.23                 | 17                      |
| 6 years thru 10 years  | 5.84                 | 19                      |
| 11 years thru 15 years | 6.77                 | 22                      |
| 16 or more years       | 8.30                 | 27                      |

### Personal Leave for Shift Firefighter Personnel

| Years With the City    | Hours Per Pay Period | Estimated Shifts per Year |
|------------------------|----------------------|---------------------------|
| 6 months thru 5 years  | 5.54                 | 6                         |
| 6 years thru 10 years  | 7.38                 | 8                         |
| 11 years thru 15 years | 9.23                 | 10                        |
| 16 or more years       | 11.08                | 12                        |

### Major Medical Leave for Regular Full-time Employees

| Years With the City    | Hours Per Pay Period | Estimated Days per Year |
|------------------------|----------------------|-------------------------|
| 6 months thru 5 years  | 3.70                 | 12                      |
| 6 years thru 10 years  | 3.70                 | 12                      |
| 11 years thru 15 years | 3.70                 | 12                      |
| 16 or more years       | 3.70                 | 12                      |

### Major Medical Leave for Shift Firefighter Employees

| Years With the City    | Hours Per Pay Period | Estimated Shifts per Year |
|------------------------|----------------------|---------------------------|
| 6 months thru 5 years  | 4.25                 | 4.5                       |
| 6 years thru 10 years  | 5.31                 | 5.5                       |
| 11 years thru 15 years | 6.37                 | 6.9                       |
| 16 or more years       | 8.49                 | 9                         |

### 10. Military Leave

A regular employee who is a member of the National Guard or any reserve component of the Armed Forces of the United States, when ordered or authorized by the proper authority, is entitled to a leave of absence in accordance with applicable state and federal laws without loss of time, efficiency rating or accrued benefits. The city provides a military leave bank in order to track the hours. Employees who work a 40-hour work week are given 120 hours and employees who work 24 hour shifts are given 360 hours. After the use of military leave the employee is eligible to utilize partial or all personal, major medical or accrued comp time. Department Directors will inform the City Manager of any employees within their respective departments entitled to military leave and its expected duration.

### 11. Leave for Jury Duty

- a. Regular employees are entitled to leaves of absence with pay when required to render Jury or Court Service. An employee on leave for Jury Duty will be paid for the duration of the Jury or Court Service regardless of the time involved, provided the service is rendered under proper summons from a City, County, State, or Federal Court.
- b. When an employee is a court witness on behalf of the City of Leon Valley, he or she is not to accept any fees for this service. When an employee is on jury duty or is involved in private litigation in an official capacity, the employee may collect all amounts authorized.
- c. If an employee is on annual leave when required to serve on jury duty or appear as a witness, the time actually spent in court will be charged to "Leave for Jury Duty"

### 12. Death Leave with Pay

Regular employees are entitled to receive Emergency Leave with Pay due to a death in their immediate family (defined as: husband, wife, children, mother, father, mother-in law, father in law, brother, sister, grandparents, and grandchildren). This type of leave is limited to five (5) working days per occurrence or two (2) shifts for shift firefighters, unless otherwise approved by the City Manager.



### 13. Administrative Leave with Pay

Administrative absence with pay shall be granted to City employees by Department Directors for the following reasons: (1) to vote or register in an election or referendum in the community; (2) to donate blood; (3) to attend conferences; (4) to represent the City or Department at meetings relating to matters of concern of the City or Department, with the approval of the City Manager; and (5) to attend public relations events beneficial to the City with the approval of the City Manager.

### 14. Leave Without Pay

- a. Regular employees are entitled to leave without pay for any legitimate purpose that is in the best interest of the City. Leave without pay for more than one day and less and then ten days must be approved by the Department Director; leave without pay in excess of ten days requires approval from the City Manager. Any leave without pay requested under the Family and Medical Leave Act (FMLA) is governed by Article Seven, Section III, 15.
- b. No leave will be granted in excess of thirty days except in accordance with applicable City, State, or Federal guidelines.
- c. As a disciplinary action, an employee may be required to take leave without pay for violations of rules and regulations, with the approval of the City Manager.

### 15. Family Medical Leave

- a. An employee who has been employed by the City for at least 12 months and has completed at least 1,250 hours of work with the City within the previous 12 month period will be entitled to 12 weeks of unpaid leave in accordance with the Family and Medical Leave Act. (FMLA).
- b. An employee whose job is considered to be critical for the operations of the City and is in the top ten percent (10%) of the City's paid employees is only eligible to utilize this leave with the approval of the City Manager.
- c. An employee who utilizes this leave and who has any type of dependent insurance coverage of supplemental insurance will be required to continue to pay for the coverage(s). Failure to pay for the coverage(s) could result in the coverage(s) being terminated.
- d. An employee who is out on FMLA leave and who has exhausted all applicable types of sick leave – (major medical, sick leave or long term leave) must also use their personal leave, annual leave, compensatory time or holiday leave in lieu of unpaid FMLA leave.

## **Section IV - Insurance Benefits**

### 1. Group Insurance

- a. The City, as it deems appropriate, within budget limitations, may provide basic life, medical, and dental insurance to its regular full-time employees. Each regular full-time employee, upon entering service of the City, automatically becomes a member of the group insurance plan if they wish to. The effective date of coverage is determined by the contract the City maintains with the insurance providers.
- b. Under the provisions of COBRA, the option of continuing coverage under the City's group or health insurance is provided to eligible employees and their eligible dependents. The rights allowed under COBRA are defined in the City of Leon Valley's Health Insurance Booklet and are also available through information provided by the Health Insurance Broker. Employees are encouraged to seek out this information if they are unsure of their rights under this law.
- c. The group insurance program may be revised from time to time by the City. Benefit provisions shall be those specified in the current contract of insurance and shall be outlined in brochures issued to each member of the group insurance plan.
- d. It is the employee's responsibility to notify the City of any qualifying event which may affect their insurance benefit coverage.

### 2. Worker's Compensation Insurance

All City employees are covered under Worker's Compensation Insurance for the on-the-job injuries. Benefits provided under this insurance arrangement are in accordance with applicable State laws and with the special rules, regulations and requirements of the City's Worker Compensation Insurance carrier.

## **Section V - Retirement Benefits**

1. Texas Municipal Retirement System – The City of Leon Valley is a member of the Texas Municipal Retirement System (TMRS). Membership in this retirement system is mandatory for all regular full-time employees at date of employment. The employee's contribution to the system is seven per cent (7%) of gross salary. The City matches the employee's contribution on a percentage determined by the City Council. Employees who leave City employment prior to retirement, will upon request, be refunded their portion of the retirement account plus interest earned on their portion. Employees who have ten (10) years or more vested and are terminating employment

prior to retirement age may leave their funds on deposit until they reach retirement and derive full benefit from both their contribution and the City's contribution.

Retirement benefits are determined by a formula that involves age at the time of retirement and the amount deposited in the employee's account. An employee may retire if he or she has ten (10) years of service and reached age sixty (60) or has twenty years (20) or more of service regardless of age.

## 2. Other Retirement Programs

The City offers its employees other optional retirement and savings programs. These programs are outlined in separate brochures and are available to employees from the Human Resources Office.

## **Section VI - Job Enrichment Program**

To meet individual and organizational needs, the City will provide training and development opportunities to encourage performance, prepare employees for new or increased responsibilities, extend opportunity for growth and development and provide promotional opportunities for the most qualified individuals.

All records maintained by the Human Resource Office in connection with the performance of individual employees shall be considered confidential. Access to performance records is limited to the employee, his/her immediate supervisor, the Department Director and individuals authorized by the City Manager.

## **ARTICLE EIGHT SAFETY AND SECURITY**

### **Section I - Safety Responsibility**

1. The City Manager is responsible for ensuring that safe working conditions are maintained throughout the City and its work areas. Within the limits of the job, each Department Director and supervisor shall strive to provide safe, clean surroundings in all places of employment under his/her jurisdiction.
  - a. Supervisors shall instruct all employees in their Department against the use of unsafe equipment and unsafe work methods; shall require development and observance of safety habits and shall expedite removal and/or correction of safety hazards
  - b. Department Heads and all immediate supervisors shall give attention to preventing accidents and promoting safety. They shall emphasize the importance of safety to City Employees, train them in correct work procedures and shall, by their own actions, set a good example at all times. Accident prevention and safety training will occur on a regular or an as needed basis.
  - c. All supervisors have a responsibility to be on the alert for any condition or practice that might jeopardize the safety of employees or the public.
  - d. All supervisors shall be on the alert for and attempt to prevent any overt act which may endanger the employee or the safety of others.
  - e. Employees are required, as a condition of employment, to observe all safety regulations and requirements given verbally or in writing by their supervisors. Each employee in addition to guarding their own safety and the City's property shall do everything possible to safeguard fellow workers and other people affected by their work.
  - f. It shall be the duty and responsibility of operators of motor equipment to report to their supervisor any defect in their mechanical equipment when it occurs and to use every precaution to prevent additional property loss, expense, or recurrence of such condition. A log shall be maintained of motor equipment by the department's fleet representative that should include regular maintenance, defects and failures.
  - g. Operators of motorized equipment of the City of Leon Valley who violate these regulations or become involved in any accident will be subject to disciplinary action if after proper investigation, it is determined that the

employee was responsible for such action or through carelessness or recklessness that the employee contributed to the cause of the accident.

- h. Employees who operate City vehicles or are reimbursed for using their own vehicle for City business shall be responsible for keeping the state required driver's license current and valid and shall maintain a safe driving record both on and off duty. Employees are also required to maintain minimum insurance coverage on their personal vehicles as required by the State of Texas. Any employee found to be operating a City vehicle or their own vehicle on City business which violates policy as established by the City Manager regarding minimum driving standards is subject to disciplinary action up to and including termination.
- i. The security of City Hall and all other City property is the direct responsibility of the Chief of Police.
  - i. No persons other than authorized employees and officials are to be allowed unsupervised in City Hall or other city facilities after normal business hours.
  - ii. Employees working after hours are responsible for informing on duty police department personnel that they are in the building.
  - iii. All employees are responsible for locking their respective offices and exterior doors and their respective work areas.
  - iv. All employees shall lock their computers, turn off lights (except designated or safety emergency lights) prior to leaving for the duty day.
  - v. All Department Directors shall develop an evacuation plan in the event of a fire or other incident that requires immediate evacuation. This plan will be exercised on a biannual basis by the Emergency Management Coordinator.
  - vi. The Police Department will train all City employees on the latest active shooter response techniques. This response will be exercised at least annually by the Emergency Management Coordinator.
  - vii. Violations of this section are to be reported to the Chief of Police.

