

CITY OF SOUTHLAKE



EMPLOYEE HANDBOOK

INTEGRITY | INNOVATION | ACCOUNTABILITY | COMMITMENT TO EXCELLENCE | TEAMWORK



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SECTION 1: ADMINISTRATION AND GENERAL INFORMATION





SECTION 1 - ADMINISTRATION AND GENERAL INFORMATION

101 PURPOSE

- 101.01 **General.** The purpose of this Employee Handbook is to provide for the proper administration of the affairs of the city and to provide a reference for employees about what is expected of the employee and what the employee can expect from the city as an employer.
- 101.01.01 Role of City Employees. The purpose of city government is to serve the community. Employees of the city are public employees, subject to public scrutiny, with a responsibility to the people, businesses and visitors of Southlake. The quality of service provided by the city to the people of Southlake depends upon the quality of the city's workforce. Thus, the strength and future of the community depends, in large part, upon employee contributions, that is, employee conduct on the job and the way employees perform their duties. Contact employees may have with the public are often the only basis on which the city government is judged.
- 101.01.02 Applicability. All policies and procedures contained within this handbook shall apply to all employees, unless otherwise indicated, restricted by proper authority, or prohibited by state or federal law. All employees are charged with the responsibility of being thoroughly familiar with all provisions of this handbook.
- 101.01.03 Any statement within a policy or procedure found to be illegal, incorrect, and/or inapplicable shall not affect the validity and intent of the remaining content of said policy and procedure. Titles utilized shall not govern, limit, modify or affect the scope of meaning or intent of any provision.
- 101.02 **Responsibilities.**
- 101.02.01 Each Department Director, manager and supervisor is responsible for enforcing the provisions of the Employee Handbook and ensuring the policies and procedures are fairly administered and equitably enforced.
- 101.02.02 City employees are responsible for complying with and adhering to the Employee Handbook, all rules of their department and to the directions provided by departmental management in the fulfillment of city personnel policies, and all other city rules, policies, ordinances, the City Charter, and the laws of the State of Texas and the United States.
- 101.02.03 It is the responsibility of each employee to read, retain, understand, and update his/her Employee Handbook when provided with applicable revisions and additions.
- 101.03 **Administration.** The employee policies established herein are intended to cover all employees of the City of Southlake except where otherwise provided by the Charter of the City of Southlake. The Director of Human Resources, under the direction of the City Manager, shall administer the employee policies. Questions about employee policies should be directed to a department supervisor, department director, or to Human Resources. The Director of Human Resources shall

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monitor these policies and shall make a good faith effort to ensure compliance not only with the letter but also with the spirit of the objectives set forth in these policies.

- 101.04 **Changes to Policies.** The City Manager shall authorize changes in the format of the Employee Handbook as necessary for clarification or proper administration. The City Manager may change or amend the provisions of the policies within the Employee Handbook as deemed necessary for the proper administration of the affairs of the city. No City of Southlake supervisor or employee is authorized to modify this handbook or make exceptions to policies for any employee or to enter into any agreement, oral or written.
- 101.04.01 Policy changes having financial implications to the city are subject to the approval of the City Council as per City Charter, Section 4.14(a)(10).
- 101.05 **Policy Distribution and Availability.** It is the responsibility of the Director of Human Resources to ensure that each employee receives a copy of the Employee Handbook at his/her initial employment orientation.
- 101.05.01 The Director of Human Resources will ensure the most current version of the Employee Handbook is available on the city's website www.CityofSouthlake.com and in the Human Resources office.
- 101.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

102 STRATEGIC MANAGEMENT SYSTEM AND VALUES

- 102.01 **Strategic Management System.** In the City of Southlake, results and accountability are driven by a Strategic Management System. Strategic management is a systematic approach to organizational improvement through an ongoing process of establishing strategic performance objectives, measuring performance, and using that data to drive improvement. For more information about the city's Strategic Management System please contact a department director, Human Resources or the City Manager's Office.
- 102.02 **Core Values.** Underlying the Strategic Management System is a set of core values which reflect the principals and standards by which the organization exists and operates. All city staff members are required to adhere to these value statements. The city's core values are as follows:
- 102.02.01 Integrity – Being worthy of the public's trust in all things. We deal honestly and respectfully with each other and the public at all times. Do the right thing.
- 102.02.02 Innovation – Valuing progressive thinking, creativity, flexibility and adaptability in service delivery. Think outside the box.
- 102.02.03 Accountability – Taking personal responsibility for our actions or inaction while putting the interests of the taxpayer first. Own it.

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102.02.04 Commitment to Excellence – Behaving responsibly in our delivery of service to the public. Our work is characterized by its quality and by the diligence with which it is carried out. We proactively seek to solve problems in advance. Go above and beyond.

102.02.05 Teamwork – Recognizing the importance of working together to meet our citizen’s needs, communicating clearly, sharing resources and information freely. Work together.

102.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

103 AT WILL EMPLOYMENT

103.01 The policies and procedures set forth in this Employee Handbook are general guidelines only and none of its provisions are binding or contractual in nature. Employment with the city is “at-will,” meaning that employment may be terminated at any time, with or without notice, for any reason or no reason, by either the city or the employee. No verbal statements or promises made by anyone at the time of hire or thereafter contrary to this policy are binding on the city in any manner.

103.02 This Employee Handbook does not guarantee employment for any specific period of time. Either the city or the employee may end this relationship at any time, with or without cause, notice or reason. No department director, supervisor, or representative other than the City Manager has the authority to enter into any agreement guaranteeing employment for any specific period of time or to make any written or oral promises, agreements, or commitments contrary to this policy. Further, any employment agreement entered into by the City Manager will not be enforceable unless it is in writing and, when required, approved by the City Council.

103.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

104 PERSONNEL RECORDS

104.01 **Retention and Inspection.** Human Resources shall maintain the official personnel file for each employee and shall retain those records in accordance with the city’s records retention schedule. An employee’s personnel file is available for inspection by appointment in the Human Resources office by that employee and/or the employee’s immediate supervisor, manager, Deputy Director, Director, Assistant City Manager, or the City Manager. Personnel files of employees are the property of the city, and access to the information they contain is restricted. However, the information contained in an employee’s personnel file may be subject to disclosure in accordance with the Texas Public Information Act.

104.02 **Information Update.** Each employee shall report to Human Resources within thirty (30) days any change in name, address, telephone number, and family status (births, deaths, marriage, divorce, legal separation, and change in dependents). This information will be added to the employee’s personnel file.

SECTION 1 - ADMINISTRATION AND GENERAL INFORMATION

- 104.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

105 DEPARTMENTAL POLICIES

- 105.01 **General.** Each Department Director, with the approval of the Director of Human Resources, may develop and implement departmental policies, procedures, codes of conduct, practices, rules and regulations which are separate from, or in addition to, the personnel policies contained within the Employee Handbook as long as they are not in conflict with the policies and procedures within this Employee Handbook. All such departmental rules/policies may be more restrictive, but not less restrictive than city personnel policies. In the event of any conflict or incompatibility between departmental policies and the city's personnel policies, the city's personnel policies shall control. Department Directors shall review departmental policies and correct any inconsistencies, conflicts, or incompatible provisions with the city personnel policies, and future amendments to city personnel policies.
- 105.02 Copies of departmental policies shall be on file in Human Resources and distributed to all affected employees. It is the responsibility of the issuing department to distribute the policy to affected employees and enforce the policy.
- 105.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

106 STANDARD OPERATING PROCEDURES (SOPs)

- 106.01 **General.** Standard Operating Procedures (SOPs) are detailed, written instructions to achieve uniformity of the performance of a specific function. In the event of any conflict or incompatibility between SOPs and the City's personnel policies, the city's personnel policies shall control. Citywide SOPs and individual department SOPs are stored on the city's computer system. These SOPs are available to any employee with access to a city computer terminal/network. Employees without access to the city's computer network shall be able to obtain copies of city SOPs and/or department SOPs from their immediate supervisor.
- 106.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.



SECTION 2:
FEDERAL AND STATE
EMPLOYMENT LAWS AND
REGULATIONS





SECTION 2 - FEDERAL & STATE EMPLOYMENT LAWS AND REGULATIONS

201 AMERICANS WITH DISABILITIES (ADA)

- 201.01 **Policy.** The City of Southlake is committed to complying fully with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act (ADAAA), and ensuring equal opportunity in employment for qualified individuals with disabilities. The city does not discriminate against qualified individuals with disabilities (as defined in the Act) who are able to perform the essential functions of a job, with or without reasonable accommodations. “Essential Functions,” as defined in the Act, are the fundamental job duties for the position. The city will not deny equal employment opportunities to qualified individuals seeking reasonable accommodations.
- 201.02 **Applicability.** This policy applies to any individual offered employment with the City of Southlake and requesting a reasonable accommodation, or any individual currently employed who seeks a reasonable accommodation in order to fulfill the essential functions of the employee’s position with the city.
- 201.03 **Designation.** The Deputy Director of Human Resources shall be the designated ADA Coordinator and shall be responsible for coordination and implementation of the city’s policies prohibiting disability discrimination and providing employees with reasonable accommodations.
- 201.04 **Requests for Accommodations.**
- 201.04.01 Procedure for Prospective Employees. A prospective employee is an applicant for employment with the city who satisfies the requisite skill, experience, education and other job-related requirements of the employment position sought, and who has been offered conditional employment with the city. Prospective employees may request reasonable accommodations following acceptance of a formal job offer. Prospective employees seeking reasonable accommodations shall contact the ADA Coordinator to request accommodations. The request shall state why the individual believes the accommodation is necessary, the expected duration of the requested accommodation, and what reasonable accommodation is sought.
- 201.04.02 Procedure for Employees. Employees with qualifying disabilities may request reasonable accommodations to perform essential job functions. Employees seeking reasonable accommodations shall contact the ADA Coordinator to request accommodations. The request shall state why the individual believes the accommodation is necessary, the expected duration of the requested accommodation, and what reasonable accommodation is sought.
- 201.04.03 Medical Certification. When an individual seeks accommodation, the city may request written documentation from any relevant professional who has knowledge of the employee’s condition describing the impairment; the nature, severity and duration of the impairment; the activities that the impairment limits; and the extent to which the impairment limits the employee’s ability to perform certain activities. If the city requests documentation, and the individual seeking accommodation does

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not provide the documentation or it is incomplete, the city may require that the individual go to a health professional of the city's choice, at the city's expense.

201.05 **ADA Coordination.**

201.05.01 Options Conference. Within ten (10) business days of receiving a request from an employee or prospective employee for a reasonable accommodation, an ADA Options Conference shall be held with the individual, the ADA Coordinator, and the individual's supervisor (or potential supervisor) to discuss the request.

201.05.02 ADA Eligibility. Following the ADA Options Conference, the ADA Coordinator shall determine if the individual is a qualified individual with a disability, as defined by the ADAAA. The ADA Coordinator shall notify the individual in writing regarding ADA eligibility.

201.05.03 ADA Offer. The ADA Coordinator shall issue a written response within ten (10) business days to the individual regarding the requested accommodation and the reasonable accommodations to be provided. The ADA Coordinator shall consider the preferences of the individual when selecting possible accommodations; however, the city has the discretion to choose between effective accommodations.

201.05.04 Offer Response. The individual shall have ten (10) business days to accept or reject an offer of reasonable accommodation. If the individual does not respond, the city will assume the offer is rejected.

- i. If an offer of reasonable accommodation is rejected, the ADA Coordinator, the individual requesting accommodation, and supervisor shall conduct one additional ADA Options Conference to discuss the case within ten (10) business days of the rejection. The ADA Coordinator shall issue a written response to the individual within ten (10) business days of the second ADA Options Conference.

201.05.05 Appeal. If the ADA Coordinator denies a request for reasonable accommodation or determines an individual is not a qualified individual with a disability as defined by the ADA, the individual may file an appeal in accordance with *Section 8, Policy 802 - Employee Grievance and Appeals*.

201.05.06 Extension. The ADA Coordinator may extend the deadlines for any step within the ADA Coordination process by notifying the employee in writing.

201.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

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202 BREASTFEEDING SUPPORT POLICY

202.01 **Purpose.** As part of our family-friendly policies and benefits, the City of Southlake supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

202.02 **Accommodation for Lactating Mothers.** For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk.

All women who breast feed their child and who need to express milk during the working day shall work with their supervisor and Human Resources to determine how best to accommodate the needs of the mother while still accomplishing the performance of her job.

Breaks of more than 15 minutes in length shall be unpaid, and the employee should indicate this break period on her time record. Employees may substitute accrued vacation and/or compensatory leave for the unpaid time. Should the employee perform any work while expressing breast milk, the time shall be compensated.

202.03 **Discrimination and Retaliation.** The city shall not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted her right to express breast milk in the workplace. Discrimination and retaliation are strictly prohibited.

202.04 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

203 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

203.01 On April 7, 1985 the COBRA law was enacted requiring the city to offer employees and their families the opportunity for temporary extension of medical benefits coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end; i.e. employee's resignation, termination, or reduction in hours of employment; death of spouse, termination of spouse's employment, or reduction in spouse's hours of employment; divorce or legal separation; spouse becomes eligible for Medicare; or any other qualifying reason as defined by COBRA.

203.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

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204 EQUAL EMPLOYMENT OPPORTUNITY

204.01 **Policy.** It is the policy of the city to provide equal employment opportunity to all employees and applicants for employment. The city realizes that equal employment opportunity benefits the city and its employees through the full utilization of all human resources.

The city has and will continue to provide equal employment opportunity to all qualified persons and reaffirms its commitment that there shall be no discrimination against, or harassment of, applicants or employees because of race, color, sex, religion, national origin, age, genetic information, disability, veteran status or any other protected status. The city shall continue to recruit, hire, promote, transfer, take corrective action and make all personnel decisions, including those related to compensation and benefits, non-discriminately and in accordance with applicable law. Further, the city will make reasonable accommodations for qualified applicants and employees with known disabilities who can perform the essential job functions with or without such accommodations.

204.02 **Responsibility.** The city requires all employees to bring to the city's attention any information regarding any incident of possible discrimination or harassment so that the matter can be investigated and appropriate action taken. Violations of the city's policy will result in corrective action and/or dismissal.

204.03 **Complaints.** Any employee who feels discriminated against or subjected to unlawful harassment may file a complaint in accordance with *Section 5, Policy 512 – Workplace Conduct Policy*.

204.04 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

205 FAIR CREDIT REPORTING ACT

205.01 The Fair Credit Reporting Act (FCRA) requires employers utilizing consumer reports for employment purposes to:

205.01.01 Notify applicants, in writing, that a consumer report may be obtained. A written authorization of the applicant or employee is required prior to requesting the report.

205.01.02 Before rejecting an applicant or taking other adverse action, provide the applicant or employee a notice that includes a copy of the consumer report relied upon in making the decision and notice of their rights under the Act.

205.01.03 After adverse action is taken, notify the applicant or employee that the adverse action is taken based on the consumer report.

For more information on the FCRA, contact Human Resources.

205.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

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206 FAIR LABOR STANDARDS ACT (FLSA)

206.01 The city complies with the Fair Labor Standards Act (FLSA). The FLSA established minimum wage, overtime, record keeping and child labor standards and applies to all full-time and part-time employees. The FLSA provides the option for compensatory time in lieu of overtime compensation for non-exempt employees.

Refer to *Section 6 – Wage and Salary Administration* for additional information.

206.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

207 FAMILY MEDICAL LEAVE ACT (FMLA)

207.01 **General.** The City of Southlake shall provide authorized leave for family and medical reasons to eligible employees in accordance with the provisions of the Family Medical Leave Act of 1993. The purpose of this policy is to enable eligible employees to take absences from work for up to twelve (12) weeks during a 12-month period for new child leave; for medically-related reasons due to a serious health condition regarding self, spouse, child or parent; or for a qualifying exigency arising from a call to active duty. This policy will also enable eligible employees to take absences from work for up to twenty-six (26) weeks during a single 12-month period to care for an injured or ill service member.

FMLA is enforced by the Wage and Hour Division of the U.S. Dept. of Labor. This agency investigates complaints of violations. For information on how to file a complaint, contact the Wage and Hour Division. To locate the nearest Wage-Hour Office, telephone their toll-free information and help line at 1-866-487-9243.

207.02 **Eligibility Requirements and Leave Entitlement.**

207.02.01 An employee is eligible for FMLA Leave if the employee has at least 12 months of service and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 12 months of service need not be consecutive months. However, prior service which occurred more than seven years prior to the request for leave will not be considered in determining whether an employee worked for the city for at least 12-months.

207.02.02 FMLA entitles eligible employees to as much as 12 weeks of unpaid leave of absence for the following five reasons:

- i. The birth of a child, to care for that child.
- ii. The placement of a child for adoption or foster care.
- iii. The serious health condition of the employee's spouse, child or parent.

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- iv. The employee's own serious health condition.
- v. The employee's spouse, son, daughter, or parent is a member of any branch of the Armed Services and is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

207.02.03 Leave for an injured or ill service member. An eligible employee is entitled to take 26 work weeks of leave during a single 12-month period for the employee to care for a spouse, child, parent or next of kin who is a service member undergoing medical treatment, recuperation, or therapy, is on out-patient status, or is on the temporary disabled retired list for injury or illness. Any leave taken pursuant to Section 207.02.02 above will reduce the amount of leave available to an employee by this Section 207.02.03.

207.02.04 An employee who takes FMLA leave must substitute and exhaust accrued sick leave, vacation leave, and any other accrued leave with pay, including compensatory leave, before beginning leave without pay status.

207.02.05 FMLA leave shall run at the same time as leave taken by an employee as workers' compensation leave if the injury meets the criteria for a serious health condition.

207.02.06 If a husband and wife are both employed by the city, the combined total leave is limited to 12 work weeks during any 12-month period, if the leave is taken for:

- i. The birth of a child, to care for that child.
- ii. The placement of a child for adoption or foster care.
- iii. The care of a seriously ill parent.

207.02.07 If a husband and wife are both employed by the city, the combined total leave is limited to 26 work weeks during a single 12-month period, if the leave is taken to care for an injured or ill service member.

207.03 **Leave Calculations.** The 12-month period during which an employee is eligible for FMLA leave will be measured forward from the date the employee takes the first day of FMLA leave.

Entitlement to FMLA leave for the birth of a child or the adoption of a child expires at the end of the 12 month period beginning on the date of the birth or placement of the child.

207.04 **Intermittent Leave.**

207.04.01 FMLA leave may also be taken on an intermittent or reduced leave schedule.

207.04.02 If an employee requests intermittent leave or reduced schedule leave that is foreseeable based on planned medical treatment, the city may require the employee transfer

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temporarily to an available alternative position for which the employee is qualified and that:

- i. Has equivalent pay and benefits; and
- ii. Better accommodates recurring periods of leave than the regular employment position of the employee.

207.05 **Responsibilities of Employee for FMLA leave.**

- 207.05.01 When the necessity for FMLA leave for the birth or placement of a child is foreseeable because of an expected birth or placement, the employee shall provide his/her Department Director or Human Resources with notice of the employee's intention to take FMLA leave not less than thirty (30) days before the date leave is to begin. If the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide notice as soon as practical.
- 207.05.02 When the necessity for FMLA leave for the serious health condition of the employee's family member, the employee's own serious health condition, a qualifying exigency related to a call to active duty, or to care for an injured or ill service member is foreseeable because of planned medical treatment or qualifying exigency, the employee:
- i. Shall make a reasonable effort to schedule the treatment so as to not disrupt unduly the operations of the city, subject to the approval of the health care provider; and
 - ii. Shall provide Human Resources with not less than thirty (30) days' notice before the date the leave is to begin; except, that if the date of the treatment or qualifying exigency requires the leave to begin in less than thirty (30) days, the employee shall provide the notice as soon as practical.
- 207.05.03 When an employee takes paid or unpaid leave for a reason that qualifies for FMLA leave, the employee shall include in the notice or request given to the department director or Human Resources, a description of the reason for the leave.
- 207.05.04 An employee giving notice for, or requesting paid or unpaid leave, does not need to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee has met the obligation of giving notice.
- 207.05.05 Requirement to Notify of Absence – in the absence of unusual circumstances, nothing herein excuses an employee from complying with the requirement to timely notify his or her supervisor of an absence.

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207.06 **Responsibilities of Employer for FMLA leave.**

- 207.06.01 Eligibility Notification to Employee. Within five (5) business days of receipt of notice from an employee requesting leave, Human Resources shall notify the employee of the employee's eligibility to take FMLA leave and the employee's rights and responsibilities for taking FMLA leave.
- 207.06.02 Designation Notification to Employee. Human Resources shall notify the employee within five (5) business days of receipt of enough information to determine whether the leave qualifies for FMLA.

207.07 **Medical Certification and Documentation.**

- 207.07.01 Documentation for Leave Due to Medical Condition. The city may require medical certification from a health care provider to support a claim for leave for the following:
- i. For the employee's own serious health condition,
 - ii. To care for a seriously ill child, spouse or parent,
 - iii. To care for a service member, or
 - iv. For leave for a qualified exigency.

Medical certifications must be returned to Human Resources within fifteen (15) working days. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. For leave to care for a seriously ill child, spouse, or parent, qualified service member or qualified exigency the certification must include an estimate of the amount of time the employee is needed to provide care.

The city does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the city; the city will return it to the health care provider and not use genetic information for any employment decision or action.

- 207.07.02 Incomplete or Insufficient Certifications. If the city determines that a medical certification provided for leave is incomplete or insufficient, the city will provide the employee with seven (7) calendar days to cure any deficiency. If the deficiency is not cured, the city has the right to deny FMLA leave. Even if the employee submits a complete certification, the city may contact the health care provider for purposes of clarification and authentication of the medical certification. Any contact with a health care provider will be made only by a health care provider, the Director of Human Resources or designated human resources professional, or the City Manager and, when necessary, upon receipt of a HIPAA authorization provided by the employee.

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If an employee refuses to provide a necessary HIPAA authorization and does not otherwise clarify the certification, the city may deny FMLA leave.

207.07.03 Second Opinion. If the city has reason to doubt the validity of the certification provided, the city may require, at the expense of the city, the employee obtain the opinion of a second health care provider designated or approved by the city. A health care provider designated or approved under this paragraph may not be employed on a regular basis by the city.

207.07.04 Third Opinion. If the second opinion described differs from the opinion in the original certification, the city may require, at the expense of the city, the employee obtain the opinion of a third health care provider designated or approved jointly by the city and the employee. The opinion of the third health care provider concerning this information is final and binding on the city and the employee.

207.07.05 If an employee submits a complete and sufficient certification in support of his or her leave because of a qualifying exigency, and the qualifying exigency involves meeting with a third party, the city may contact the individual or entity with whom the employee is meeting for purposes of verifying the meeting or appointment schedule and the nature of the meeting. The city may also contact an appropriate unit of the Department of Defense to request verification that a covered military member is on active duty status.

207.08 **Health Benefits.**

207.08.01 Continuation of Benefits. The city will provide health benefits to an employee while on FMLA leave at the level and under the conditions that would have been provided if the employee had continued in employment for the duration of the leave. If the employee exhausts accrued leave and enters a leave without pay status, the employee will be responsible for paying the employee portion of benefit and/or insurance premiums. Failure to pay those premiums may result in loss of coverage.

207.08.02 Recovering Costs of Benefits. The city may recover the cost the city paid for the employee's health benefits during the period of paid leave if:

- i. The employee fails to return to work after the period of leave to which the employee is entitled has expired; and
- ii. The employee fails to return to work for a reason other than:
 - a) The continuation, recurrence, or onset of the employee's own serious health condition, the serious health condition of a family member or a service member or
 - b) Other circumstances beyond the control of the employee.

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207.09 **Delay or Denial of FMLA Benefits.**

207.09.01 The city may delay or deny the taking of FMLA leave under the following circumstances:

- i. If an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, FMLA leave may be delayed until thirty (30) days after the date the employee provides notice to the city of the need for FMLA leave;
- ii. If an employee fails to provide, in a timely manner, a requested medical certification to substantiate the need for FMLA leave, fails to provide clarification, cooperate in the city's efforts to seek clarification or the continuation of FMLA, leave may be delayed or denied;

207.10 **Return to Work.** Before reporting back to work following an FMLA absence due to the serious health condition of the employee, the employee must provide, when requested on the designation notice, a written release from the physician to Human Resources. Human Resources will contact the supervisor to release the employee to return to work.

If an employee fails to provide a requested fitness-for-duty certification to return to work which addresses the employee's ability to perform the essential functions of the employee's job, the city may delay restoration until the employee submits the certificate.

207.10.01 Full Duty Release. An employee may return to work unrestricted and resume normal job duties as set forth in the employee's job description upon receipt of a release completed and signed by the health care provider indicating full release and the final date of release from medical care.

207.10.02 Light Duty or Modified Duty Release. An employee who receives a release from his/her health care provider that contains any restrictions must follow *Section 7, Policy 711 - Modified Duty* to determine if modified duty is available.

If an employee fraudulently obtains FMLA leave, the city may deny job restoration or maintenance of health benefits.

207.11 **Separation of Employment.** If the employment relationship terminates, an employee's right to continued maintenance of health benefits and restoration to their position cease under FMLA.

207.12 **Coordination with Workers' Compensation.** Leave for a Workers' Compensation injury that also meets the definition of an illness or injury specific to the employee's own serious health condition, will be designated as FMLA Leave and run concurrently with Workers' Compensation Leave.

207.13 **Donation of Leave.** Employees who are eligible for FMLA, but have exhausted all paid leave, may request to receive donations of vacation or compensatory leave from other employees. Human Resources shall notify all employees when an eligible employee requests donated leave.

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207.13.01 Recipients:

- i. Must be eligible for and be on designated FMLA leave;
- ii. Must have exhausted all accumulated sick, vacation and compensatory leave;

207.13.02 Donors:

- i. Must be eligible to use their vacation leave to donate;
- ii. Must have accrued vacation and/or compensatory leave to donate;
- iii. Vacation or compensatory leave will be subtracted from the donor's vacation or compensatory leave balance during the pay period in which it is used by the recipient;
- iv. Are allowed to donate a maximum of 24 hours of vacation and/or compensatory leave to a recipient per FMLA instance.

207.13.03 Donations will be processed in the order in which they are received by Human Resources.

207.14 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

208 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

208.01 **Policy.** The Health Insurance Portability and Accountability Act (HIPAA) requires the City to ensure that all medical information regarding an employee is maintained in a confidential manner; and protects health insurance coverage for employees and their families when they change or lose their jobs. In compliance with this Act, the City maintains all medical information separate from all personnel files; and provides employees with notices regarding their rights to continued coverage and ensures the City health insurance providers comply with this Act.

It is the policy of the City to limit the use or disclosure of protected health information (1) only as permitted or required by the Privacy Rule, as described in the Notice of Privacy Practices; or (2) as authorized in writing by the individual who is the subject of the information.

208.02 **Applicability.** This policy applies only to those administrative functions by the City associated with health, dental, vision, prescription drug, and flexible spending account benefits provided by the City of Southlake. This policy does not apply to the responsibilities of the carriers that provide the City's health, dental, vision, prescription drug, and flexible spending benefit plans to comply with the Privacy Rule. Further, this policy does not apply to individually identifiable health information that is maintained by the City in its role as employer. For example, this policy does not apply to information learned during pre-employment or drug testing, in processing workers' compensation, or in complying with the Family Medical Leave Act. As such, the City is considered

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a “hybrid entity” under the provisions of the Privacy Rule, and this policy shall apply only to the health care components previously described.

- 208.03 **Safeguards.** The City will maintain reasonable and appropriate administrative, technical, and physical safeguards to protect the privacy of protected health information. These safeguards reasonably prevent the intentional or unintentional use or disclosure of protected health information and limit incidental use and disclosure of protected health information.
- 208.04 **HIPAA’s Effect on other Health Care Information.** Neither HIPAA nor this policy protect individually identifiable health care information required for life insurance, disability insurance, workers’ compensation, or employment records kept by the City in its capacity as an employer.
- 208.05 **Privacy Notice.** The Privacy Notice may be obtained by contacting Human Resources or by visiting the employee Intranet.
- 208.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

209 WHISTLEBLOWER ACT

- 209.01 **Policy.** It is the policy of the city to comply with the Texas Whistleblower Act. The Act states that “a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority.” Texas Government Code Ann. §554.002 (Vernon 1995).
- 209.02 **Appeal and Complaint Procedures.** Section §554.006 of the Texas Government Code states “A public employee must initiate action under the complaint or appeal procedures of the employing state or local governmental entity relating to suspension or termination of employment or adverse personnel action before suing under this chapter.”
- Refer to *Section 8, Policy 802 – Employee Grievance and Appeals* for information regarding appeals, complaints and grievances.
- 209.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.



SECTION 3:
APPLICATION AND INITIAL
EMPLOYMENT





SECTION 3 - APPLICATION AND INITIAL EMPLOYMENT

301 EMPLOYMENT APPLICATIONS

- 301.01 **General.** The city accepts employment applications for vacant positions approved in the budget.
- 301.02 **Retention.** Employment applications of candidates shall be maintained on file for the retention period specified by the city's retention schedule.
- 301.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

302 RECRUITING

- 302.01 **Vacancies.** Only those vacancies allocated in the annual budget or new positions authorized by the City Council or City Manager shall be filled.
- 302.02 **Qualified Applicants.** Recruitment is conducted in an effort to attract and select the candidate who best fits the vacancy while complying with all Federal, State, and local laws. Applicants will be evaluated for positions on the basis of the best overall fit and minimum job description requirements, including, but not be limited to: education, experience, skills and ability to meet the essential functions of the position.
- 302.03 **Disqualification from the Process.** An applicant may be disqualified from consideration for a position for many reasons, including, but not limited to the following:
- i. Does not meet the minimum qualifications necessary for performance of the duties of the position;
 - ii. Has made any false statement of fact on the application form (consideration will be given to the seriousness, willfulness, and applicability of the false information to the position sought);
 - iii. Has intentionally omitted information of fact on the application form (consideration will be given to the seriousness, willfulness, and applicability of the omitted information to the position sought);
 - iv. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
 - v. Is not legally permitted to hold the position; or
 - vi. Any other reasonable grounds relating to job requirements at any time in the process.
- 302.04 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

SECTION 3 - APPLICATION AND INITIAL EMPLOYMENT

303 PRE-EMPLOYMENT SCREENING AND CONDITIONAL OFFERS

- 303.01 **Pre-employment Screening.** Applicants selected for hire and provided conditional offers of employment will be required to successfully complete pre-screening requirements that may be deemed appropriate for the position. All pre-employment screening shall be conducted in accordance with applicable federal and state employment laws and will be kept confidential to the greatest extent possible.
- 303.01.01 Confidentiality of Medical Records. Unless required by law, all medical information obtained in an examination by a physician designated and paid for by the city shall be the property of the city. Unless otherwise required by law, all records are considered confidential and shall be maintained separate from all personnel files.
- 303.01.02 Unsatisfactory Background Checks. An applicant shall not be automatically disqualified from consideration for employment due solely to a background check. Factors that will be considered include:
- i. Nature and severity of the incident or issue;
 - ii. Time since the incident or issue occurred; and
 - iii. Nature of the position sought.
- 303.02 **Conditional Offer of Employment.** Human Resources shall coordinate any required pre-employment screening after a conditional offer of employment is made to the applicant. Upon successful completion of pre-employment screenings, Human Resources and the hiring department shall establish the hire date and inform the candidate.
- 303.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

304 RE-EMPLOYMENT

- 304.01 **Re-employment.** Consideration for re-employment of any former employee may be granted to those applicants who can demonstrate acceptable prior service. Employees who leave the employment of the city and are re-hired shall be treated as new hires in respect to their hire date, service, benefits, and longevity.
- 304.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.



SECTION 4: CONDITIONS OF EMPLOYMENT





SECTION 4 - CONDITIONS OF EMPLOYMENT

401 CRIMINAL BACKGROUND CHECKS

401.01 **Policy.** The City of Southlake shall conduct criminal history background checks to bring a level of protection to the city and to vulnerable program participants who are unable to protect themselves.

401.01.01 Contract Instructors. The city shall conduct criminal history checks on all contract instructors who provide recreation, athletic or other similar programming services that involve the care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.01.02 Employee Applicants. The city shall conduct criminal history checks on all employment applicants who have been provided a conditional offer of employment.

401.01.03 Employees. The city shall conduct annual criminal background checks on employees whose positions require the performance of a service that involves care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.01.04 Volunteer Applicants. Prior to beginning service as a volunteer, and annually thereafter, criminal history checks will be conducted for volunteer applicants who will perform volunteer services that involve the care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.01.05 Volunteers. The city shall conduct annual criminal background checks on volunteers whose positions require the performance of a service that involves care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.02 **Review of Criminal History.** A criminal history does not serve as an automatic bar to employment or volunteering with the city. Rather, disqualification will only occur on the basis of a justified business necessity. Factors to be considered may include but are not limited to:

- i. The seriousness of the offense;
- ii. When it occurred;
- iii. The remoteness or any extenuating circumstances of the offense; and
- iv. The duties of the applicable job position.

Criminal histories may not be used to discriminate against an individual because of the person's race, color, sex, religion, national origin, age, genetic information, disability, veteran status or any other protected status.

401.03 **Conducting Criminal History Checks.** Criminal history checks shall be conducted:

- i. During the post offer stage for all employee applicants;
- ii. During the applicant stage for contract instructors and volunteer applicants; and

SECTION 4 - CONDITIONS OF EMPLOYMENT

iii. Annually for contract instructors, employees and volunteers who perform a service that involves care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.04 **False Statements.** An employee applicant making a false statement or omitting information relating to a prior conviction on the application shall be disqualified from consideration for employment.

401.05 **Confidentiality and Retention.** All criminal history information shall be treated as confidential as possible and the city shall limit the number of people who have access to criminal history information.

401.06 **Final Determination.** The Director of Human Resources, or his/her designee, shall make a final decision regarding the suitability of the contract instructor, employment applicant, volunteer applicant, employee or volunteer for the position. The city may rescind a conditional job offer of employment or terminate an active contract instructor, employee or volunteer, provided it can demonstrate that the history shows conduct which indicates unsuitability for a particular position. This provision does not alter the city's status as an at-will employer.

401.07 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

402 NEPOTISM

402.01 **Purpose.** In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the city to restrict the employment of relatives.

402.02 **Definition of Relative.** For the purpose of this policy, a relative is defined as the following:

	Blood (Consanguinity)	Marriage (Affinity)
First Degree	Child Mother Father	Spouse Mother-in-law Father-in-law Step Child Step Mother Step Father
Second Degree	Brother Sister Half Brother Half Sister Grandchild Grandparent	Step Brother Step Sister Brother-in-law Sister-in-law Step Grandchild Step Grandparent

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	Blood (Consanguinity)	Marriage (Affinity)
Third Degree	Uncle Aunt Nephew Niece First Cousin Great Grandparent Great Grandchild	Step Uncle Step Aunt Step Nephew Step Niece Step First Cousin Step Great Grandparent Step Great Grandchild

402.03 **Restrictions.** The following restrictions apply to applicants and employees:

402.03.01 No relative in the first, second or third degree of the Mayor or of a City Council Member shall be eligible for employment. An employee who is or becomes related to an individual who is elected as Mayor or as a City Council Member shall not be eligible for continued employment, unless the employee has been continuously employed by the city for at least two (2) years prior to the election.

402.03.02 Individuals who are related in the first, second or third degree shall not be offered employment, accept employment, or allowed continued employment if:

- i. In the same department in which a relative currently works;
- ii. The individual is a relative of an employee appointed by the City Council;
- iii. If the individual is a relative of an employee in the City Manager's Office or Human Resources, or
- iv. If the individual is a relative of the Department Director.

402.04 **Disclosure.** The following disclosure is required by current employees and applicants for employment:

402.04.01 Applicants. An applicant for employment with the city is required to disclose any relative who is employed by the city, as well as any relative who serves as the Mayor or as a City Council member.

402.04.02 Employees. An employee who becomes a relative of an employee who works in the same department, or becomes a relative as described in Section 402.03 above, is required to disclose the relationship to the Director of Human Resources as soon as the employee becomes aware of the relationship.

402.05 **Relatives after Employment.** If an employee becomes a relative in the first, second, or third degree of consanguinity or affinity of another employee after employment, and works in the same department, one of the employees must secure a position in another department within six (6) months of the date the employees become relatives. If no other position is available within the

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city, one of the employees must vacate employment or the employee hired most recently shall be involuntarily terminated. At no time will the city create a position.

402.05.01 Exceptions for Current Employees. An employee who is a relative in the first, second, or third degree of consanguinity or affinity of another employee may be employed in the same department, provided the employees are in different divisions and are not in supervisory subordinate relationship and continued employment is approved by the City Manager.

402.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

403 OUTSIDE OR SECONDARY EMPLOYMENT

403.01 **Policy.** Employees may engage in an outside employment activity or enterprise provided that it does not constitute a conflict of interest, adversely affecting the employee's job performance with the city, or unfavorably reflecting upon the city.

403.02 **Authorization.** Employees may engage in outside employment only with the approval from their Department Director.

403.03 **Interests of the City.** With the exception of part-time, temporary or seasonal employees, the City of Southlake is the primary employer.

403.04 **Workers' Compensation Insurance.** The employee shall not be covered by the city's workers' compensation insurance for work performed for another employer.

403.05 **Outside Employment while on Leave.** Approval for outside employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence or on modified / light duty to engage in any outside employment. Any exceptions must be expressly authorized in writing by the City Manager or his/her designee.

403.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

404 PROBATION

404.01 **Probationary Period.** All employees shall serve a probationary period. This applies to new hires or employees who are promoted, transferred or demoted. Civilian personnel shall be required to serve a probationary period of six (6) months and sworn Police and Fire uniformed personnel shall be required to serve a probationary period of twelve (12) months. The probationary period allows time for supervisors to closely observe and evaluate the work of probationary employees and to aid and encourage them in adjusting to the position.

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404.01.01 Extension of Probation. Under certain circumstances a probationary period may be extended. The approval of the Department Director and the Director of Human Resources is required to extend a probationary period.

404.01.02 Promotional or Lateral Probation. An employee who transferred or promoted to a new position whose work has not been satisfactory during the probationary period may, with the approval of the Department Director, revert back to the employee's former job position, providing a vacancy exists for the position.

404.02 **Review of Work.** During the probationary period, the probationary employee's supervisor is responsible for reviewing the quality and efficiency of the employee's work.

404.03 **Right of Appeal.** An initial hire employee who has been dismissed from city service for failure to successfully complete probation shall not have the right to appeal, except as provided under the unlawful discrimination complaint procedures. Employees who promoted, transferred or demoted into a new position who have been dismissed from city service for failure to successfully complete the probationary period shall have the right to appeal.

404.04 **Effect of Probationary Period.** The successful completion of the probationary period, and the existence of and access to the appeal procedure shall not constitute any limitation on the rights of the city to manage its affairs. All employees hold their positions at the will and pleasure of the city and may be terminated with or without cause when, in the opinion of the direct supervisor, Department Director, or City Manager, such action is in the best interest of the city.

404.05 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

405 REDUCTION IN FORCE

405.01 **General.** Should it become necessary to reduce the number of employees because of budget constraints or for any other reason, every effort will be made to determine those positions to be eliminated in the most fair and equitable method possible.

405.02 **Factors to be considered.** Consideration will be given to a number of job-related variables including, but not limited to:

- i. Job classification,
- ii. Anticipated staffing levels,
- iii. Specific duties performed,
- iv. Performance and attendance records, and
- v. Longevity.

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405.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

406 REDUCED WORK SCHEDULE

406.01 **Policy.** The city recognizes that there are times when an employee may desire to reduce normal work hours of a position to a reduced work schedule for various reasons that benefit the employee and/or the city. The city may also desire to reduce the work hours of a position to avoid layoffs, to reduce operating costs, or to avoid adverse financial consequences. The employee is permitted to work a shorter workweek while maintaining some benefits and the city is allowed to adjust to changing workloads and economic conditions while retaining a valued employee. This policy is to provide a systematic and organized approach for the approval and administration of reduced work schedules.

406.02 **Scope.** This policy applies to all regular, non-supervisory, full-time employees. This policy does not apply to sworn police or fire personnel.

406.03 **General.** A reduced work schedule is a reduction in the normal workweek hours from the traditional forty (40) hour workweek to a thirty (30) hour workweek. This may be a temporary assignment or when approved in the city budget process, a permanent reduction in hours. A reduced work schedule for a position may be requested by an employee, supervisor, or department director. All requests shall take into consideration the impact on the department and city services. Requests for reduced work schedules shall be considered on a case-by-case basis and shall not be approved if doing so would adversely affect customer service or work group productivity, or is otherwise detrimental to the good order of business. A reduced work schedule shall not become effective without the City Manager's or his or her designee's written approval, and is subject to revocation at any time if it is in the city's best interest.

406.04 Compensation.

406.04.01 A non-exempt employee placed on a reduced work schedule shall be paid based on the number of hours worked.

406.04.02 An exempt employee placed on a reduced work schedule will be paid at 75% of the employee's normal salary, regardless of the number of hours actually worked, until the reduced work schedule is discontinued.

406.05 **Benefits.** A non-exempt employee must work and/or utilize paid leave a minimum of 30 hours per week (hours worked, vacation, compensatory, sick and/or holiday) to maintain benefits.

406.05.01 Insurance coverage and premiums will remain in effect for Reduced Work Schedule employees on the same basis as available to full-time, regular employees.

406.05.02 Vacation leave, sick leave, and holiday pay shall accrue at 75% of the normal rate as provided for in the applicable city policies governing the accrual of same.

SECTION 4 - CONDITIONS OF EMPLOYMENT

406.06 **Request for Reduced Work Schedule.**

406.06.01 Request by Employee. A regular full-time employee may submit a written request to be considered for a reduced work schedule. The request shall specify the reason for the request, the estimated duration of the assignment, and the days and hours that the employee wishes to work. The approval of the Department Director and the City Manager or his or her designee is required.

406.06.02 Request by Supervisor or Director. A supervisor or Department Director may request a position be placed on a reduced work schedule if it is determined that the reduced schedule is necessary to reduce operating costs, avoid layoffs and/or to avoid adverse financial consequences. The request shall specify the reason for the request, the estimated duration of the assignment, and the days and hours that the employee will work. The approval of the Department Director and the City Manager or his or her designee is required.

The Department Director shall notify the employee of the schedule change at least thirty (30) calendar days before the effective date. An employee who is unwilling to work the reduced schedule will be subject to dismissal.

406.07 **Annual Review.** The City Manager or department director may review positions in a reduced work schedule status as necessary, but at least annually during the budget process.

406.08 **Reduced Work Schedule Discontinuation.** A reduced work schedule may be discontinued at the request of the employee, or upon direction of the City Manager and/or the Department Director when it is determined to be in the best interest of the city that the position be returned to a regular workweek.

406.08.01 In the event the decision to terminate the reduced work schedule is not a voluntary request of the employee, the Department Director shall notify the employee in writing, at least thirty (30) calendar days before the reduced work schedule is to terminate.

406.08.02 The city may terminate employment of a reduced work schedule employee who does not return to a forty (40) hour workweek after being directed to do so.

406.09 **Permanent Work Schedule Reduction.** A Department Director may request, during the budget process, that a position be permanently reduced to a thirty (30) hour workweek if it is determined that the duties required of the position can be performed in a reduced workweek schedule.

406.09.01 Upon approval, an employee in a position to be permanently reduced shall be notified in writing of the change at least thirty (30) days prior to the effective date.

406.09.02 Compensation and benefits for permanent reduced work schedule employees will continue as described above.

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406.09.03 Once a position has been permanently reduced, it cannot be reinstated to a full-time position without approval through the budget process.

406.10 **Reclassification of Vacant Positions.** This policy shall not apply to the reclassification of a vacant position from full-time to a part-time position. A request for such reclassification shall be processed as part of the budget preparation process.

406.11 **Appeal.** An employee whose reduced work schedule request is denied, is directed to work a reduced work schedule or to return to a forty (40) hour workweek schedule and does not desire to do so, may appeal the directive by following the appeal procedures set forth in *Section 8, Policy 802 – Employee Grievance and Appeals*.

401.12 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

407 RESIGNATIONS

407.01 **Notice of Resignation or Retirement.** Employees are encouraged to provide a two week notice to facilitate a smooth transition out of the city. Employees will not be allowed to rescind a resignation or retirement whether given verbally or in writing once the resignation has been confirmed by the employer. Employees who wish to discuss the possibility of resigning or retiring are encouraged to do so before making a final decision.

407.02 **Form of Notice.** All resignations shall be confirmed in writing. Employees who verbally resign will receive a confirmation of their resignation.

407.03 **Accrued Leave.** The use of accrued paid leave may not be used during the last two weeks of employment.

407.04 **Pay in Lieu of Notice.** The city reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant. Such a decision should not be perceived as reflecting negatively on the employee, given that it may be due to a variety of reasons. The Director of Human Resources shall be consulted prior to providing pay in lieu of notice.

401.12 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

408 DISMISSAL

408.01 **Dismissal.** The discharge of any employee is considered to be a very serious situation that requires a carefully conducted prior review. Accordingly, no supervisor is authorized to cause the discharge of any employee without prior review and approval. This review and approval will involve at least one other member of the management team, most typically the supervisor's manager and a representative from Human Resources.

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- 408.02 **Appeal.** An employee may appeal the dismissal by filing an appeal in accordance with *Section 8, Policy 802 – Employee Grievance and Appeals*.
- 403.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.





SECTION 5:
EMPLOYEE STANDARDS OF
CONDUCT





SECTION 5 - EMPLOYEE STANDARDS OF CONDUCT

501 CODE OF ETHICS AND CONDUCT

501.01 **Policy.** The Code of Ethics and Conduct has been adopted by Ordinance No. 635 on March 21, 1995 and most recently revised by adoption of Ordinance No. 635-C, passed and approved on November 3, 2015. This ordinance has been codified as Chapter 2, Article VI of the Southlake City Code and may be referenced for specific guidance for employees regarding matters including, but not limited to:

- i. Substantial interest;
- ii. Standards of conduct;
- iii. Disclosure of interest;
- iv. Business relationship;
- v. Enforcement; and
- vi. Advisory opinions.

A copy of the Code of Ethics and Conduct is available in Human Resources, on the city's website www.cityofsouthlake.com and in the *Appendix, Code of Ethics and Conduct*.

502 EMPLOYEE BUSINESS CODE OF CONDUCT

502.01 **Policy.** The Business Code of Conduct has been adopted by Resolution No. 06-029 on July 1, 2006. This resolution may be referenced for specific guidance for employees on the following:

- i. Our Relationship with Each Other
- ii. Our Relationship with Elected and Appointed Officials
- iii. Our Relationship with the City
- iv. Our Relationship with Southlake Citizens and the Public
- v. Our Relationship with Vendors and Consultants
- vi. Our Stewardship of Information
- vii. Our Stewardship of the Environment
- viii. Our Stewardship of Public Resources
- ix. Our Financial Integrity
- x. Our Responsibility to Report Violations

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A copy of the Business Code of Conduct is available in Human Resources, on the city's website www.cityofsouthlake.com and in the *Appendix, Employee Business Code of Conduct*.

503 ATTENDANCE

- 503.01 **Policy.** To maintain a safe and productive work environment, the city expects employees to be reliable and punctual in reporting to work. Employees are expected to be at their work stations and ready to work at their scheduled start time.
- 503.02 **Absenteeism and Tardiness.** Absenteeism and tardiness are disruptive and place a burden on the city and on co-workers. Either may lead to corrective action, up to and including termination of employment.
- 503.02.01 **Reporting.** In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee shall personally notify the supervisor by phone, text or e-mail as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee shall disclose to the supervisor whether the absence or tardiness is approved Family Medical Leave or sick leave and the date and time of anticipated arrival.
- The employee shall personally notify the supervisor on each subsequent day of absence unless the supervisor expressly waives this requirement. An employee who does not personally reach the supervisor by phone shall leave a detailed message with the information described above.
- 503.02.02 **Failure to Report.** An employee who does not come to work and fails to notify the city of the reasons for the absence for three (3) consecutive scheduled working days or more may be presumed to have voluntarily resigned employment.
- 503.03 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

504 DRESS AND GROOMING STANDARDS

- 504.01 **General.** The City of Southlake desires to project a positive and professional image of employees representing the city. Employees are expected to dress in a conservative, professional manner that is appropriate to their position and to observe good habits of grooming and personal hygiene. Presenting a professional image creates a favorable impression for the city, promotes confidence in the services the city provides, promotes respect among co-workers, and encourages higher working standards. Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.
- 504.02 **Policy.** The Department Director shall determine which dress standard is applicable in order to maintain acceptable dress and appearance. Employees may be held to different standards, depending

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upon the work assignment. This policy provides guidelines for appropriate appearance, uniform, and grooming of employees.

504.03 **Application.** This policy applies to all employees at all times. An employee who is in doubt as to which dress standard applies should contact his or her supervisor.

Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

504.04 **Formal Business Dress Policy.** Professional business attire shall be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel when:

- i. Duties involve constant contact with the public where more formal business dress is appropriate or desired;
- ii. Representing the city during formal presentations, City Council, Board and Commission meetings, or attending community meetings;
- iii. Representing the city in appointments outside the city offices; or
- iv. At professional association meetings, when appropriate.

504.05 **Business Casual Dress Policy.** Business casual dress allows the employee to dress in a neat and professional appearance, but is considered less formal than the formal business dress standard. Generally, staff who work indoors or in an office are required to wear business casual dress, unless the formal business dress is more appropriate or provided an exemption by the City Manager or designee. Department Directors and supervisors are responsible for ensuring the business casual dress standard is adhered to in order to maintain acceptable dress and appearance.

504.05.01 The following standards apply to employees subject to the business casual dress policy:

- i. Males. Examples of appropriate dress include dress or khaki pants, long sleeve shirts with banded collars, short sleeve sport shirts, golf shirts, polo shirts, and button-down shirts. Shirts must have sleeves and be tucked in at all times. Appropriate footwear shall be worn with socks. Ties are not required.

Examples of inappropriate dress include tee shirts, sleeveless shirts, flannel shirts, jeans (any color or type), shorts, sweat suits, sandals, flip-flops, and canvas or athletic-type shoes.

- ii. Females. Examples of appropriate dress include skirts, dresses, ankle length dress pants or ankle length khaki pants. Shirts may include long or short sleeved blouses, sleeveless blouses with a jacket or sweater, short sleeve sport shirts, turtlenecks, golf shirts, or button down shirts. Appropriate footwear includes dressy sandals, dressy boots, heels, and loafers. Skirts and dresses

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shall be worn no shorter than four (4) inches above the top of the knee when standing.

Examples of inappropriate dress include tee shirts, tank tops, flannel shirts, strapless tops, halter tops, sleeveless shirts without a jacket or sweater, sleeveless dresses without a jacket or sweater, shorts, jeans (any color or type), leggings, capris, sweat suits, casual sandals, flip-flops, and canvas or athletic-type footwear.

- iii. All employees shall refrain from wearing apparel that is provocative or revealing, low-cut, body-hugging, backless, see-through, tank top style, excessively tight, excessively short, wrinkled, ripped, tattered, soiled, or contains obscene messages or endorses alcohol, tobacco, drugs, pornography, or offensive materials of any kind.

504.06 **Uniformed Dress Policy.** Department Directors shall determine which positions are required to wear uniforms and shall establish uniform standards for each position. Employees are expected to comply with the uniform standards as established by the department. The city shall provide uniform attire to the employees required to wear uniforms.

504.06.01 The following standards apply to employees subject to the uniform dress policy:

- i. Employees shall maintain each piece of the uniform in a clean and neat appearance, insofar as is practical.
- ii. Each employee shall notify their supervisor of uniforms that have become worn, faded, ripped, torn, stained, or otherwise unfit for service.
- iii. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. No part of the uniform shall be worn when off duty, except to and from work and at city related events.
- iv. Some positions may wear jeans as part of their standard uniform dress; however, this provision shall not apply office staff.

504.07 **Grooming.** Each employee shall maintain a personal hygiene, grooming and general appearance standard that is neat, clean, professional, reflective of the city's philosophy on pride and professionalism, and is commensurate with accepted general business practices.

Such grooming standards prohibit exotic, ostentatious, gaudy or other similarly unprofessional appearances. Examples include, but are not necessarily limited to spiked hair, mohawks, visible body piercing (except for earrings), obscene tattoos, unkempt or unclean hair, a lack of personal hygiene, or scraggly facial hair. Facial hair shall be kept clean and neatly trimmed.

Nothing in this policy shall prohibit a supervisor from restricting clothing or other personal grooming attributes that may create a safety hazard based on the employee's job duties.

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504.08 **City Logo Wear.** An employee shall refrain from wearing attire that displays the city's logo except when on duty, representing the city, or in route to or from such duty. Further, wearing such attire while engaging in conduct or activity that by virtue of the association discredits the city or places either the employee or the city in disrepute or discredit is prohibited.

Employees may wear informal apparel such as a t-shirt or ball cap, which displays the city logos while off-duty and not otherwise engaging in activity that by virtue of the association discredits the city or violates a city or departmental policy.

504.09 **Exceptions.** The city's dress and grooming standards apply in normal work situations; however, there may be instances where exceptions may be made by the City Manager or his/her designee. For example, the City Manager may permit office staff to wear jeans for a special event, training, holiday, or team building.

504.10 **Enforcement and Compliance.** It is the employee's responsibility to be in compliance with dress and grooming standards. Employees in violation of this policy may be sent home. Under such circumstances, non-exempt employees will not be paid for the work time missed. Failure to comply with established standards may result in appropriate corrective action. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

504.11 **Return of Clothing upon Termination.** When an employee terminates, uniforms and any other city equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged city property and unreturned uniforms shall be deducted from the employee's final paycheck.

504.12 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

505 DRUG FREE WORKPLACE

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

505.02 **Prohibition against Alcohol and Illegal and Unauthorized Drugs.** While on city premises, while on duty, while conducting city-related business or other activities off premises, while driving a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

505.02.01 **On-duty and Pre-duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

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- i. While having a breath alcohol concentration of greater than 0.00 as indicated via breath test;
- ii. While using alcohol; or
- iii. Within four (4) hours after using alcohol.

505.02.02 **Prohibited Drug Use.** An employee shall not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment.

505.03 **Prohibition against Illegal and Unauthorized Drug-Related Paraphernalia.** This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on city premises, while on duty, while conducting city-related business or other activities off premises, while driving a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

505.04 **Permissive Use of Prescribed and Over-The-Counter Drugs.** The legal use of prescribed and over-the-counter drugs are permitted while on city premises, while on duty, while conducting city-related business or other activities off premises, while driving a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

505.05 **Police Department Employees.** Certain city Police Department employees may be required to be in possession of alcohol and/or illegal drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

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

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- 505.07 **On-Call Employees.** Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence of drugs in the system, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.
- 505.08 **Mandatory Reporting of Arrests and Convictions.** Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.
- 505.09 **Off-Duty Conduct.** The city may take corrective action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the city's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol may be disciplined, up to and including termination.
- 505.10 **Rehabilitation/Treatment.**
- 505.10.01 It is the city's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For city support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
- 505.10.02 Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, corrective action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of corrective action.)
- 505.10.03 The employee is responsible for all costs associated with any rehabilitation or treatment program.
- 505.10.04 During time off for a city-approved rehabilitation or treatment program, the employee shall use and exhaust any available vacation leave, sick leave, and compensatory time off.
- 505.11 **Policy Violations.** Violations of this policy will generally lead to corrective action, up to and including immediate termination of employment. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor

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or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

505.12 **Drug and Alcohol Testing.**

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

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

505.12.03 Testing of Employees.

- i. Employees may be tested for alcohol and/or illegal and unauthorized drugs for the following:
 - a. After a workplace injury or accident or “near miss;”
 - b. When reasonable suspicion exists; or
 - c. In connection with any required treatment or rehabilitation.
- ii. Police and Fire Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- iii. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing shall contact Human Resources and document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing). See Section 505.12.04 for additional testing procedures.
- iv. Tests will be paid for by the city. To the extent possible, testing will normally be done during the employee’s normal work time.

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- v. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to corrective action up to and including termination.
- vi. A positive test result is a violation of this policy and may result in corrective action up to and including termination of employment. Any employee who is terminated for violation of this policy is ineligible for future employment with the city. (see 505.02)
- vii. The city has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the city's Drug and Alcohol Policy for DOT Employees for additional information.

505.12.04 Testing Procedures.

- i. All testing must normally be authorized in advance by both the employee's supervisor and the Director of Human Resources or his or her designee. If the supervisor, or his or her designee, is unavailable within a reasonable period of time, the Director of Human Resources or his or her designee may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources, or his or her designee, is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
- ii. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated this policy, the employee shall be provided with transportation to the testing facility. A supervisor or other designated city representative may be required to stay with the employee during the testing process. The city may, in its discretion, reassign the employee or put the employee on administrative leave with pay until the test results are received. The city shall make arrangements to have the employee transported home after the testing if necessary.
- iii. All substance abuse testing shall be performed by an approved laboratory or healthcare provider chosen by the city. All positive test results shall be subject to confirmation testing.
- iv. Test results shall be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will

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be confidential and accessible only by Human Resources; supervisors and managers on a need to know basis.

505.13 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

506 DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES

506.01 **Employees/Applicants Subject To Testing.** City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or Human Resources will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the city's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the city's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the city, a contractor engaged by the city or an employee of such contractor. Any city employee who is required to obtain and maintain a CDL drivers' license as part of their position is subject to testing provisions of this policy. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating city equipment.

506.02 **Prohibited Alcohol Use.**

506.02.01 On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- i. While having a breath alcohol concentration of greater than 0.00 as indicated via breath test;
- ii. While using alcohol; or
- iii. Within four (4) hours after using alcohol.

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506.02.02 Use Following an Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for eight (8) hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

506.03 **Prohibited Drug Use.** Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

506.04 **Required Alcohol and Drug Tests.** DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the city will notify the driver that the alcohol or drug test is required by DOT regulations.

506.04.01 Pre-employment Testing.

Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

506.04.02 Post Accident Testing.

Post-accident drug and alcohol testing must be conducted as soon as practicable on all individuals performing safety-sensitive functions with respect to a vehicle following an occurrence involving a CMV operating on a public road in commerce, as follows:

- i. When the employee is issued a moving traffic violation citation within 8 hours of the occurrence and one or more of the vehicles involved is disabled and must be towed from the scene;
- ii. When the employee is issued a moving traffic violation citation within 8 hours of the occurrence and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- iii. In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the city to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an

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accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the city may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the city's behest.

Post-Accident Alcohol Testing. If alcohol testing cannot be administered within two (2) hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within eight (8) hours after the occurrence, the city will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

Post-Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

506.04.03 Reasonable Suspicion Testing.

Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion

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testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within two (2) hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within eight (8) hours after the observation, the city will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse.

Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

506.04.04 Random Testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and are spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the city will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

506.04.05 Return-to-duty and Follow-up Testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's

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return to duty. Drug and alcohol tests must be negative. The driver will pay all costs associated with return-to-duty testing. When applicable, the city will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The city is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the city not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below.

506.04.06 Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

506.04.07 Additional Information About Alcohol Testing.

- i. Consequences of a Positive Alcohol Test. An employee who is tests positive for alcohol shall be removed from safety sensitive functions and may be terminated.
- ii. Alcohol Testing Procedures. A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is greater than 0.00, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of greater than 0.00 alcohol concentration is considered a “positive” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

506.04.08 Additional Information about Drug Testing.

- i. Drug Testing Procedures. Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the

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validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the city's Director of Human Resources. The second test will be at the driver's own expense.

- ii. Drugs Tested For. DOT requires testing for marijuana (THC), cocaine, amphetamines, opiates – opium and codeine derivatives, phencyclidine (PCP). A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The city will not test for any other substances under this policy. The city may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.
- iii. Review of Drug Test Results. All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the city. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the city.
- iv. Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

506.05 **Confidentiality.** Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

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- 506.06 **Record Retention.** The city will maintain and retain records under this policy as mandated by DOT regulations.
- 506.07 **Notification to Applicants/Employees of Positive Test Results.** The city will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The city will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The city will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The city will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.
- 506.08 **Employee Admission of Drug/Alcohol Use.** An employee who admits to alcohol misuse or drug use must do so in accordance with the city's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the city is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the city's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol and/or drug test with a negative test result.
- 506.09 **Safety Sensitive Functions.** For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:
- 506.09.01 All time at a city, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the city;
 - 506.09.02 All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
 - 506.09.03 All time spent at the driving controls of a CMV in operation;
 - 506.09.04 All time, other than driving time, in or upon any CMV;
 - 506.09.05 All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

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506.09.06 All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

506.10 **Transportation to Testing Site.** With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The city will make arrangements to have the employee transported back to the city or home, as appropriate, after the testing is complete.

506.11 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

507 ELECTRONIC COMMUNICATION AND INTERNET USE

507.01 **Purpose.** The purpose of this policy is to set forth standards for the acceptable use of the technical systems for the City of Southlake. The intent is to clarify the acceptable use of these systems and provide examples of uses which are acceptable or unacceptable. This policy does not contain all the possible acceptable and unacceptable uses.

507.02 **Scope.** The guidelines specified in this policy apply to all regular and temporary employees, contract personnel, and volunteers whose access to or use of the technology systems is funded by the city or is available through equipment owned by the city.

507.03 **User Responsibilities.** Employees are representatives of the city in all their communications. Responsible use of the city's technology systems requires discretion, professionalism and awareness of potential liability. Employees should be aware that when they are utilizing certain technology systems, they are creating city documents. Employees must understand at all times that communication and use of any of the city's technology systems are matters of public record under the Public Information Act and may be subject to discovery requests.

507.03.01 Employees shall not abuse their access to technology. Abuse may consist of unacceptable or excessive use. Generally, a use is unacceptable if it conflicts with the city's vision, mission or values, the department's purpose, goal or mission, or an employee's job duties or responsibilities. Personal use shall be considered excessive, if, in the opinion of the employee's supervisor, the use detracts from the individual employee's or department's productivity.

507.04 **Policy Guidelines.** The following guidelines have been established for using the Internet, city-provided cell phones, tablets, laptops, e-mail, and other technology in an appropriate, ethical and professional manner:

507.04.01 Internet, city-provided equipment (e.g., cell phone, laptops, tablets, computers, etc.) and services shall not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.

507.04.02 Employees shall not use technology to play or download any games, communicate disparaging, abusive, profane or offensive language; create, view or display materials

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that might adversely or negatively reflect upon the city or be contrary to the city's best interests; and engage in any gambling or illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and city-provided equipment such as cell phones, tablets and laptops.

- 507.04.03 Employees obtaining information may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
 - 507.04.04 Employees shall not use the system in a way that disrupts its use by others such as streaming video, music or other media that is not work related.
 - 507.04.05 Employees shall not interfere with or disrupt network users, services or equipment including but not limited to: damaging equipment, spreading viruses, impersonating another user, or destroying communications or electronic files.
 - 507.04.06 Employees shall not use technology systems for personal gain, outside employment, personal business operations, other financial profit or to advertise or solicit funds for political, religious or other personal causes.
 - 507.04.07 Employees should not open suspicious e-mails, pop-ups or downloads. Contact Information Technology with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
 - 507.04.08 Employees shall ensure that all technology related purchases are coordinated with Information Technology prior to the actual purchase.
 - 507.04.09 Internal and external e-mails are considered business records and are subject to the Public Information Act and may be released upon request.
 - 507.04.10 City network user login and password information shall not be shared with or used by other individuals or stored in a unsecured / visible location.
 - 507.04.11 Limited or incidental Internet or electronic communication for personal purposes which does not infringe upon the employee's or the department's productivity is permitted.
- 507.05 **Right to Monitor.** All city-supplied technology and city-related work records belong to the city and not to the employee. The city reserves the right to monitor the use of city supplied technology. E-mails are retained in accordance with the city's document retention policy. Inappropriate or illegal use or communications may be subject to corrective action up to and including termination of employment.
- 507.06 **Violation of Policy Guidelines.** Any violation of this policy and its guidelines may be subject to corrective action, including but not limited to the loss of access and other privileges, and/or termination of employment.

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507.07 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

508 FRAUD

508.01 **Purpose.** The purpose of this policy is to establish a fraud policy to convey, both internally and externally, the intent and conviction that all city business is conveyed with integrity using the highest ethical standards possible. To accomplish this purpose, this policy seeks to establish rules that clearly define unacceptable behavior, prevent fraud and outline the appropriate response to allegations of fraud in connection with city programs, functions or activities. This policy applies to all city employees.

508.02 **Scope.** This policy establishes three (3) key expectations of the City of Southlake:

508.02.01 As “Integrity” is one of the city’s corporate values, it is important to discourage and prevent fraudulent activity and report suspected fraud.

508.02.02 Strong procedures, outlined in this policy, will respond to allegations of fraud.

508.02.03 Investigation procedures ensure objective review of each situation.

508.03 **Definition of Fraud.** The intentional misappropriation of city assets by any act including, but not limited to, theft, embezzlement and intentional misrepresentation. Acts constituting fraud include but are not limited to:

508.03.01 Forgery or alteration of any document or account belonging to the city.

508.03.02 Forgery or alteration of a check, bank draft or any other financial document representing funds belonging to the city.

508.03.03 Misappropriation of funds, securities, supplies or other assets of the city.

508.03.04 Impropriety in the handling or reporting of money or financial transactions involving the city and any other entity.

508.03.05 Profiteering as a result of insider knowledge of city activities.

508.03.06 Disclosing confidential and proprietary information to outside parties.

508.03.07 Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the city in return for a referral of business.

508.03.08 Unauthorized destruction, removal or personal use of records, furniture, fixtures and equipment belonging to the city.

508.03.09 Embezzlement, larceny or any other misapplication of city funds.

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508.03.10 Any official misconduct including the misapplication or misuse of city funds, property or information.

508.04 **Appropriate Law Enforcement Authority.** An appropriate law enforcement authority is a part of a state or local governmental authority or of the federal government that an employee in good faith believes is authorized to regulate or enforce the law alleged to be violated in a report of fraud or is authorized to investigate or prosecute a violation of criminal law.

508.05 **Policy.** Fraudulent activity is prohibited. All allegations of fraudulent activity will be investigated. If it is determined that any employee has engaged in fraudulent activity, the employee will be subject to corrective action, up to and including termination of employment, and referral may be made to an appropriate law enforcement authority.

Retaliation against any employee for reporting fraudulent activity or for participating or cooperating in an investigation of an allegation of fraud, is prohibited.

508.06 **Roles and Responsibilities.**

508.06.01 City Manager. The City Manager has overall responsibility for compliance with this policy. As a public official, the City Manager has a duty to disclose all evidence of fraud. For this reason, when determined necessary, the City Manager will refer information to the appropriate law enforcement authorities on items that may result in criminal prosecution. Where it does not impede or interfere with a criminal investigation or prosecution, the City Manager may provide information to the City Council concerning a particular fraud investigation.

508.06.02 Department Directors. Department Directors have a responsibility to uphold the city's policy and to communicate the organization's values. They are expected to initiate appropriate preventative measures, implement necessary controls, encourage employees to attend training sessions and initiate investigations.

Department Directors will promptly report allegations or suspicions to the Director of Human Resources and will cooperate in investigations. This will be done prior to taking personnel action toward the employee(s) involved. Failure to report allegations or initiate investigations will result in disciplinary action.

Department Directors are responsible for conducting reviews/investigations of alleged fraud when the Director of Human Resources feels it is appropriate for the Department Director to do so. If the Director of Human Resources conducts the investigation, Department Directors will provide all necessary assistance.

Department Directors are responsible for determining and enforcing disciplinary action with the aid of Human Resources.

508.06.03 Supervisors and Managers. Supervisors and Managers have a responsibility to uphold the city's policy. In consultation with the Department Director, they are expected

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to initiate appropriate preventative measures, implement necessary controls and initiate investigations by promptly reporting allegations to the Department Director or Director of Human Resources when they observe behavior that violates this policy and/or when they receive complaints alleging fraud.

Supervisors and Managers are also expected to cooperate in all investigations.

- 508.06.04 Director of Human Resources. The Director of Human Resources has the responsibility to ensure allegations of fraud are investigated in a timely manner.

The Director of Human Resources is also responsible for conducting reviews/investigations of alleged fraud or notifying the Department Director that the Department Director should proceed with the review/investigation.

The Director of Human Resources shall develop and implement training programs designed to educate employees about this policy.

- 508.06.05 Human Resources Department. Human Resources will track cases and their disposition. However, if the case is a criminal investigation, no information made confidential by law or by discretion of the investigating officer will be maintained in Human Resources to avoid impeding the criminal investigation. All criminal case information and documentation will be maintained by the investigating law enforcement authority. All administrative investigation case files will be maintained by Human Resources.

Human Resources is responsible for advising city personnel in the determination and enforcement of corrective action.

- 508.06.06 Employees. Employees shall not engage in fraudulent activity. Employees who are contacted by citizens with evidence or written allegations of fraud shall immediately report it to their department director, Human Resources, an Assistant City Manager or the City Manager.

Employees who suspect fraud shall immediately report their suspicions to their supervisor for appropriate action. Immediately shall mean as soon as the employee has the means to contact their supervisor, but shall be no longer than twenty-four hours after the employee becomes aware of the suspected fraud. As an alternative, city employees can go outside the normal chain of command and report suspected fraud directly to their department director, Human Resources, an Assistant City Manager, or the City Manager. Employees may also make anonymous reports via the city's Ethics Hotline at www.cityofsouthlake.alertline.com. Any anonymous reports shall be made via the hotline as this program provides a mechanism for direct response. Employees are discouraged from making anonymous reports via means other than the ethics hotline (notes, phone message, letters, etc.) as this type of report does not allow for response.

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Employees are required to cooperate fully during any city review or investigation of an allegation of fraud. Anyone informed of an investigation in progress shall ensure that strict confidentiality is observed so as to not prejudice the investigation. During an investigation, any employee contacted by the media should refer all questions to the Deputy Director of Communication. Employees should be aware that:

- i. They are to maintain the confidentiality of the information they receive (except in the event of a public information request, court order or otherwise authorized by law).
- ii. They will not be subject to retaliation for cooperating.
- iii. Human Resources is available to provide advice related to the city's personnel policies.
- iv. If they have questions concerning legal consequences to them personally, they should consult with a personal attorney at their own expense.
- v. Failure to comply with this policy could result in disciplinary action pursuant to *Section 8, Policy 801 – Discipline Process of the City of Southlake Employee Handbook*.
- vi. Employees who intentionally or knowingly make false accusations and/or provide false information concerning instances of fraud will be subject to disciplinary action up to and including termination.

508.06.07 Investigation Committee. Many issues may be handled through normal disciplinary procedures; however, when warranted, the City Manager may appoint an Investigation Committee to respond to fraud allegations. The Investigation Committee could include but is not limited to the:

- i. City Attorney
- ii. Department Directors
- iii. Representatives from Human Resources, and/or
- iv. A third-party consultant with expertise in the area of concern

The committee's responsibilities will be to:

- i. Respond to fraud allegations through coordination of necessary resources in determining future actions regarding the investigation.
- ii. Communicate all committee findings and recommendations to the City Manager.

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- iii. Refer all allegations suspected to be criminal in nature to the appropriate law enforcement authority.

508.07 **Investigation Types.** Depending on the seriousness and scope of the allegation, three types of investigations could be conducted. Some allegations may be considered less serious and can be handled by a Department Director while others may touch multiple departments and require an Investigation Committee.

If at any point within an investigation it becomes suspected that criminal activity may have occurred, whomever is leading the investigation shall promptly notify the appropriate law enforcement authority as well as the City Manager who will determine if the case should also be pursued as an administrative investigation in addition to any criminal investigation.

508.07.01 Department Director Review. The Department Director, or his/her designee, shall initiate an investigation within five (5) working days after the allegations have been received. All allegations shall be reported to the Director of Human Resources. Human Resources will initially determine if a Department Director Review is appropriate and, if so, may assist in the investigation if the Department Director deems it necessary.

508.07.02 Human Resources Review. The Director of Human Resources, or his/her designee, shall initiate an investigation within five (5) working days after an allegation has been received. The Director of Human Resources or his/her designee shall meet with the Department Director or designee to discuss the allegations and shall promptly report the allegations to the City Manager.

508.07.03 Investigation Committee Review. The City Manager will make a final determination as to whether or not an Investigation Committee is warranted and if so, who will serve on that committee. When deemed necessary, an Investigation Committee appointed by the City Manager will prepare an investigation plan and coordinate with the individuals necessary to conduct different areas of the investigation.

If the committee suspects the conduct to be criminal in nature, the committee will forward all information to the appropriate law enforcement authority to take charge of any criminal portion of the investigation. If necessary, the Investigation Committee will serve as a resource.

The Investigation Committee will notify the Department Director of any allegations submitted to them that require an on-site investigation, when appropriate, unless it is determined that such notification will harm the investigation. When the investigation requires the inspection of city facilities and /or equipment, the city may initiate a search in compliance with federal and state law.

508.08 **Investigation Procedures.** The following procedures apply to all investigations, regardless of whom is leading the investigation.

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- 508.08.01 An investigation shall be planned in coordination with Human Resources and initiated within ten (10) working days after the allegations have been received.
- 508.08.02 After all relevant information has been collected, a written report of findings regarding the allegations of fraud shall be completed. The Director of Human Resources and Department Director shall meet to confer about the findings and discuss the nature of appropriate action.
- 508.08.03 A determination regarding the reported conduct will be made and communicated to the complainant, if appropriate, and the accused employee.
- 508.08.04 Based on the findings, the appropriate supervisor will administer the appropriate corrective action, including but not limited to, counseling, mandatory training, reprimand, suspension or termination of employees violating the provisions of this policy.
- 508.08.05 Any disciplinary actions resulting from the application of this policy will be handled in accordance with the city's Employee Personnel Policies.
- 508.08.06 A copy of the findings report shall be provided to the accused employee(s), the appropriate department director, the Human Resources Director, the City Manager and the complainant, if deemed appropriate. A copy shall also be placed in the personnel file(s) of the accused employee(s).
- 508.08.07 To the extent allowed by law, all documentation and matters regarding the investigation shall be handled with due sensitivity and confidentiality appropriate to the circumstances.

508.09 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

509 MEDIA RELATIONS

- 509.01 **General.** The city seeks to provide consistent, accurate, and timely information to the media while keeping city officials informed of emerging media issues.
- 509.02 **Official Spokesperson.** The City Manager shall designate official spokespersons for the city. Examples of spokespersons include:
- i. Mayor and City Council
 - ii. City Manager
 - iii. Assistant City Managers
 - iv. Department Directors

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- v. Designated departmental spokespersons

In accordance with the Emergency Operations Plan, the Mayor is the designated spokesperson for the city during city emergencies.

- 509.03 **General Inquires.** The Office of Communication is responsible for coordinating the city's media relations, with the exception of the Departments of Public Safety which shall be handled by the designated Public Safety spokesperson. Any media inquiries received by city staff shall be referred immediately to the Office of Communication or the designated Departments of Public Safety spokesperson and his or her department director.
- 509.04 **Interviews Outside of City Business.** The U.S. Constitution holds that US Citizens have the right to their personal points of view regarding any issue. City employees who interact with the media outside their capacity as a city employee should take measures to ensure that he or she is not designated as a city spokesperson, or as offering an "official city point of view."
- 509.05 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

510 SOCIAL MEDIA.

- 510.01 **Policy.** An employee's use of social media, both on and off duty, shall 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 websites and applications that enable users to create and share content such as video, photographs, written content or to participate in social networking. This policy is designed to protect the city's reputation and ensure that an employee's communications reflect positively on the city.

- 510.02 **Guidelines for City Sponsored Social Media Sites.** Employees shall adhere to the following guidelines:
- 510.02.01 All content posted to the city's social media sites shall be aligned with the city and the department's strategic priorities.
 - 510.02.02 The Deputy Director of Communication and identified department communication liaisons are authorized to post on social media sites on behalf of the city.
 - 510.02.03 Employees must obtain authorization from the Deputy Director of Communication or the department assigned communication liaison to update or post on social media sites on behalf of the city. Employee time spent updating or posting on city social media sites as part of the employee's job duties is considered hours worked and is compensable.

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510.02.04 Employees shall not disclose confidential information on social media. Posting of confidential information may violate state law and subject the user to criminal penalty.

510.03 **Guidelines for Personal Social Media Sites.** 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.

510.03.01 If the employee's social networking includes any information related to the city, the employee shall make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the city.

510.03.02 Employees are expected to act responsibly on and off duty, and to exercise good judgment when using social media. Employees should be aware that postings on social media sites, even if done off premises and while off duty, could have an adverse effect on the city's legitimate business interests.

510.03.03 Employees are expected to refrain from posting anything on a personal social media site that may defame, embarrass, insult, demean or damage the reputation of the city or any of its employees.

510.03.04 Employees are expected to refrain from posting on personal social media sites information that may constitute a violation of the city's Workplace Conduct policy. Employees shall not post pornographic pictures of any type that could identify them as an employee of the city. Employees should be mindful that the city's Workplace Conduct policy covers both work and non-work time, including postings on social media sites.

510.03.05 Employees shall not post information on a personal social media site that could adversely impact the city and/or an employee of the city.

510.03.06 Employees are expected to remove postings violating this policy, even when placed by others on a personal social media site.

510.04 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

511 TOBACCO-FREE WORKPLACE

511.01 **General.** All employees are prohibited from the use of all tobacco products, including smokeless electronic cigarettes, at any time in city buildings, city facilities, city vehicles, while using city equipment, or as otherwise directed. Employees may smoke on their rest breaks outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

511.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

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512 WORKPLACE CONDUCT POLICY

- 512.01 **Purpose.** The purpose of this policy is to prohibit discrimination, harassment, and workplace violence; the condoning or perpetuating of such conduct, or retaliation for reporting such conduct or assisting in an investigation; and to provide a process for reporting and resolving complaints of harassment, discrimination and workplace violence.
- 512.02 **Policy.** All city employees are entitled to a workplace free of workplace violence and unlawful discrimination and harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in workplace violence and unlawful discrimination and harassment of other employees, citizens, vendors, and all other third parties.
- 512.03 **Scope.** All city employees (regular, part-time and temporary, non-exempt and exempt), elected officials and volunteers are governed by the provisions of this policy.
- 512.04 **Sexual Harassment.** All types of sexual harassment are prohibited. Sexual harassment is behavior of a sexual nature that is not welcome, is personally offensive, undermines morale, interferes with the work performance and effectiveness of another person in the work environment, or creates an intimidating, hostile or offensive work environment.

Sexual harassment is defined as unwanted or unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. Sexual harassment prohibited under this policy includes, but is not limited to:

- i. Unwanted or unwelcome sexual advances and requests for sexual favors or propositions,
- ii. Sexual jokes and innuendo;
- iii. Comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies;
- iv. Leering, whistling, or physical contact such as touching or blocking movements;
- v. Verbal abuse of a sexual nature, including insulting or obscene comments or gestures;
- vi. Display in the workplace of sexually suggestive objects or pictures, including nudity and pornography;

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- vii. Continuing to express sexual or social interest after being informed directly that the interest is unwelcome, and;
- viii. All inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

512.05 **Unlawful Harassment and Discrimination.** Harassment or discrimination on the basis of any legally protected characteristic is strictly prohibited. Demeaning, hostile, or offensive conduct based on membership in a group defined by characteristics such as race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law when it is unwelcome, and has the purpose or effect of unreasonably interfering with an individual's work performance, creating an intimidating, hostile or offensive work environment, or otherwise adversely affecting an employee's employment opportunities is prohibited.

No employee shall discriminate against any individual on the basis of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law with respect to any employment action or condition of employment. This means that demeaning, hostile or offensive verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is prohibited.

512.05.01 Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are inappropriate and are strictly prohibited.

512.05.02 This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube, Twitter and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

512.06 **Workplace Violence.** Workplace violence is prohibited. Workplace violence is physically aggressive, violent or threatening behavior intended to instill fear in another person or persons through intimidation, including verbal or physical threats of any kind; or any other conduct that suggests a tendency toward violent behavior. Examples include:

- i. Excessive arguing, belligerent speech, profanity, sabotage or threats of sabotage to city property or other employees' property;
- ii. Causing physical damage to city facilities or defacing city property; and

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- iii. Carrying firearms or weapons of any kind into the workplace unless specifically allowed by law, or displayed in a manner intended to threaten or alarm.

512.07 **Complaints.** It is the responsibility of any employee who believes he or she has been subjected to unlawful harassment or discrimination, regardless of the offender's identity or position, to promptly report such incident.

512.07.01 A person who experiences harassment or discrimination may seek to resolve the problem by advising the offending individual that the behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. However, persons are not required to deal directly with an offending individual in seeking resolution of a complaint of harassment or discrimination, and may proceed as outlined below.

512.07.02 A complaint may be filed verbally, or in writing to the employee's supervisor or director or to the Director of Human Resources.

- i. If the employee does not feel comfortable reporting the incident to the employee's supervisor, director or to the Director of Human Resources, the employee may report the incident to any member of the Executive Leadership Team or City Manager's Office.
- ii. Written complaints should be submitted on the Workplace Conduct Complaint form. Verbal reports must be reduced to writing by either the employee or the person who receives the complaint, and must be signed.
- iii. The person's complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, the date and time of the incident, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, et cetera).
- iv. A person wishing to file a complaint should do so promptly at the occurrence of the discrimination harassment, workplace violence or retaliation. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived discrimination.

512.07.03 A supervisor or director who receives a formal or informal complaint (verbal or in writing) or receives a Workplace Conduct Complaint form must forward it to the Director of Human Resources immediately upon receipt.

512.07.04 The Director of Human Resources, or designee, shall notify the City Manager immediately of all complaints of prohibited conduct reported pursuant to this policy.

512.08 **Mandatory Reporting.** The city requires that employees report all observed or perceived incidents of harassment or discrimination, regardless of the offender's identity or position.

SECTION 5 - EMPLOYEE STANDARDS OF CONDUCT

- 512.08.01 Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred must immediately report it to one of the following:
- i. Director of Human Resources;
 - ii. Assistant City Manager;
 - iii. City Manager; or
 - iv. Anonymously through a third party hotline, published by Human Resources. Employees are discouraged from making anonymous reports via means other than the established hotline (notes, messages, letters, etc.) as this type of report does not allow for response.

512.08.02 The Director of Human Resources, or designee, shall notify the City Manager immediately of all reports of prohibited conduct reported pursuant to this policy.

512.09 **Investigation Process.** The Director of Human Resources, or designee, shall promptly investigate all complaints and reports of prohibited conduct.

512.09.01 The Director of Human Resources shall interview the complainant, the person against whom the complaint is filed, and all other persons having any information on the matter.

512.09.02 Employees may be placed on administrative leave pending the outcome of the investigation.

512.09.03 An employee who fails to cooperate in an investigation shall be subject to corrective action, up to and including termination.

- 512.09.04 After all relevant information has been collected; the following shall occur:
- i. The Director of Human Resources, or designee, shall prepare a report of findings;
 - ii. The Director of Human Resources shall meet with the City Manager to discuss the findings of the report;
 - iii. The Director of Human Resources shall meet with the Department Director to discuss the findings of the report;
 - iv. A determination of the reported conduct shall be made and communicated to the complainant and to the accused employee; and
 - v. Based upon the findings, the Department Director (or Assistant City Manager, if appropriate) shall administer appropriate corrective action.

SECTION 5 - EMPLOYEE STANDARDS OF CONDUCT

512.09.05 A volunteer found to have violated any provision of this policy may be reassigned or removed. If an elected or appointed official is found to have violated any provisions of this policy, such behavior shall be considered to have violated the provisions of the City Charter of the City of Southlake and shall be subject to the penalties described therein.

512.10 **Retaliation.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

512.11 **Responsive Action.** Violations of this policy may lead to corrective action, up to and including dismissal of employment. Corrective action will also be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

512.12 **Counseling Resources.** The Director of Human Resources is available to provide counseling, referrals, and assistance to employees and supervisors regarding complaints of discrimination, harassment, workplace violence and retaliation.

512.13 **Appeal.** Please refer to *Section 8, Policy 802 - Employee Grievance and Appeals* for more information.

512.14 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.





SECTION 6: WAGE AND SALARY ADMINISTRATION





SECTION 6 - WAGE AND SALARY ADMINISTRATION

601 EMPLOYEE CLASSIFICATION AND PAY

- 601.01 **Policy.** City Council shall establish the compensation philosophy, strategic framework and administration guidelines of the city's employee compensation system. City Council adopted the Employee Compensation System framework on August 6, 2013.
- 601.02 **Salary Reduction.** The city may reduce the salary of any employee at any time when necessary for the proper administration of the affairs of the city.
- 601.03 **Definitions.**
- 601.03.01 Full-Time Employee. An employee whose position is budgeted to work 2,080 hours with a normal work week of thirty (30) hours or more (2,912 for Fire shift personnel) and is provided city benefits.
- 601.03.02 Part-Time Employee. An employee in a budgeted position who works less than 60 hours in a single pay period (1,560 hours per year)
- 601.03.03 Non-Exempt Employee. An employee occupying a non-exempt position is eligible for overtime pay and/or compensatory time off under the provisions of the Fair Labor Standards Act.
- 601.03.04 Salaried / Exempt Employee. An employee occupying a position that is exempt from overtime pay and/or compensatory time off requirements under the specific provisions of the Fair Labor Standards Act.
- 601.03.05 Temporary and Seasonal Employee. A temporary or seasonal employee is considered a budgeted position, on a temporary basis, for a specified period of time or until completion of a specific assignment or project, generally lasting no more than six months. Employment beyond any initially stated period does not in any way imply a change in the employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing.
- 601.04 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

602 WORK WEEK AND PAY PERIODS

- 602.01 **Civilian Employees.** The standard work week for all civilian and non-sworn public safety employees shall be a 40-hour work week commencing at 0001 hours (12:01 a.m.) Sunday and ending at 2400 hours (12:00 a.m.) Saturday. Salaries shall be paid in 26 pay periods. Checks will be released to employees on a bi-weekly basis. If a scheduled pay day falls on a holiday, paychecks shall be issued on the day preceding the holiday.
- 602.02 **Sworn Fire Shift Personnel.** The standard work period for fire shift personnel shall be a semi-monthly, 15-day work cycle. Firefighters work 24-hours shifts averaging 56-hours per week, or

SECTION 6 - WAGE AND SALARY ADMINISTRATION

2,912 hours worked per year. In accordance with the provisions of section 207(k) of the Fair Labor Standards Act, any hours worked in excess of 114 hours worked per 15-day cycle shall be considered as overtime. Salaries shall be paid in 24 pay periods. Checks will be released to employees on a semi-monthly basis. If a scheduled pay day falls on a holiday, paychecks shall be issued on the day preceding the holiday.

- 602.03 **Sworn Police Personnel.** The standard work period for sworn police personnel shall be an 80-hour work period, commencing at 0001 (12:01 a.m.) Sunday morning, and ending at 2400 (12:00 a.m.) on the Saturday two (2) weeks following. Any hours worked in excess of 80 hours worked, shall be considered as overtime. Salaries shall be paid in 26 pay periods. Checks will be released to employees on a bi-weekly basis. If a scheduled pay day falls on a holiday, paychecks shall be issued on the day preceding the holiday.
- 602.04 **Payroll Records.**
- 602.04.01 Employee Responsibilities. Employees shall report any and all time spent performing principal work activities on his or her timecard. All employees shall review their own timecard for accuracy and approve it at the conclusion of each pay period.
- 602.04.02 Department Responsibilities. Department designated supervisors shall review and approve all employee timecards by the deadline established by Human Resources.
- 602.05 **Compressed Work Week / Alternative Work Schedule.** The City offers full-time civilian employees the option to request a compressed work week or other alternative work schedule. Please refer to *Section 7, Policy 712 - Alternative Work Schedule* for more information.
- 602.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

603 OVERTIME AND COMPENSATORY TIME

- 603.01 **Policy.** Overtime compensation shall be paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees shall not be paid overtime compensation.
- 603.02 **Eligibility.** All non-exempt employees are eligible for overtime compensation. Employees in positions that are designated as exempt under the Fair Labor Standards Act (FLSA) regulations are not eligible for overtime compensation. The Director of Human Resources is responsible for determining the exempt or non-exempt status of positions in accordance with FLSA.
- 603.03 **General.** When the city's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be required to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Refusal or other failure to work mandatory overtime may result in corrective action, up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

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- 603.04 **Work Assignments.** Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work.
- 603.05 **Rate of Pay.** Overtime shall be paid to non-exempt employees at one and one-half (1½) times the regular rate of pay in accordance with FLSA and as described below.
- 603.05.01 Civilian Employees. Overtime shall be paid for hours worked in excess of forty (40) hours in a work week.
- 603.05.02 Sworn Police Personnel. Overtime shall be paid to sworn police personnel for hours worked in excess of eighty (80) hours during a 14 day work period.
- 603.05.03 Sworn Fire Shift Personnel. Overtime shall be paid to sworn fire shift personnel for hours worked in excess of one hundred fourteen (114) hours during a 15-day work period.
- 603.05.04 Sworn Fire Non-Shift Personnel. Over time shall be paid for hours worked in excess of forty (40) hours in a work week.
- 603.05.05 Hours worked is defined as those hours actually worked on behalf of the employer plus holiday pay. Vacation, sick, compensatory and other paid time off is not considered as hours worked.
- 603.06 **Unauthorized Overtime.** All non-exempt employees shall receive their supervisor's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. In addition, employees may not conduct work via electronic devices when not on duty, such as checking their work email without prior approval. Non-exempt employees who work overtime without receiving proper authorization shall receive compensation for all hours worked, but may be subject to corrective action, up to and including termination of employment.
- 603.07 **Compensatory Time Off in Lieu of Overtime.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time is accrued at the rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked.
- 603.07.01 Compensatory Accrual Limit. Employees may accrue a maximum of 48 hours of compensatory time off. All other overtime worked shall be paid in wages.
- 603.07.02 Use of Accrued Compensatory Time. Use of compensatory time off is subject to approval of the employee's supervisor. An employee who requests use of such time shall be permitted to use the time off within a reasonable period after making the request, if it does not unduly disrupt the work of the department. The city may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued compensatory time. The city may also require employees to take time off in order to

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reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

603.07.03 Compensatory time accrued, but not used, shall be paid to employees upon termination of employment or upon transfer to an exempt classified position.

603.08 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

604 ADVANCE PAY

604.01 **Advance Pay.** No full or partial advance payment of salary shall be made to any employee.

604.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

605 TERMINAL PAY

605.01 **Terminal Pay.** All employees who leave the service of the city for any reason shall receive all pay which may be due them with the following qualifications:

605.01.01 Only full-time employees who have completed twelve (12) months of continuous employment shall be paid unused vacation time not to exceed 240 hours (360 for fire shift personnel).

605.01.02 Any indebtedness to the city which the employee may have incurred shall be deducted from the final paycheck.

605.01.03 An employee who has completed twenty (20) or more years of continuous service with the city and separates from the city for any reason except by involuntary termination or who retires from city employment under the city's retirement program with at least ten (10) or more years of continuous service with the city shall be paid for accumulated sick leave upon retirement or separation. Such payment shall not exceed an amount equivalent to 400 hours of sick accrued leave time.

605.02 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

606 INTERIM STATUS PAY

606.01 **General.** The city recognizes that certain positions of significant responsibility and duties may from time to time become vacated for a variety of reasons, and that another employee may be asked to fulfill the duties of an employee serving in a higher level position for an interim period. It is also recognized that these duties are of such a nature and level of responsibility, and may last for an unknown period of time, that additional compensation is warranted for an employee asked to fulfill these interim duties. This policy is to provide a systematic and organized approach for the

SECTION 6 - WAGE AND SALARY ADMINISTRATION

administration of interim assignments to a position of higher responsibility. This policy applies to all employees, including sworn police and fire personnel.

- 606.02 **Interim Assignment.** An interim assignment occurs when an employee is officially assigned to a position of higher responsibility by an approved supervisor.
- 606.02.01 Sworn Police and Fire Personnel. Sworn police and fire personnel who are placed in an interim assignment shall receive interim pay for time spent in the assignment.
- 606.02.02 Civilian Employees. Civilian employees who are placed in an assignment of at least thirty (30) consecutive calendar days shall receive interim pay for the time spent in the assignment.
- 606.03 **Qualifications.** An employee acting in an interim assignment status must be qualified to perform and must actually perform the full range of duties of the higher-level position during the interim assignment. The duties performed of the higher level position must be above and beyond the duties described in the employee's current job classification.
- 606.04 **Supervisor Approval.** An interim assignment shall not become effective without the appropriate supervisor approval as provided below. Except as provided below for sworn police and fire personnel, the interim assignment shall be approved in writing and shall stipulate the effective date and estimated duration of the interim assignment.
- 606.04.01 Executive Leadership Team Assignments. The City Manager, or his or her designee, may temporarily assign an employee to serve in a position on the Executive Leadership Team. A Department Director may recommend, subject to City Manager approval, an employee to serve in a Deputy Director position for an interim assignment. The interim assignment shall be approved in writing and shall stipulate the effective date, duration and compensation of the interim assignment.
- 606.04.02 Civilian Employee Assignments. The Department Director shall approve, in writing, all interim assignments for personnel below the level of Deputy Director, taking into consideration the need to fill the position on an interim basis. The interim assignment shall be approved in writing and shall stipulate the effective date, duration and compensation of the interim assignment.
- 606.04.03 Sworn Police and Fire Personnel Assignments. The Police Chief, Fire Chief, or his or her designee, shall approve interim assignments for sworn police and fire personnel who perform the duties of a higher classification.
- 606.04.04 Interim assignments shall be annotated and approved on the employee timecard.
- 606.05 **Interim Status Pay.** Interim Status pay shall be paid commencing upon completion of the required minimum time period, but shall be effective as of the beginning of the interim assignment.
- 606.05.01 Executive Leadership Team Assignments. The City Manager will determine the

SECTION 6 - WAGE AND SALARY ADMINISTRATION

interim compensation based upon consideration of the following criteria and other criteria as may be appropriate:

- i. Scope and complexity of the duties being assigned;
- ii. Pay difference between the interim assignment and the position held by the employee being assigned to the interim position;
- iii. Exigent circumstances or situation that created the vacancy.

606.05.02 All other employees. An employee serving in an interim assignment shall be compensated the difference between their current rate of pay and the minimum pay in the pay grade for the higher classification that results in a minimum increase of 5%.

606.06 **Completion of Interim Assignment.** Upon completion of the interim assignment, the employee shall return to the employee's regular job assignment and duties. The employee's compensation shall return to that employee's regular rate of pay prior to the temporary assignment.

606.06.01 In the event an interim assignment extends beyond six (6) months, the City Manager or Department Director, as appropriate, shall re-evaluate the interim status assignment and determine if it shall be renewed. If renewed or continued, subsequent reviews shall be performed at least quarterly for the duration of the assignment.

606.06.02 An interim assignment does not constitute a promotion and shall in no way be construed as a permanent assignment.

606.03 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

607 CERTIFICATION PAY

607.01 **Policy.** Sworn Police and Fire personnel within the Departments of Public Safety may be eligible to receive additional compensation for obtaining certain qualifying certifications. The certification must be maintained in an active status in order to receive compensation.

607.02 **Budget.** Certification pay amounts are subject to annual budget considerations and are approved by City Council with the Annual Budget. Certification pays may be changed or eliminated at any time.

607.03 **Notification of Certification Level.** It is the responsibility of the employee to notify his or her department of current certification level and submit a copy of the certificate issued by the certifying agent. Human Resources will not initiate an employee's certification pay until the first full month following receipt of the certification documentation in Human Resources. Certification pay will not be paid retroactively more than three (3) months.

SECTION 6 - WAGE AND SALARY ADMINISTRATION

607.04 An eligible employee shall only be paid for the highest level of certification held.

608 STANDBY / ON-CALL PAY

608.01 **Policy.** The city provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.

608.02 **General.** After regularly scheduled working hours, on-call employees are free to pursue personal activities, but must respond to a call back within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department.

608.03 **Department Procedures.** On-call and call-back procedures shall be established for each department by the Department Director, subject to approval by the Director of Human Resources. Established procedures shall remain on file with Human Resources.

608.03 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

609 INCLEMENT WEATHER / EMERGENCY CLOSING

609.01 **General.** In certain conditions, the City Manager may determine that the city should close due to emergency or severe weather conditions. An emergency closing will be considered when the health, safety and welfare of the public or city employees may be at risk, or conditions do not allow the conduct of normal city operations. Under some circumstances, the city may remain open but with limited essential personnel only.

609.02 **Closing Procedure.** Emergency closings are conducted in accordance with *Standard Operating Procedure (SOP) SLK-002*.

609.03 **Emergency Support Staff.** Emergency support staff include:

- i. All uniformed Police and Fire personnel;
- ii. Designated Public Works employees; and
- iii. Any other employee notified on an ad hoc basis that due to the nature of the emergency, condition or circumstances, that they are expected to report to work or remain at work.

609.04 **Payment for Emergency Closings.**

609.04.01 Emergency support staff shall be paid for actual hours worked.

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609.04.02 Non-emergency staff shall receive paid leave for their normally scheduled hours during which the city is closed and they did not work. Any additional hours worked shall be compensated in accordance with FLSA.

609.04.03 Personnel who are unable to report to work when directed or when normal city operations commence, may use vacation, compensatory or unpaid leave for those hours absent.

609.04.04 Employees who are out on vacation, sick or other paid leave shall not be compensated for emergency closings.

609.05 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.



SECTION 7: BENEFITS





SECTION 7 - BENEFITS

701 GENERAL

- 701.01 **General.** All employee benefits are provided at the discretion of City Council and in accordance with the approved annual budget. Benefits are not a right, but a privilege and may be changed or suspended at any time.
- 701.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

702 BEREAVEMENT LEAVE

- 702.01 **Policy.** The city provides regular full-time and part-time employees paid time off in the event of a death(s) of an immediate family member, for the purpose of attending the funeral.
- 702.02 **Immediate Family.** For the purpose of authorizing paid bereavement leave “family” is defined as current spouse, child, parent, grandparent, brother, or sister, by blood or marriage.
- 702.03 **Bereavement Leave Pay.** Five (5) working days are provided in the event of the death of the employee’s spouse, child or step-child. Three (3) working days are provided in the event of the death of an immediate family member other than spouse, child or step-child. Employees shall notate the familial relationship on their timecard.
- 702.04 **Additional Leave.** If an employee requests more than three (3) days (five (5) days for spouse, child or step-child) of leave, any additional approved time off shall be deducted from the employee’s accrued vacation or compensatory leave. If accrued vacation or compensatory leave is not available, the additional time may be approved without pay.
- 702.05 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

703 HOLIDAYS

- 703.01 **Eligibility.** Paid holidays are extended to all regular, full-time employees. Every other employee is extended the official holiday, without pay. There is no waiting period for employees to receive holiday pay. Part-time, temporary or seasonal employees are not eligible for paid holiday leave. Holiday pay is subject to funding in the annual budget.
- 703.02 **Official City Holidays.** The following holidays will be observed by the city.
- New Year’s Day (January 1);
 - Martin Luther King, Jr. Day (third Monday in January);
 - Good Friday (Friday before Easter);
 - Memorial Day (last Monday in May);

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Independence Day (July 4);

Labor Day / September 11 (first Monday in September);

Thanksgiving Day (fourth Thursday in November);

Day after Thanksgiving (fourth Friday in November);

Christmas Eve (December 24); and

Christmas Day (December 25).

703.03 **Holidays on Weekends.** When an official holiday falls on a weekend, the following alternative schedule applies:

- i. A holiday which falls on a Saturday shall be taken on the Friday before the holiday.
- ii. A holiday which falls on a Sunday shall be taken on the Monday after the holiday.

703.04 **Holiday Pay.**

703.04.01 Regular full-time employees shall receive holiday pay equivalent to a standard eight (8) hour workday unless the employee is on a reduced work schedule as provided for in the Reduced Work Schedule policy, in which case, the Reduced Work Schedule policy applies. Eight hours of pay for regular employees is equal to 12 hours of pay for firefighters on the 24-hour shift schedule. Refer to *Section 4, Policy 406 – Reduced Work Schedule* for more information.

703.04.02 An employee shall not receive pay for a holiday if he or she:

- i. Is absent without approved leave either the day before or the day following an official holiday; or
- ii. Is absent without approved leave on a holiday on which the employee is scheduled to work.

703.04.03 An official holiday occurring while vacation, sick or FMLA leave is being taken will be reflected as a holiday on the payroll and no deduction from the vacation or sick leave balance will be made for the holiday.

703.04.04 In the event an official city holiday conflicts with a city sponsored event, the City Manager may designate an alternate holiday for employees designated as essential personnel on the normally scheduled holiday.

703.04.05 Employees may request an approved absence to celebrate a religious holiday that is not a scheduled city holiday. If approved, the employee must use vacation, compensatory time, or an excused absence without pay.

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703.04.06 No holiday occurring after the date of separation of employment of an employee will be included in the final paycheck.

703.04.07 Employees who designate their last day of employment on an official city holiday shall not receive holiday pay for that holiday.

703.05 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

704 VACATION LEAVE

704.01 **Eligibility.** All regular full-time employees shall accrue vacation leave during their first year of employment; however, vacation leave may not be used until six (6) months of continuous service is completed. Vacation leave does not vest until the completion of twelve months of continuous service; therefore, vacation leave is forfeited if employment is terminated for any reason before the completion of twelve months of continuous service.

704.02 **Part-time, Temporary and Seasonal Employees.** Part-time, temporary and seasonal employees are not eligible for vacation leave.

704.03 **Vacation Leave Accrual.** Accrual rates are based on length of continuous service with the City of Southlake. Vacation leave shall not accrue during leaves of absences without pay nor shall it be advanced. Employees shall move into the next accrual bracket following the first full pay period after satisfying the required months of service.

704.03.01 Regular full-time employees. Regular full-time employees receive vacation leave at the below rates:

Months of Service	Per Period Accrual Rate (Annual Accrual)	Maximum Accrual Allowed
0-59 months	3.08 hours (2 weeks)	240 hours
60-119 months	4.62 hours (3 weeks)	240 hours
120-239 months	7.08 hours (4 weeks, 3 days)	240 hours
240+ months	8 hours (5 weeks, 1 day)	240 hours

704.03.02 Fire Shift Personnel. Fire shift personnel who are on the 24 hours shift schedule shall receive vacation leave at the following rates:

Months of Service	Per Period Accrual Rate (Annual Accrual)	Maximum Accrual Allowed
0-59 months	5 hours (5 shifts)	360 hours
60-119 months	7.5 hours (7.5 shifts)	360 hours
120-239 months	11 hours (11 shifts)	360 hours
240+ months	12 hours (12 shifts)	360 hours

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- 704.04 **Maximum Accrual Allowed.** Employees shall not be permitted to accrue more than the specified maximum accrual rate of vacation leave at any time. Vacation leave shall cease to accrue when a regular employee's vacation leave balance reaches the maximum.
- 704.05 **Scheduling Vacation.** Employees shall schedule vacation in advance with the employee's supervisor or Department Director, who shall give due consideration of the employee's needs and to the ability of the remaining employees to perform all essential tasks of the department while the employee is on vacation. Vacation requests by Department Directors are subject to the approval of the City Manager, or his or her designee. Vacations shall only be scheduled when workload permits; however, every reasonable effort shall be made to accommodate individual requests. Employees have the responsibility to assure that the vacation is requested within a reasonable amount of time and confirm they will have adequate leave accruals to cover the requested time off.
- 704.06 **Holidays during Vacation.** Official holidays occurring during an employee's vacation shall be paid as holiday pay and not considered as vacation leave.
- 704.07 **Vacation Leave during Disciplinary Suspension.** An employee on disciplinary suspension forfeits all claims to use of vacation leave for the duration of the disciplinary suspension. In no case shall vacation time be granted an employee during the course of a disciplinary suspension as a means to supplement pay lost as a result of the disciplinary suspension.
- 704.08 **Vacation Payout upon Termination of Employment.** Upon termination of service, a regular employee who has completed twelve (12) months of continuous employment shall be paid for any unused vacation time, not to exceed the established maximum rate of 240 hours (360 hours for fire shift personnel).
- 704.09 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

705 SICK LEAVE

- 705.01 **General.** The intent of sick leave is to prevent a loss of income to employees who are absent from work due to an illness or injury that is not job related.
- 705.02 **Eligibility.** Regular, full-time employees are eligible to accrue and use sick leave. Probationary employees may use accrued sick leave from the first day of employment with supervisor's approval. Sick leave shall not be advanced.
- 705.03 **Part-time, Temporary and Seasonal Employees.** Part-time, temporary and seasonal employees are not eligible for sick leave.
- 705.04 **Sick Leave Accrual.** Sick leave shall not accrue during leaves of absences without pay nor shall it be advanced. Sick leave cannot be transferred from one employee to another.
- 705.04.01 Regular full-time employees. Regular full-time employees shall accrue sick leave at the rate of 3.08 hours per pay period (80 hours per year).

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705.04.02 **Fire Shift Personnel.** Fire shift personnel who are on a 24 hour shift schedule shall accrue sick leave at the rate of 7.5 hours per pay period (7.5 shifts per year).

705.05 **Maximum Accrual Allowed.** All employees shall accrue sick leave up to a maximum of 720 hours. Sick leave accruals shall cease when an employee's sick leave balance reaches 720 hours.

705.06 **Holidays during Sick Leave.** Official holidays occurring while an employee absent from work due to an illness or injury that is not job related shall be paid as holiday pay and not considered as sick leave.

705.07 **Permitted Sick Leave Uses.** Sick leave may be allowed in case of doctor appointments, personal illness, physical incapacity of an employee, or when it is necessary to care for a family member residing in the employee's household who is ill or incapacitated. Sick leave shall also be used for FMLA qualifying events.

705.07.01 Employees shall not be entitled to sick leave when absent from work due to illness or injury resulting from employment with another employer.

705.08 **Use of Other Paid Leave.** When an employee's accumulated sick leave has been exhausted, accrued vacation leave or compensatory time may be used upon request of the employee and with approval of the supervisor or Department Director.

705.09 **Sick Leave Notice.** Whenever possible, employees shall report and provide notice in accordance with *Section 5, Policy 503 – Attendance*. Failure to give notice may result in the employee being declared absent without leave and subject to corrective action.

705.10 **Certification from Medical Provider.** An employee may be required to furnish his or her supervisor or Department Director with a statement from an attending licensed physician when:

- i. There is question as to the merits of an employee's claim that his or her absence was due to illness or injury of the employee or of a family member residing in the employee's household;
- ii. The employee's safety or ability to work is in question;
- iii. There is a question of sick leave abuse;
- iv. The safety or efficiency of the work unit is in question; or
- v. The employee has been absent from work for three (3) consecutive work days or longer.

705.11 **Fit for duty examination.** An employee who has been absent because of illness or injury may be required to submit to a physical examination by a licensed physician selected by the city prior to returning to work. In such cases the employee may return to work upon certification by the examining physician that the employee is physically or mentally fit to return to work, or if the employee is certified fit for limited or light duty, but not his or her regular duty, the employee may, at the discretion of the city, be required to report for light or limited duty. Refer to *Section 7, Policy*

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711 – *Modified Duty* for additional information.

- 705.12 **Return to Work.** An employee who is released by an examining physician to return to regular or light duty and refuses to report for work or perform his or her assigned duties is subject to corrective action, up to and including termination.
- 705.13 **Sick Payout upon Termination of Employment.** Employees who are separated from city employment for any reason shall not be entitled to receive pay for accumulated sick leave, except that, an employee will be granted, upon retirement or separation, a lump sum payment of sick leave remaining to his or her credit in any amount that does not exceed four hundred (400) hours when he or she:
- i. Retires from city employment under the city sponsored program and is immediately eligible to receive retirement payments; and has at least ten (10) years of continuous employment with the City of Southlake; or
 - ii. Separates from employment for any reason except for involuntary termination, with twenty (20) or more years of continuous full-time service with the city.
- 705.14 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

706 JURY DUTY AND COURT LEAVE

- 706.01 **General.** Employees shall be granted court leave with pay when summoned for jury duty or when appearing as a witness on behalf of the city or as a consequence of his or her official city duties. It is expected that employees will work their normal working hours during any time that they are not required to serve.
- 706.02 **Notification.** Employees shall notify their supervisor upon receiving a summons for which court leave is requested, and shall submit appropriate documentation verifying the nature and duration of absence in order to receive court leave with pay.
- 706.03 All fees paid and expenses reimbursed by the court may be retained by the employee, provided that the city did not furnish travel, meals, lodging or miscellaneous expenses and that the employee is not appearing as a witness on behalf of the city or is appearing as a consequence of his or her official city duties. If the city furnished travel, meals, lodging or miscellaneous expenses, the employee shall submit any fees paid or expenses reimbursed by the court to the city.
- 706.04 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

707 MILITARY LEAVE

- 707.01 **General.** The city complies with all federal and state laws relating to employees in reserve or active military status and does not discriminate against employees who serve in the military. The city

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supports its employees and their service in federal and state military units and provides them with a number of military leave benefits.

- 707.02 **Eligibility.** Employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.
- 707.03 **Military Training Leave.**
- 707.03.01 **Eligibility.** A regular employee, who is a member of the Texas or National Guard or Reserves of the United States Armed Forces shall, upon notification to the department director and submission of appropriate documentation, be granted leave for a period required to perform active duty for training. Temporary employees will be given authorized leave without pay for this purpose.
- 707.03.02 **Definition.** Active duty for training is defined as engaging in short periods of authorized military training such as cruises, training schools, weekly or weekend drills, and other similar activities.
- 707.03.03 **Length of Leave.** In accordance with §437.202, Texas Government Code, a regular employee engaged in authorized military training or duties will receive pay and accrue benefits as if the employee were on the job, for up to three calendar weeks in any one year.
- 707.03.04 **Leave in Excess of 15 days.** An employee eligible for military leave who is ordered or authorized to participate in training or other duty for more than 15 work days in one calendar year will be placed on leave without pay for any time in excess of 15 work days. The employee may choose to use accrued vacation or compensatory time in lieu of leave without pay.
- 707.03.05 **Notice to Department Director.** An employee shall give notice to his or her supervisor within 72 hours of receiving written or verbal military orders regarding dates for military training leave. Annual or quarterly training schedules should be given to the department director as the schedules become available to the employee.
- 707.03.06 **Rescheduled Work Days.** An employee who participates in weekend military training that occurs on a scheduled workday may reschedule a workday rather than have the absence charged to military leave, if the employee reschedules the workday within the same work period.
- 707.04 **Active Duty Military Leave.**
- 707.04.01 **Eligibility.** A regular employee, who leaves a position with the city for the purpose of entering any branch of the United States Armed Forces for extended active duty, shall be placed in military active duty status and granted a leave of absence. The employee should give the department director advance notice of the employee's intent and, for

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reemployment purposes, submit a copy of the orders for inclusion in the employee's personnel record.

707.04.02 Length of Active Duty. In accordance with § 4312, Title 38, United States Code, an employee may serve a total of five (5) years on active duty in the armed forces, (six (6) years for Navy Nuclear Program) and still be eligible for reemployment. An employee's right to re-employment is not protected for periods of military active duty longer than five (5) years (six (6) years for Navy Nuclear Program) whose initial enlistment period is six years.

707.04.03 Re-employment. A full-time employee who returns from active duty in the armed forces of the United States is entitled to reemployment in the same position held upon entrance to active duty or in a position of comparable status and pay, if the employee:

- i. Is physically and mentally qualified to perform the duties of the position;
- ii. Was discharged, separated, or released from military active duty under honorable or general conditions;
- iii. Has not been on military active duty leave for more than five (5) years (six (6) years for Navy Nuclear Program); and
- iv. Makes a written application for reappointment after discharge, separation, or release from military active duty and presents evidence of the discharge, separation, or release from military active duty:
 - a. Less than 31 days Active Duty: The employee must report to work at the next regular scheduled work period after a reasonable time to return home safely and an 8-hour rest period.
 - b. Between 30 to 181 days Active Duty: The employee must submit a written application within 14 days of release of service.
 - c. More than 181 days Active Duty: The employee must submit a written application within 90 days of release of service.

707.04.04 Credit for Military Service. A regular employee with the city upon reemployment from military active duty will be allowed full credit for time spent in the military service for the purpose of computing seniority, vacation and sick leave, and service longevity. In addition, upon re-employment, the employee will be credited with sick and vacation leave accruals not accrued during his or her active military duty leave.

707.04.05 Military Partial Pay and Benefits. A regular employee called to active duty in a reserve component of the armed forces shall be granted leave and employee benefits in the following manner:

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- i. Military Partial Pay. Subject to funding availability, an employee shall receive military partial pay for up to six (6) months beginning the first day on active military duty, only if the total monthly military salary is less than the total monthly city salary. If the total monthly military salary is greater than the employee's total monthly city salary, the employee may elect to use paid leave as described in section 707.04.05(ii) below. Otherwise, military partial pay shall be calculated as the difference between the employee's total monthly salary from the city at the time the employee was called to active duty and the employee's total monthly military salary during the first six (6) months of active military duty. It is the responsibility of the employee to request military partial pay and to provide appropriate documentation.

At the end of the first six (6) months, the City Manager may, for good cause, at his or her discretion extend the military partial pay period for an additional six (6) months.

The employee must inform his or her supervisor of any changes in the employee's military pay while receiving military partial pay from the city.

- ii. Use of Other Paid Leave. At the end the military partial pay period, or if the employee is not eligible for military partial pay, the employee may request in writing to use any accrued paid military training leave, vacation or compensatory time leave balances. If the employee elects to use these leave balances, the leave must be taken in amounts consistent with the employee's regular work schedule with the city. For example, if the employee was regularly scheduled to work forty (40) hours per week for the city, the leave must be used at a rate of forty (40) hours per week.

- iii. Insurance Benefits. The city will continue to pay its portion of the employee's insurance benefits paid prior to the employee beginning active military duty, with the employee continuing to be financially responsible for the employee's portion of the premium for the selected coverage. Payment of insurance benefits will continue in this manner during the six (6) month military partial pay period, and may be continued an additional six (6) months if the military partial pay period is extended by the City Manager for an additional six (6) months. If the employee elects to use other accumulated paid leave immediately after the six (6) month partial pay period expires, insurance benefits will continue until all available paid leave has been exhausted.

Upon exhaustion of paid leave, the employee may then elect to continue health insurance coverage through COBRA coverage in compliance with the law.

- iv. Longevity Pay. The employee shall be eligible to receive longevity pay in accordance with Section 713 – Longevity Pay while in an active duty status.

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707.05 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

708 LEAVE WITHOUT PAY

708.01 **General.** Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right.

708.02 **Use of Accrued Paid Leave.** Employees must exhaust all paid leave prior to requesting leave without pay.

708.03 **Leave Without Pay Requests.** Employees who wish to request leave without pay must do so in writing.

708.04 **Approval.** Department Directors may approve leave without pay in increments of less than three (3) consecutive work days. Extended leave without pay may be granted when deemed appropriate by the City Manager, or his or her designee including but not limited to the following reasons:

- i. To participate in training that would result in increased job ability;
- ii. To achieve an educational level necessary for advancement or promotion in the city;
- iii. To perform a service that will contribute to the public welfare;
- iv. To approve medical leave that does not qualify for Family Medical Leave; or
- v. To extend Family Medical Leave that has been exhausted.

708.05 **Return to Work following Extended Leave.** An employee who requests and is granted an extended leave without pay shall have no guarantee of any particular job upon return to work, but shall be subject to the availability of that particular job.

708.06 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

709 WORKERS' COMPENSATION

709.01 **General.** All regular, temporary, seasonal or part-time city employees who are injured in the course and scope of their employment with the city of Southlake are afforded the protections guaranteed by the Workers' Compensation laws of the State of Texas. If an employee is injured on the job, he or she may be eligible for benefits under Workers' Compensation that may cover the cost of medical treatment for the injury. Workers' Compensation may also include partial salary compensation during the recovery period. Workers' Compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job. It is not designed to cover "ordinary diseases of life". Human Resources is responsible for administering the city's Worker's Compensation program.

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- 709.02 **Reporting an Injury.** Any employee who sustains an on the job injury is required to complete the First Report of Injury form and submit it to Human Resources within three (3) calendar days from the date of injury. The First Report of Injury provides necessary information regarding the injury to begin the claim process and must be completed
- 709.03 **Missed Time Due to Injury.** If an employee is unable to perform the essential functions of his or her job due to an on the job injury or illness and is absent from work for more than three (3) days, the employee will be placed on FMLA leave in accordance with the FMLA Policy.
- 709.04 **Wage Continuation Program.** In addition to the legally required benefits, the city provides a wage continuation program, which offers supplemental earnings to employees receiving workers' compensation benefits from the City of Southlake. Please refer to *Section 7, Policy 710 - Wage Continuation Program* for more information.
- 709.05 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

710 WAGE CONTINUATION PROGRAM

- 710.01 **General.** The intent of the Wage Continuation Program is to prevent a loss of income to employees who sustain an injury in the course and scope of employment for a limited period of time. Subject to the provisions outlined below, an employee who sustains an on the job injury and is eligible for Workers' Compensation income benefits shall also be eligible for wage continuation benefits, separate and distinct from and in addition to Workers' Compensation payments.
- 710.02 **Definitions.**
- 710.02.01 First Report of Injury. A report that provides information on the employee claimant, employer, insurance carrier and medical practitioner necessary to begin the claims process.
- 710.02.02 Injury. Damage or harm to the physical structure of the body or a part thereof, including any subsequent aggravation or re-injury that occurs while the employee is acting in the course and scope of the employee's employment, and for which compensation is payable under the Texas Workers' Compensation Act and is approved for payment by the City's workers' compensation insurance carrier. An "injury" shall not include any illness, disease, or infection that is not directly caused by the employee's performance on the job.
- 710.02.03 Subrogation Rights. To recover benefits paid to the employee that is received by the employee for injuries incurred as the result of the negligence of a third party.
- 710.02.04 Temporary Income Benefits. Benefits paid after an initial waiting period by the workers' compensation insurance carrier that equal approximately 70% of the difference between the employee average weekly wage and the employee's weekly wage after the injury, up to a defined maximum amount.

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- 710.02.05 Wage Continuation. A city benefit designed to provide an employee with the employee's approximate normal "take-home" pay for a specified period of time while unable to work due to occupational injury or disease.
- 710.03 **Statutory Benefits.** An employee who sustains an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include income benefits, medical benefits as reasonably required to cure and relieve the effects of the injury or occupational diseases, and/or death benefits.
- 710.03.01 Calculation of Benefits. State law currently provides that an employee will be eligible for weekly indemnity payments beginning on the eighth calendar day of lost time following an occupational injury. Weekly indemnity payments for compensable injuries are temporary benefits, which will continue until the doctor certifies that the employee has received maximum medical improvement. Weekly indemnity payments for compensable injuries are made in accordance with state law.
- 710.03.02 Benefits Waiting Period. Compensation benefits are subject to qualifications and a seven (7) calendar day waiting period. After fourteen (14) calendar days of lost time, and subject to qualifications, the seven-day (7) waiting period will be paid retroactively.
- 710.04 **Wage Continuation Program.** The wage continuation program provides additional income protection for employees who are injured on the job.
- 710.04.01 Start Time for Wage Continuation Benefits. As workers' compensation benefits provide nothing to an employee during the first seven (7) calendar days, wage continuation will provide the employee with his or her regular pay for that period. Should an employee miss fourteen (14) or more calendar days due to occupational injury and receive payment for the first seven (7) days, the city will recoup the amount of this payment through payroll deduction.
- 710.04.02 Maximum Time for Wage Continuation Benefits. Wage continuation benefits shall automatically terminate at the expiration of ninety (90) calendar days from the date the employee is first unable to work. In special cases deemed meritorious by the City Manager, wage continuation benefits may be continued for up to an additional 30 calendar days. In no event will wage continuation benefits extend past 120 calendar days for any injury, including any later aggravation, relapse, or re-injury. Upon exhaustion of wage continuation benefits, refer to additional benefits described herein.
- 710.04.03 Use of Accrued Leave. Once wage continuation benefits have been exhausted, the employee shall use any accrued vacation and sick leave to supplement Income Benefits to provide the employee with the equivalent of their "take-home pay", until the employee is released for full-time or restricted duty. The employee may use any accrued compensatory leave. After all available paid vacation, sick and compensatory

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leave has been exhausted, the employee shall receive only the worker's compensation income benefits until he or she is released for regular or restricted duty.

710.05 **Qualifications to Receive Wage Continuation Benefits.**

710.05.01 Reporting On-the-Job Injury. Any employee who sustains any on-the-job injury, however minor, and who is physically able, shall report the injury immediately as the injury is noticed or by the end of the work shift to the employee's immediate supervisor and receive such medical treatment as may be necessary. If the injured employee is unable to physically report his or her injury, it is the responsibility of their immediate supervisor to complete the First Report of Injury report as soon after the injury as possible. The First Report of Injury must be completed and submitted to Human Resources within three (3) calendar days for processing.

710.05.02 Full-time Employees. Full-time employees who are injured in the course and scope of their employment with the city are eligible to participate in the Wage Continuation Program.

710.05.03 Temporary, Seasonal and Part-time Employees. Temporary, seasonal and part-time employees are eligible for Wage Continuation Benefits for the first seven (7) days of lost time in which Income Benefits are not paid. They are eligible for Worker's Compensation payments.

710.05.04 Income Benefits. An employee must be currently receiving Income Benefits from the city's workers' compensation insurance provider to be eligible for wage continuation.

710.05.05 Wage Continuation Benefits after Notice of Retirement or Resignation. An employee who is injured after giving notice of retirement or resignation or after receiving notice that the employee is to be laid off or discharged shall not receive and shall not be eligible for wage continuation benefits beyond the date the retirement, discharge, resignation, or layoff is to be effective.

710.05.06 Restricted Duty. An employee who is injured must accept restricted duty assignments if cleared and authorized by the employee's attending physician. Restricted duty assignments are given to the injured employee if available. The duties will accommodate the injury of the employee to prevent further irritation of the injury. Refer to *Section 7, Policy 711 – Modified Duty* for more information.

710.06 **Return to Work Release.** Before reporting back to work, an employee shall provide a written release to Human Resources from the attending physician. The release should indicate the employee's fitness to return to duty, stipulate the type of duty permitted, specify any physical restrictions, and the date of the employee's release from medical care. Human Resources shall notify the employee's supervisor of the employee's ability to return to work. An employee shall not be permitted to return to work until cleared by Human Resources to do so. Wage continuation benefits shall end on the date the employee is released to return to work.

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710.07 **Subrogation of City Rights.** The city has subrogation rights granted by law or contract for other benefits, including worker's compensation. Therefore, the city shall be subrogated to the rights of the injured employee or the employee's beneficiary as a third party to the extent of the injured employee's wage continuation benefit payments paid to the employee under this policy.

710.08 **Ineligibility and Wage Continuation Benefit Termination.** An employee shall forfeit all rights to initial and/or further wage continuation benefits if the employee:

- i. Fails or refuses to comply with, follow, disregard, or violate the treating physician's instructions regarding treatment and/or rehabilitation of the employee's injury;
- ii. Refuses to perform restricted, partial, or part-time duty when offered by the City of Southlake and which has been authorized by the treating physician;
- iii. Refuses to accept or perform a different job with the city when offered by the City of Southlake and which has been authorized by the treating physician;
- iv. Falsifies or misrepresents the employee's physical condition or capacity;
- v. Refuses to return to duty on the workday they have been released by the treating physician;
- vi. Fails to submit the Texas Workers' Compensation Work Status Report to Human Resources each time the employee sees a doctor for consultation or treatment;
- vii. Has been injured as a result of the employee's blatant disregard for customary and established safety policies, procedures, or instructions as determined by the employee's Department Director or City Manager as a result of an investigation into the facts;
- viii. Is found to be working, either part-time or full-time and either for pay or as a volunteer or otherwise, for or on behalf of himself or herself or any other person, firm or corporation, or any other person, firm or corporation, or any other employer;
- ix. Retires, dies, resigns, or is discharged for any reason while receiving wage continuation benefits;
- x. Is injured as the result of the employee's violation of any Federal, State or local law, ordinance or statute;
- xi. Workers' Compensation Temporary Income Benefits terminate;
- xii. fails to keep medical appointments or refuses to submit to an examination or to such diagnostic test, x-rays, surgical procedures, or other procedures as a physician or psychologist prescribes or recommends as medically necessary to identify, diagnose, treat, or cure the employee's injured condition;
- xiii. Is injured:

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- a. While engaged in horseplay;
- b. While intoxicated by alcohol, controlled substances, glue, dangerous drugs, aerosol paint; or similar substances;
- c. In willful efforts by employee to injure self;
- d. Through an act of God (tornado, flood, etc.), unless employment leads to more exposure to risk than the general public;
- e. Through voluntary participation in off-duty recreational or social activities; or
- f. While participating in activities that would be detrimental to recovery or refusing to participate in activities that will aid in healing.

710.09 **Sick Leave/Vacation Accrual.** Sick leave and vacation benefits will continue to accrue at the normal rate for an employee who is receiving wage continuation benefits for a maximum of 120 days. After 120 days of leave, an employee will discontinue accruing vacation and sick leave.

710.10 **Coordination with Long-Term Disability (LTD).** If an employee's workers' compensation leave fulfills the waiting period for LTD benefits, then the employee may apply for LTD benefits. LTD benefits will coordinate with the worker's compensation benefits, and the Wage Continuation program. At no time will the employee's total compensation exceed the employee's salary prior to the work-related injury.

710.11 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

711 MODIFIED DUTY POLICY

711.01 **General.** It is the policy of the city, subject to the limitations set forth below, to allow and encourage temporary limited use of employees who are temporarily disabled due to injury or illness, incurred while either off-duty or on-duty, in order to benefit both the employee and the city.

711.02 **Eligibility.** This policy applies to all regular and part-time city employees except temporary employees.

711.03 **Modified Duty Assignment.** A modified duty assignment is a temporary reassignment of an employee with an illness, injury, or medical condition that prevents the employee from performing the full duties of their job classification. The modified duty assignment is one that can be performed within the limitations of the employee's medical condition.

711.03.01 Modified duty assignments are not guaranteed, but will be granted by the Department Director when there is a modified duty assignment available and the employee is qualified to perform the available modified duty assignment.

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711.03.02 A modified duty assignment shall not be made to accommodate an ill or injured employee. However, a special offer for a department that would require the reassignment of staff away from or in addition to their regular work assignments may be considered for modified duty if the project is expected to take more than thirty (30) days to complete.

711.03.03 An employee, who is released by the employee's physician to return to work in less than full duty capacity, may be required to work in a position or department other than the department in which the employee regularly works. Assignments shall be made in accordance with the employee's limitations and the needs of city services.

711.04 **Duration of Modified Duty Assignment.** All modified duty positions are temporary in nature, subject to the availability of productive work assignments, and shall not exceed twelve (12) weeks in length from the date of initial assignment. An employee is not eligible for more than twelve (12) weeks modified duty in any twelve (12) month period.

711.05 **Procedures for Requesting Modified Duty.**

711.05.01 Non-Workers' Compensation. An employee who experiences injury and/or illness that prevents the performance of his or her essential job functions may make a written request for a "Modified Duty" assignment during recuperation. An employee may request modified duty but is not required to do so.

An employee who desires to return to work in a modified duty assignment must provide Human Resources with a written release from the attending physician. The release must include the following:

- i. The date the employee may return to work in a modified duty assignment;
- ii. The type of restrictions imposed on the modified duty;
- iii. The period of time the restrictions apply;
- iv. The date of the employee's next physician's appointment; and
- v. The anticipated date of return to full duty.

The city reserves the right, to the extent permitted by law, to require an independent physical analysis/assessment to insure that the employee is able to perform a modified duty assignment.

711.05.02 Workers' Compensation. Receipt of a completed Texas Department of Insurance, Division of Workers Compensation Work Status Report (DWC Form – 73) will constitute a request for modified duty. The city reserves the right, to the extent permitted by law, to require an independent physical analysis/assessment to insure that the employee is able to perform a modified duty assignment.

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711.06 **Modified Duty Offer.**

711.06.01 Upon receipt of an employee request for Modified Duty, Human Resources shall review the capabilities and restrictions of the employee. A review of potential work assignments will be conducted with the employee's supervisor to determine if an assignment is available which matches the employee's training, skills and/or physical limitations as determined by the employee's physician.

711.06.02 If available, a modified duty work assignment will be offered in writing by Human Resources to an injured or ill employee for a period not to exceed twelve (12) weeks if:

- i. A bona-fide work assignment exists within the city, and
- ii. The physical requirements of the assignment are within the abilities documented by the treating physician; and
- iii. It is approved by the Director of the Department.

711.06.03 An offer of modified duty shall include:

- i. The location at which the employee will be working;
- ii. The schedule the employee will be working;
- iii. A description of the physical and time requirements that the position will entail; and
- iv. A statement that the city will only assign tasks consistent with the employee's physical abilities, knowledge, and skills and will provide training if necessary.

711.07 **Responsibilities of Directors.** Department Directors shall work with supervisors to identify possible modified duty assignments when requested by Human Resources. Attempts will be made first to make modified duty assignments in the division and department in which the ill or injured employee currently works. If placement in the department is not possible, Human Resources will poll other city departments to determine if a modified duty assignment can be found based on the employee's physical abilities and skills.

711.08 **Conditions of Modified Duty.** An employee working in a modified duty assignment is subject to all city policies and regulations and if warranted, is subject to corrective action by the employee's supervisor for the modified duty assignment.

711.08.01 As a condition of continuing in a modified duty work assignment, an employee must:

- i. Adhere to prescribed treatment and make reasonable efforts toward rehabilitation;

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- ii. Fully perform the modified duties assigned;
- iii. Present to Human Resources and the employee's supervisor monthly progress reports, or after each doctor's visit, whichever is more frequent. The progress report shall state the expected date the employee is able to return to work full duty as well as any physical limitations that may impact the employee's ability to perform the modified duty assignment;
- iv. Accept progressively more demanding assignments as the employee's condition improves; and
- v. Make progress in returning to full performance capability.

711.09 **Termination of Modified Duty.** The city may terminate or amend an employee's modified duty work assignment if:

- i. The employee's physician modifies the work release;
- ii. The employee is found to be performing beyond the modified duty restrictions;
- iii. The work assignment is completed, and no work assignment exists within the city which suits the employee's abilities and meets the limitations documented by the treating physician;
- iv. The employee performs unsatisfactorily in the modified position;
- v. The employee's physician fails to release the employee as capable of performing the modified assignment upon examination;
- vi. Budgetary constraints do not allow continuation of modified duty;
- vii. The employee has utilized twelve (12) weeks of modified duty in a rolling twelve (12) month period; or
- viii. The employee fails to present regular progress reports to Human Resources.

711.10 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

712 ALTERNATE WORK SCHEDULE

712.01 **General.** In order to maintain a high level of responsiveness to the City of Southlake and its citizens, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

The city reserves the right to establish official work hours for any position to ensure accomplishment of the city's mission. Where operational demands allow, the city encourages alternate work

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schedules to reduce energy consumption and allow employees greater flexibility in balancing work and personal needs.

712.02 **Eligibility.** This policy applies to all regular, full-time employees of the city, except where otherwise noted.

712.03 **Alternate Work Schedules.**

712.03.01 Compressed Work Week. Subject to operational requirements, regular full-time employees may be permitted to work an alternate schedule that allows the employee to work four (4) 10-hour workdays per work week in lieu of the traditional five 8-hour workdays.

This section is not applicable to sworn fire and police personnel. Work schedules for sworn personnel may be modified by the Department Director or his designee, in accordance with the City of Southlake Personnel Policies and the Departments of Public Safety General Orders.

712.03.02 Requests for Alternate Work Schedule. A request for an alternate work schedule must be submitted whenever a significant change in a work schedule is requested by an employee; however, an employee may not request significant changes to an approved alternate work schedule more than once every ninety (90) days. An employee may voluntarily terminate participation in an alternate work schedule at any time.

712.03.03 Alternate Work Schedule Approval. Minor changes in an employee's schedule, such as changes in employee arrival and departure times, are not considered significant changes and may be approved by a supervisor as needed.

The Department Director has final approval of alternate work schedules, including desired flex days off.

No alternate work schedule shall be approved that has the potential to unduly increase the city's overtime pay liability.

712.03.04 Alternate Work Schedule Modification and Cancellation. Daily and weekly work schedules may be modified or canceled at the city's discretion to meet changing operational needs.

Employees may be required to depart from the approved alternate work schedule as necessary to work additional hours, attend training, or for other business purposes as determined by the city.

The City Manager or Department Director may cancel or suspend an employee's alternative work schedule privileges at any time, for any reason.

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712.03.05 **Holidays.** Regular full time employees scheduled to work on a city holiday shall receive holiday pay equivalent to eight (8) hours, regardless of the number of hours that the employee may have been scheduled to work.

Compressed work week schedules will be suspended during work weeks that include an official city holiday. Employees will work eight (8) hour days during holiday weeks unless otherwise approved for leave.

712.04 **Telecommuting.** Telecommuting is a flexible work arrangement that allows an employee to work at home or at another satellite location (which is linked, usually electronically, to a central office) during some portion of the workweek. Telecommuting is best suited for jobs that require independent work, little face-to-face interaction, concentration, a measurable work product, and output-based (instead of time-based) monitoring.

712.05 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

713 LONGEVITY PAY

713.01 **General.** The city awards longevity pay to all full-time employees who meet the guidelines outlined below. Longevity pay is to acknowledge and reward long service of employees.

713.02 **Eligibility.** Regular full-time employees who have been employed with the city for twelve (12) consecutive months as of December 31 each year are eligible to receive longevity pay. Employees must be employed by the city at the time longevity pay is awarded to be eligible.

713.03 **Conversion from Temporary, Seasonal, or Part-time Status to Regular Full-time Status.** An employee who began his or her employment with the city as a temporary, seasonal or part-time employee but is currently in a regular full-time position, the longevity calculation shall be based on the date the employee moved into a regular, full-time position.

713.04 **Calculation and Payment of Longevity Pay.** \$4.00 per month will be paid to each eligible employee for each full month employed through December 31 each year. Longevity pay will be paid in the first paycheck in December, unless otherwise authorized by the City Manager. Time worked for the city that is not consecutive will not be included in the calculation.

713.04.01 **Example:** Dan started working for the city on February 10, 2004. On his first paycheck in December 2006 he will receive longevity pay in the amount of \$136.00 (10 months in 2004 - March to December - 12 months in 2005 and 12 months in 2006 equal to 34 months. 34 months X \$4 = \$136).

713.05 **Retirement.** Longevity pay will be extended on a pro-rated basis to employees who retire from city employment under the city sponsored program and is immediately eligible to receive retirement payments and is otherwise eligible for longevity pay, but retire prior to the annual payment of the benefit.

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- 713.06 **Maximum Payment.** The maximum amount of longevity payment shall not exceed \$1,200 or three hundred (300) months (25 years x 12 months) of service.
- 713.07 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

714 TUITION REIMBURSEMENT

714.01 **General.** The Tuition Reimbursement Program provides an opportunity and an incentive for employees to increase their individual level of education and expertise in their related job duties, thereby enhancing their job skills and degree of professionalism and subsequently improving the ability for staff to provide continued quality service to the community.

714.02 **Eligibility.** Regular full-time employees who have completed one year of service with the City of Southlake shall be eligible to apply for tuition reimbursement.

Tuition reimbursement is offered to employees for both undergraduate and graduate courses (excluding doctoral studies) that are directly related to their job and/or in the best interest of the city. Individual courses outside of the degree plan, but which are directly related to the employee's current position with the city, may be considered for tuition reimbursement on a case-by-case basis, with the final determination of approval made by the department director and Director of Human Resources.

714.03 **Eligible Colleges and Universities.** All coursework must be completed at a fully accredited college, community college or university recognized as accredited by the Council for Higher Education Accreditation (www.chea.org).

714.04 **Reimbursement Rate.** The average cost for in-state tuition at a Texas public college or university shall be established each year as part of the normal budget process and shall be based on state schools within in the region as determined by Human Resources. The employee shall be responsible for any difference in tuition cost between the average rate and the actual tuition cost.

714.05 **Available Funding.** Participation in the Tuition Reimbursement Program is subject to availability of funds in the city's Annual Operating Budget and prior approval. The Tuition Reimbursement program may be suspended at any time with or without notice by the City Manager or City Council.

714.06 **Continued Employment.** In exchange for the city's commitment toward tuition reimbursement, the city requires the participating employee's commitment of continued employment. An employee seeking tuition reimbursement to attend an institution of higher learning shall commit to continued employment of two (2) years following the completion of the most recent course for which reimbursement was received by the employee.

An employee who voluntarily leaves employment with the city before two (2) years shall reimburse the city for tuition reimbursement received. Reimbursement to the city shall be based on the following schedule:

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- i. Employment separation 0-12 months following completion of the most recent course for which reimbursement was received: 100% of tuition reimbursement received during the previous two (2) years shall be repaid to the city.
- ii. Employment separation 13-24 months following completion of the most recent course for which reimbursement was received: 50% of tuition reimbursement received during the previous two (2) years shall be repaid to the city.

An employee who involuntarily leaves employment shall not be required to reimburse any monies received.

714.07 **Reimbursement Levels.** Tuition, lab fees and other mandatory fees shall be considered for reimbursement. Reimbursement shall be based on the employee's official school receipts, transcript, or report card and shall be paid as follows:

- i. 100% of the average cost for tuition, laboratory, and registration fees for in-state tuition at a Texas public college or university and 50% of the cost of required textbooks for receiving a grade of "C" or higher.
- ii. No reimbursement shall be paid for a grade lower than a "C."

Supplies, parking, meals, extra-curricular activities, graduation fees, and any course where credit shall be given for work experience or for work history shall not be reimbursed. Similarly, costs for testing or placing out of actual course work shall not be reimbursed.

The city offers tuition reimbursement assistance under the guidelines of Section 127 of the Internal Revenue Code (IRC 127) which covers employer-provided educational programs. Under Section 127, an employer may exclude educational expenses from an employee's gross income up to a maximum amount in a calendar year. The city will issue the appropriate tax documents to employees participating in the Tuition Reimbursement Program.

714.08 **Application Procedure.** The employee shall apply for Tuition Reimbursement during the normal budget process for the next fiscal year. The employee shall complete the appropriate tuition reimbursement request forms and receive approval prior to course registration. Upon approval and budget funding, the employee shall pay the initial tuition and related costs in advance and shall be granted reimbursement only after the grades have been received. After completion of the course, the employee shall submit the appropriate Tuition Reimbursement Request form, receipts, and grade documentation to Human Resources for final approval.

714.09 **Termination Prior to Course Completion.** Employees who cease employment with the city prior to completion of the course are ineligible for the tuition reimbursement benefit.

714.10 **Course and Study Time.** Time expended by an employee involved in a course approved under this plan shall not be considered as "on-duty" time. Expenses related to travel, meals, or lodging shall be the cost of the employee and shall not be considered for reimbursement under this plan.

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- 714.11 **City Sponsored Training.** This plan is not related to courses, seminars, conferences, and similar training sessions that are required, offered, or paid by the city. It is also not related to certification programs or classes.
- 714.12 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

715 EMPLOYEE ASSISTANCE PROGRAM

- 715.01 The City Manager may, if approved by the City Council, administer an employee assistance program to provide aid to employees in resolving problems that may affect job performance, attendance, and employee morale. Some of the broad categories that may be covered by this program are related to personal, family, marriage, legal, financial, and drug and alcoholism problems. Contact Human Resources for more information regarding this program.
- 716.02 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

716 RETIREMENT

- 716.01 **Texas Municipal Retirement System (TMRS).** The city participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. All amendments and additions to TMRS enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

The purpose of the TMRS is to provide a dependable plan for the retirement of full-time regular employees of Texas municipalities.

- 716.01.01 Participation. Participation of all eligible full-time regular employees and eligible part-time regular employees is a condition of employment. Part-time employee eligibility will be determined by the Director of Human Resources and the requirements established by TMRS.
- 716.01.02 Retirement Contributions. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The city currently contributes matching funds pursuant to actuarial assumptions.
- 716.01.03 Retirement Eligibility. TMRS offers employees several options for retirement providing he or she meets the following requirements:
- i. Employees must be at least 60 years of age and have at least five (5) years of service credit with the system; or

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- ii. Employees may be any age and have twenty (20) years of service credit with the TMRS system.
- iii. Should the employee have five (5) or more years of TMRS service credit and die before retirement, the employee's beneficiary will be provided information regarding options for retirement benefits.

716.01.04 **Retirement Options.** There are several retirement plan options available to retiring employees that are explained in detail in the TMRS handbook available in Human Resources or www.tmr.org.

716.02 **Deferred Compensation.** Consistent with federal or state laws, the city may offer employees the option of deferred compensation plans. The City Manager or his or her designee shall administer any deferred compensation programs and may promulgate any necessary rules and regulations.

716.03 **Part-time Alternative Retirement System (PARS).** All part-time temporary, temporary and seasonal employees are required to participate in PARS (Public Agency Retirement Services). The employee contributes 6.2% of their gross pay, tax deferred and the city contributes 1.3% of their gross pay. PARS provides immediate 100% vesting for participants.

716.04 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

717 RETIREE HEALTH INSURANCE BENEFITS

717.01 **Retiree Health Insurance Benefits.** The city, in compliance with City of Southlake Ordinance 98-65, shall provide the opportunity for full-time employees who retire from the city to purchase health insurance coverage for the retiree and the retiree's dependents as provided by these regulations unless the retiree is eligible for group health insurance benefits through another employer.

717.01.01 **Eligibility.** Regular full-time employees who retire from the City of Southlake are eligible to enroll in retiree health insurance at the time of retirement if the retiree is not eligible for Medicare or other medical insurance.

717.01.02 **Insurance Premiums.** Retirees shall be responsible for paying for the health insurance coverage at the same rates as the City of Southlake less any city contribution approved by the City Council. Retirees shall make payments to the city in the same manner as employees who pay for dependent coverage with the city.

717.01.03 **Termination of Coverage.** Retiree health insurance shall be terminated once a retired employee becomes eligible for Medicare or is eligible to be covered under another medical plan.

717.02 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

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718 SOCIAL SECURITY / FICA

- 718.01 The city has opted out of the Social Security program and therefore, social security taxes will not be deducted from the employee's paycheck.
- 718.02 **Approval and Effective Date.** This policy was approved by City Council on April 5, 2016 by Resolution No. 16-011 and is effective April 15, 2016. It supersedes all previous policies.

719 VOTING

- 719.01 Employees are encouraged to register and to vote. Voting shall take place outside of normal working hours or during early voting.
- 719.02 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.





SECTION 8:
CORRECTIVE ACTION, APPEALS
AND GRIEVANCES





SECTION 8 - CORRECTIVE ACTION, APPEALS & GRIEVANCES

801 CORRECTIVE ACTION PROCESS

- 801.01 **General.** An employee who violates established city or departmental values, rules, policies, procedures, or a code of conduct shall be subject to corrective action. An employee who fails to perform at a satisfactory level shall be subject to corrective action. The city reserves the right to dismiss an employee at any time the city determines that continued employment of an employee is not in the city's best interest. In every situation where corrective action is taken, the action taken should be commensurate with the specific offense or violation for which it is intended, and should take into consideration the specific situation and the previous performance record of the individual involved.
- 801.02 **Documentation.** Every corrective action taken, with the exception of a verbal reprimand or counseling, shall be in written format and forwarded to Human Resources for inclusion the employee's personnel file. Proper documentation ensures that rules are enforced equitably and in accordance with stated policy, without regard to race, color, sex, religion, national origin, age genetic information, disability, veteran status or any other protected status. Errors or defects in the form or preparation of written notices of corrective action shall not nullify the action.
- 801.02.01 Prior to a termination, demotion, or suspension without pay of a regular employee, (not a probationary employee) written notice shall be given to the employee stating:
- i. The reasons for the discipline in sufficient detail to enable the employee to respond;
 - ii. The type of action to be taken; and
 - iii. The employee's right to appeal.
- 801.03 **Types of Corrective Action.** The City of Southlake does not follow a progressive corrective action policy. In making a decision as to what corrective action should be taken, a supervisor should consider such factors as the type and severity of the offense(s), the employee's work performance record and any mitigating circumstances. Depending on the circumstances of each individual case, corrective action may consist of one or more of the following:
- 801.03.01 Verbal Reprimand. A verbal reprimand is best suited for a minor rule infraction or incident of substandard performance. No formal documentation shall be submitted for inclusion in the employee's personnel file.
- 801.03.02 Written Reprimand. The written reprimand is used as a formal warning that future corrective action may occur if the behavior is not corrected.
- 801.03.03 Disciplinary Probation. The purpose of this step is to allow the employee a stated period of time to demonstrate improvement on a specific problem(s) specified at the time the employee is placed on disciplinary probation.

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801.03.04 Suspension without Pay. An employee may be suspended without pay for serious or repeated offenses or for failure to meet performance expectations. Employees shall not be permitted to use any accrued paid leave during a disciplinary suspension.

801.03.05 Demotion. An employee may be demoted for disregarding or violating a personnel rule or policy or for repeated refusal or inability to improve performance.

801.03.06 Involuntary Termination of Employment. An employee may be involuntarily terminated from employment for a serious disregard or violation of a personnel rule or policy or for continued inability to improve performance.

801.04 **Acts Constituting Corrective Action.** Corrective disciplinary action will be imposed for violations of city or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, action may be taken against an employee for act(s) constituting unsatisfactory behavior or conduct relative to inadequate job performance and fitness for public employment. These acts include, but are not limited to the following:

801.04.01 Insubordination or other disrespectful or unprofessional conduct;

801.04.02 Refusal or failure to perform assigned work after being directed to do so by an immediate supervisor or higher authority;

801.04.03 Discourteous treatment of the public;

801.04.04 Absence without leave, including failure to notify a supervisor of sick leave, or failure or refusal to report to work after being directed to do so by the employee's immediate supervisor or higher authority;

801.04.05 Job abandonment, occurring when an employee is absent from work, without notification, for three (3) consecutive days or longer;

801.04.06 Repeated tardiness or early departure;

801.04.07 Repeated tardiness to meetings or other required work events;

801.04.08 Excessive unscheduled absenteeism;

801.04.09 Repeated abuse of sick leave;

801.04.10 Endangering the safety of other persons through negligent or willful acts;

801.04.11 Intoxication or drug abuse while on duty or while in city uniform or on city property;

801.04.12 The illegal use or possession of any controlled substance, narcotic or drug;

801.04.13 Unauthorized use of public funds or property;

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- 801.04.14 Falsification of documents or records;
- 801.04.15 Unauthorized use of official information or unauthorized disclosure of confidential information;
- 801.04.16 Conviction of official misconduct;
- 801.04.17 Unauthorized or abusive use of official authority;
- 801.04.18 Inefficiency, incompetence or neglect of duty;
- 801.04.19 Excessive use of personal technology devices on city time;
- 801.04.20 Engaging in outside employment that interferes with the performance of duties for the city;
- 801.04.21 Any action that impairs the performance of others;
- 801.04.22 Coercion, intimidation, or threats against citizens, supervisors, co-workers, city officials, or others;
- 801.04.23 Fighting, horseplay, provoking or instigating a fight, or threatening violence;
- 801.04.24 Sleeping on duty;
- 801.04.25 Fraudulent timekeeping;
- 801.04.26 Violation of safety rules or practices;
- 801.04.27 Positive drug test;
- 801.04.28 Theft or inappropriate removal or use of city property or other property not belonging to the employee;
- 801.04.29 Unauthorized use of telephones, technology, or other city-owned equipment;
- 801.04.30 Smoking or use of nicotine or e-cigarettes in prohibited areas;
- 801.04.31 Sexual or other harassment;
- 801.04.32 Refusal to cooperate in an official investigation of a violation of city, state or federal law, rule, regulation or policy;
- 801.04.33 Unsatisfactory performance or conduct;
- 801.04.34 Accumulating three (3) or more written warnings during a twelve (12) month period;
- 801.04.35 Violation of departmental policy or procedure;

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- 801.04.36 Violation of any of the established city values of integrity, innovation, accountability, commitment to excellence, or teamwork;
- 801.04.37 Violation of any of the provisions of this Personnel Policy Manual;
- 801.04.38 Any conduct which could have an adverse effect on the city or on the confidence or trust of the public in city government; or
- 801.04.39 Any conduct that is prejudicial to good order.
- 801.05 **Pending Investigations.** When an employee is suspected of a violation of a city, state or federal law, rule, regulation or policy which, if proven, would justify disciplinary action but an investigation is in progress the employee may be administratively placed on leave with or without pay pending the outcome of the investigation and or the imposition of corrective action.
- 801.06 **Human Resources Review.** Any corrective action involving time off, reduction in pay, or termination shall be discussed with Human Resources prior to taking action.
- 801.07 **Termination of an Employee.** Director approval is required, with concurrence of Human Resources, prior to termination of any employee.
- 801.08 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

802 EMPLOYEE GRIEVANCE & APPEALS

- 802.01 **Purpose.** To settle matters on as low an administrative level as possible, as soon as possible after the applicable event, and to discover, whenever possible, mutually satisfactory solutions to problems which arise.
- 802.02 **Definitions.**
- 802.02.01 Grievance – An allegation that an employee’s nonspecific employment conditions, rights, or benefits specifically provided by law, policy, personnel rule, or previous employer action (such as overtime pay, fringe benefits, or pay rate) has been adversely affected, denied or misapplied.
- 802.02.02 Disciplinary Appeal – The process for requesting a formal change to an official decision or corrective action.
- 802.02.03 Business Days – Monday through Friday, 8 a.m. to 5 p.m., excluding holidays.
- 802.02.04 Department Director – The Director of the department, Police Chief or Fire Chief.
- 802.02.05 Discipline Review Panel – The discipline review panel is comprised of the two Assistant City Managers and Human Resources Director.

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- 802.03 **Probationary and Temporary Employees.** Probationary and temporary employees may use this procedure, except in cases involving their performance evaluation or termination of employment. However, in cases where the employee considers performance evaluation or termination of employment to be improperly based upon the employee's race, color, sex, religion, national origin, age genetic information, disability, veteran status or any other protected status, the employee shall have the right to such relief pursuant to Section 802.04 below.
- 802.04 **Discrimination Complaint.** Any employee who feels that he or she has been discriminated against in matters relating to working conditions of employment solely because of the employee's race, color, sex, religion, national origin, age genetic information, disability, veteran status or any other protected status shall have the right to file a Workplace Conduct Complaint directly with Human Resources, as set out under the Workplace Conduct Complaint policy.
- 802.05 **Freedom from Reprisal.** Employees wishing to file a grievance or disciplinary appeal under this procedure shall be assured of freedom from restraint, interference, or reprisal from their supervisors or other employees.
- 802.06 **Grievance Policy.** In the interest of employee efficiency and morale, city employees shall have the opportunity to discuss Complaints with their supervisor after decisions are made.
- 802.07 **Grievance Procedure.**
- 802.07.01 Timely Initiation. Grievances shall be filed promptly after the complained of events occur. Matters under this procedure must be presented to Human Resources within five (5) business days from the occurrence of the challenged action, or from the time the employee first became aware (or with the exercise of reasonable diligence should have become aware) of its occurrence, in order to be considered.
- 802.07.02 Grievance Procedure. An employee shall, within five (5) business days of the date the incident occurred or from which he or she could have become knowledgeable of the incident, file the grievance with Human Resources. If the grievance is against the Director of Human Resources, the employee shall file the grievance with the Assistant City Manager. In presenting the grievance, the complainant must complete the appropriate Grievance Form which includes the following information:
- i. The nature of the matter;
 - ii. The act or acts of commission or omission out of which the dispute arose;
 - iii. The exact date (if uncertain, the approximate date) of the act or acts of commission or omission;
 - iv. The identity of the party or parties alleged to have caused the problem; and
 - v. The remedy which is sought.

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The Director of Human Resources, or his or her designee, shall be responsible for coordination of the grievance procedures and for the maintenance and control of grievance records.

802.07.03 Grievance Review Steps. Depending on the nature of the grievance filed, the Director of Human Resources, or his or her designee, shall forward the grievance to the appropriate individual for review. If the grievance is based upon action taken by a Department Director, it shall be heard by the Assistant City Manager as described in 802.07.03 iv below.

- i. Within five (5) business days of receipt of the grievance, the Department Director shall meet with the complainant to discuss the matter. Following that meeting, the Department Director shall thoroughly review and investigate by meeting with all other persons having any information on the matter.
- ii. The Department Director shall respond in writing to the complainant with his or her decision and/or action taken within ten (10) business days after meeting with the complainant.
- iii. If the Department Director's response is unsatisfactory, the complainant may file a written appeal to the Assistant City Manager within five (5) business days after receipt of the decision. The appeal shall be submitted to Human Resources on the Grievance Form. The appeal shall state the basis for the appeal and resolution sought. Human Resources shall notify the Assistant City Manager of the appeal.
- iv. The Assistant City Manager shall thoroughly review the grievance and investigate as necessary. The Assistant City Manager shall respond to the employee in writing with his or her decision within ten (10) business days after meeting with the complainant. The decision of the Assistant City Manager is final.
- v. A copy of the grievance and the responses shall be maintained in the complainant's personnel file.

802.07.04 Extension of Deadline. The Director of Human Resources, Department Director, or Assistant City Manager may extend any deadline within this policy by notifying the employee in writing.

802.08 **Corrective Action Appeal Policy.** City employees dissatisfied with any corrective action that results in a written reprimand, suspension, demotion or termination of employment may file an appeal with Human Resources. All appeals must be filed within five (5) business days of the corrective action or the corrective action will be deemed final.

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802.09 **Corrective Action Appeal Procedure.**

802.09.01 Timely Initiation. Corrective action appeals must be presented in writing to Human Resources within five (5) business days from the occurrence of the corrective action in order to be considered.

802.09.02 Corrective Action Appeal Procedure. An employee may, within five (5) business days of the corrective action, file an appeal with Human Resources. In presenting the appeal, the employee shall complete the Corrective Action Appeal Form which includes the following information:

- i. The type of corrective action being appealed and the effective date of the action;
- ii. The specific reason the corrective action is judged to be unjust or otherwise in error;
- iii. The remedy or solution sought; and
- iv. The signature of the disciplined employee.

The Director of Human Resources, or his or her designee, shall be responsible for coordination of the corrective action appeal procedures and for the maintenance and control of appeal records.

802.10 **Appeal Review Steps.** Depending on the type of corrective action appealed, the Director of Human Resources, or his or her designee, shall forward the appeal to the appropriate individual for review.

802.10.01 Procedures to Appeal a Written Reprimand:

- i. An employee who receives a written reprimand shall have the right to appeal that decision to the Department Director by filing a written appeal within five (5) business days with Human Resources. In the event that the Department Director, Assistant City Manager or City Manager has issued the written reprimand, the action shall be final and non-appealable.
- ii. Within five (5) business days of receipt of the corrective action appeal, the Department Director shall meet with the employee to discuss the facts surrounding the corrective action. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Director.
- iii. The Department Director shall respond in writing to the employee with his or her decision within ten (10) business days after meeting with the employee. The Department Director may sustain, reverse, modify, or amend the action taken as he or she determines is appropriate given all the facts and circumstances of the case. The decision of the Department Director is final and non-appealable.

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- iv. A copy of the original corrective action, appeal and Department Director's response shall be maintained in the employee's personnel file unless otherwise stated in the Department Director's response.

802.10.02 Procedures to Appeal a Suspension:

- i. An employee who receives a suspension shall have the right to appeal that decision to the Department Director by filing a written appeal within five (5) business days with Human Resources. In the event that the Department Director issued the suspension, the employee's appeal shall be heard by the Discipline Review Panel in accordance with Section 802.10.02 (v) below.
- ii. Within five (5) business days of receipt of the corrective action appeal, the Department Director shall meet with the employee to discuss the facts surrounding the corrective action. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Director.
- iii. The Department Director shall respond in writing to the employee with his or her decision within ten (10) business days after meeting with the employee. The Department Director may sustain, reverse, modify, or amend the action taken as he or she determines is appropriate given all the facts and circumstances of the case.
- iv. If the Department Director's response is unsatisfactory, the complainant may file a written appeal to the Discipline Review Panel within five (5) business days after receipt of the decision. The appeal shall be submitted to Human Resources on the corrective action appeal form. The appeal shall state the basis for the appeal and resolution sought. Human Resources shall notify the Discipline Review Panel of the appeal.
- v. Within ten (10) business days of receipt of the corrective action appeal, the Panel shall meet with the employee to discuss the facts surrounding the corrective action. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Panel.
- vi. The Panel shall respond in writing to the employee with its decision within ten (10) business days after meeting with the employee. The Panel may sustain, reverse, modify, or amend the action taken as it determines is appropriate given all the facts and circumstances of the case. The decision of the Panel is final and non-appealable.
- vii. A copy of the original corrective action, appeal and responses shall be maintained in the employee's personnel file unless otherwise stated in the Panel's response.

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802.10.03 Procedures to Appeal a Demotion:

- i. An employee who receives a demotion shall have the right to appeal that decision to the Department Director by filing a written appeal within five (5) business days with Human Resources. In the event that the Department Director issued the demotion, the employee's appeal shall be heard by the Discipline Review Panel in accordance with Section 802.10.03 (v) below.
- ii. Within five (5) business days of receipt of the corrective action appeal, the Department Director shall meet with the employee to discuss the facts surrounding the corrective action. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Director.
- iii. The Department Director shall respond in writing to the employee with his or her decision within ten (10) business days after meeting with the employee. The Department Director may sustain, reverse, modify, or amend the action taken as he or she determines is appropriate given all the facts and circumstances of the case.
- iv. If the Department Director's response is unsatisfactory, the complainant may file a written appeal to the Discipline Review Panel within five (5) business days after receipt of the decision. The appeal shall be submitted to Human Resources on the corrective action appeal Form. The appeal shall state the basis for the appeal and resolution sought. Human Resources shall notify the Discipline Review Panel of the appeal.
- v. Within ten (10) business days of receipt of the corrective action appeal, the Discipline Review Panel shall meet with the employee to discuss the facts surrounding the corrective action. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Panel.
- vi. The Panel shall respond in writing to the employee with its decision within ten (10) business days after meeting with the employee. The Panel may sustain, reverse, modify, or amend the action taken as it determines is appropriate given all the facts and circumstances of the case. The decision of the Panel is final and non-appealable.
- viii. A copy of the original corrective action, appeal and responses shall be maintained in the employee's personnel file unless otherwise stated in the Panel's response.

802.10.04 Procedures to Appeal a Termination:

- i. An employee whose employment is terminated shall have the right to appeal that decision to the Department Director by filing a written appeal within five (5) business days with Human Resources. In the event that the Department

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Director issued the termination, the employee's appeal shall be heard by the Discipline Review Panel in accordance with Section 802.10.04 (v) below.

- ii. Within five (5) business days of receipt of the corrective action appeal, the Department Director shall meet with the employee to discuss the facts surrounding the corrective action. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Director.
- iii. The Department Director shall respond in writing to the employee with his or her decision within ten (10) business days after meeting with the employee. The Director/Chief may sustain, reverse, modify, or amend the action taken as he or she determines is appropriate given all the facts and circumstances of the case.
- iv. If the Department Director's response is unsatisfactory, the complainant may file a written appeal to the Discipline Review Panel within five (5) business days after receipt of the decision. The appeal shall be submitted to Human Resources on the corrective action appeal form. The appeal shall state the basis for the appeal and resolution sought. Human Resources shall notify the Discipline Review Panel of the appeal.
- v. Within ten (10) business days of receipt of the Disciplinary Appeal, the Panel shall meet with the employee to discuss the facts surrounding the corrective action. The Panel, in consultation with the City Manager, shall conduct a review of the charges and evidence of the action and/or omission.
- vi. The Panel shall respond in writing to the employee with its decision within ten (10) business days after meeting with the employee. The Panel may sustain, reverse, modify, or amend the action taken as it determines is appropriate given all the facts and circumstances of the case. The decision of the Panel is final.
- vii. A copy of the original corrective action, appeal, and responses shall be maintained in the employee's personnel file unless otherwise stated in the Panel's response.

802.10.05 Extension of Deadline. The Director of Human Resources, Department Director, or Assistant City Manager may extend the time frame of any step of this policy by notifying the employee in writing.

802.10.06 Inapplicability. Department Directors and employees in a position filled by the City Council have no appeal rights under this section.

802.10.07 Errors or defects in the form or preparation of written appeals of corrective action shall not nullify the appeal.

SECTION 8 - CORRECTIVE ACTION, APPEALS & GRIEVANCES

- 802.11 **Failure to Follow Procedures.** Failure of an employee to follow procedures set out above, or failure to appear at a complaint or corrective action appeal meeting, shall result in the loss of further appeal rights by the employee.
- 802.12 Freedom from Reprisal. Employees wishing to file a grievance or appeal under this procedure shall be assured of freedom from restraint, interference, or reprisal from their supervisors or other employees.
- 802.13 **Effect of Procedure.** The existence of and access to this procedure shall not constitute any limitation on the rights of the City of Southlake to manage its affairs. All employees hold their positions at the will and pleasure of the city and such positions may be terminated or otherwise adversely affected with or without cause.
- 802.14 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.





SECTION 9: PERFORMANCE REVIEWS





SECTION 9 - PERFORMANCE REVIEWS

901 PERFORMANCE REVIEWS

- 901.01 **General.** Performance reviews permit the supervisor and the employee to discuss the job responsibilities, standards, performance requirements, goals and objectives, and any existing or anticipated problems.
- 901.02 **Probationary Employees.** New employees shall be evaluated on a cycle of approximately three (3) months and six (6) months following the beginning of employment.
- 901.03 **Regular Employees.** All regular employees shall be evaluated prior to November 15 for the fiscal year previously ended. However, supervisors may elect to prepare a written performance evaluation at any time. All employees shall be evaluated not less than once a year and completed performance appraisals with all signatures obtained, are due to Human Resources by November 15.
- 901.04 **Addressing Deficiencies.** Supervisors are expected to address deficiencies at the time they are observed. Warning in sufficient time for improvement should precede any formal corrective action or adverse performance appraisal, but nothing in this section shall prevent immediate formal action whenever the interest of the city requires.
- 901.05 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

902 PERFORMANCE IMPROVEMENT PLANS

- 902.01 **General.** The Performance Improvement Plan (PIP) is designed to facilitate constructive discussion between the employee and the supervisor by:
- i. Clarifying the work performance to be improved;
 - ii. Establishing goals and performance measures where appropriate; and
 - iii. Establishing a time-line for accomplishment.
- 902.02 **Difference from Performance Appraisal.** The PIP differs from an annual performance appraisal in the quantity of detail and specificity regarding expectations for work performance. The PIP should be reviewed by the Department Director and Human Resources prior to discussing with the employee to ensure consistent and fair treatment of employees.
- 902.03 **Corrective Action.** Failure to successfully perform to the expected standards within the time frame specified may result in further corrective action.
- 902.04 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.





SECTION 10: SAFETY





SECTION 10 - SAFETY

1001 SAFETY RESPONSIBILITIES

- 1001.01 **General.** The city is interested in all employees' safety and well-being. Accordingly, the city has developed safety rules and regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert, and by thinking safety at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management at once.
- 1001.02 **Safety Training.** Safety training includes formal training, if applicable, for city employees and on-the-job safety training for all employees. Additionally, the city will periodically make available special training programs to address specialized areas. Department Directors, division heads, and work unit supervisors are responsible for orienting all employees under their control on city safety procedures.
- 1001.03 **Safety Rules.** The following safety rules apply at all times, and specific job descriptions may contain additional operational safety guidelines. Departments may also implement departmental specific safety rules. Each employee must be familiar with such rules, and apply them at all times.
- 1001.03.01 Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- 1001.03.02 Smoke only during designated times in authorized outside areas.
- 1001.03.03 Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- 1001.03.04 To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- 1001.03.05 Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- 1001.03.06 Employees will be shown the location of the City's Material Safety Data Sheets (MSDS). MSDS sheets provide valuable information about various chemicals and other agents that may be encountered in the work. MSDS explain possible reactions to exposure, and steps for employees should take if it occurs. Review this information from time to time.

SECTION 10 - SAFETY

- 1001.03.07 Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- 1001.03.08 Do not put fingers, hands, feet or clothing in moving machinery.
- 1001.03.09 Do not carry items in a manner that obscures vision.
- 1001.03.10 Do not block access to fire extinguishers.
- 1001.03.11 Do not touch open or loose electrical circuits.
- 1001.03.12 Report unusual vibrations, smells, or noises coming from equipment.
- 1001.03.13 Do not wear rings or jewelry while operating machinery.
- 1001.03.14 Do not perform maintenance or repairs on running equipment.
- 1001.03.15 Do not remove or alter warning tags or safety devices.
- 1001.03.16 Never leave nails or spikes protruding from planks or boards.
- 1001.03.17 Perform routine maintenance at all scheduled intervals.
- 1001.03.18 Do not use compressed air for cleaning clothing or floors.
- 1001.03.19 All employees who operate or drive a motorized vehicle owned or used by the city shall be responsible for the proper use and operation of the vehicle, and shall obey all city and state traffic laws and regulations.
- 1001.03.20 All operators of motorized vehicles shall report to their supervisors any defects that exist or may occur in their vehicle.

1001.04 **Employee Responsibility.** All employees are required as a condition of employment to exercise due care in the course of their work. To prevent or minimize injuries to themselves and their co-workers, and to protect and conserve city equipment, each employee shall:

- i. Obey all safety rules and follow published work instructions;
- ii. Report to immediate supervisor all unsafe conditions;
- iii. Keep work areas clean and orderly at all times;
- iv. Report all accidents immediately to the immediate supervisor; and
- v. Operate only machines or equipment that he/she has been authorized to operate.

SECTION 10 - SAFETY

- 1001.05 Accident and Injury Reporting. All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor or the Director of Human Resources.
- 1001.05.01 Employee Responsibilities. Employees are required to immediately report to their immediate supervisor all accidents resulting in personal injury and/or damage to the city equipment, city vehicles, or any other property. Failure to report any accident or injury within 24 hours of its occurrence may lead to corrective action, up to and including termination of employment.
- 1001.05.02 Supervisor Responsibilities. Work unit supervisors must report all accidents resulting in personal injury and/or damage to the city equipment, city vehicles, or any other property to their respective Department Director and to Human Resources.
- 1001.06 **Corrective Action.** Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate corrective action, up to and including termination of employment.
- 1001.07 **Approval and Effective Date.** This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.





SECTION 11: DEFINITIONS





SECTION 11 - DEFINITIONS

1100 DEFINITIONS

The words and terms used in Personnel Policy Manual shall have the meaning indicated as follows unless the policy or context clearly indicates otherwise. This policy was approved by City Manager Shana Yelverton on April 6, 2016 and is effective April 15, 2016. It supersedes all previous policies.

ADDRESS – The street and number of a residence and the post office box mailing address, if applicable.

ANNIVERSARY DATE – The month and date at which one (1) year or additional year of employment with the city is attained by an employee.

APPLICANT – A person who has applied for employment with the city or an employee who has applied for a different position within the city.

BUSINESS DAY(S) – Monday through Friday 8 am – 5 pm.

CITY - The City of Southlake, Texas.

CLASSIFICATION – All jobs, regardless of departmental location, that are sufficiently alike in duties and responsibilities to:

1. be called by the same descriptive title;
2. be accorded the same pay scale under like conditions; and
3. require substantially the same education, experience and skills.

COMPENSATORY TIME – Time off in lieu of monetary overtime compensation.

DEMOTION – An assignment of an employee from a position in one classification to a position in another classification having a lower salary and/or less job responsibilities.

DEPARTMENT – Any department created by the City Council, identified in Chapter 4, Section 1, of the City of Southlake Charter.

DEPARTMENT HEAD or DEPARTMENT DIRECTOR – Any person appointed by the City Manager who is responsible for the administration of an administrative department of the city.

EMPLOYEE – Any person employed and paid a salary or wages by the city, and includes a person employed on a temporary or part-time basis, but does not include an independent contractor, or member of the City Council.

SECTION 11 - DEFINITIONS

EXEMPT (SALARIED) EMPLOYEE – An employee occupying a position that is exempt from overtime pay and/or compensatory time off requirements under the specific provisions of the Fair Labor Standards Act.

FULL-TIME EMPLOYEE – An employee whose position is budgeted to work 2,080 hours with a normal work week of thirty (30) hours or more (2,912 for Fire shift personnel) and is provided city benefits.

GRADE – A division of a salary and classification schedule with specified rates and/or ranges of pay into which a job is classified according to the level of difficulty and responsibility.

HOURS WORKED – In general, all time that an employee is required to be on duty and all time during which the employee is working “on-the-job” for the city. Hours paid but not worked (vacation, sick, military, etc.), except holidays, will not be counted as hours worked toward overtime eligibility.

IMMEDIATE FAMILY – The husband, wife, son, daughter, father, mother, father-in-law, mother-in-law, brother or sister, grandfather, grandmother or grandchildren or any other relative of an employee, who may be residing in the same household with the employee.

INDEPENDENT CONTRACTOR – A private employer or an individual that has contracted to perform a service for the city.

JOB – A collection of tasks, duties, and responsibilities regularly assigned to and performed by an individual or individuals when the magnitude of the job is such that it cannot be performed by one person. The term “position” is synonymous with “job” when it can be performed by one person.

LAYOFF – A separation from city service because of a shortage of funds or materials, abolition of a position, or other reasons necessary for the proper administration of the affairs of the city as determined by the City Manager, and not reflecting discredit upon the employee.

LEAVE WITH PAY – An authorized temporary absence with pay, for administrative reasons, not charged to any other authorized leave such as vacation, sick leave, holiday, etc.

LEAVE WITHOUT PAY – An authorized temporary absence without pay.

MILITARY LEAVE – Any authorized absence of an employee for active duty or training in the United States armed forces including the reserves and National Guard.

NON-EXEMPT EMPLOYEE – An employee occupying a non-exempt position is eligible for overtime pay and/or compensatory time off under the provisions of the Fair Labor Standards Act.

PART-TIME EMPLOYEE – An employee in a budgeted position who works less than 60 hours in a single pay period (1,560 hours per year)

SECTION 11 - DEFINITIONS

PHYSICIAN – Any physician licensed by the Texas State Board of Medical Examiners.

PROBATION – A period required to be worked in a position before an employee will acquire regular employee status.

PROMOTION – An assignment of an employee from a position in one classification to a position in another classification having a higher salary and/or increased job responsibilities.

REGULAR EMPLOYEE – Any employee working full-time or part-time, and who has satisfactorily completed his or her probationary period, who is not appointed as a temporary employee.

RESIDENCE – The actual place of abode of an employee.

RETIREMENT DATE – The first day an eligible employee becomes entitled to receive retirement benefits.

SUPERVISOR – Any person responsible to a superior for directing the work of others.

SUSPENSION – An involuntary discontinuance of pay and performance of work for a specified period of time.

TEMPORARY / SEASONAL EMPLOYEE – A temporary or seasonal employee is considered a budgeted position, on a temporary basis, for a specified period of time or until completion of a specific assignment or project, generally lasting no more than six months. Employment beyond any initially stated period does not in any way imply a change in the employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing.

TERMINATION OR SEPARATION OF EMPLOYMENT – Cessation of employment with the city.

TRANSFER – Any change of an employee from one position to another position, but which does not result in either promotion or demotion.

VOLUNTEER – A person who performs without compensation, services for the city.

WORK DAY or WORKING DAY – Any one shift during which a department is open for business or on which an employee is scheduled to work.

WORK DAY SHIFT – Shift or shift hours to be established by the Department Director.

WORK WEEK – The number of hours regularly scheduled to be worked during any seven (7) consecutive day period.





APPENDIX





CODE OF ETHICS AND CONDUCT



CITY OF SOUTHLAKE CODE OF ORDINANCES

ORDINANCE NO. 635

CHAPTER 2, ARTICLE VI. - CODE OF ETHICS AND CONDUCT

Effective Date: March 21, 1995

Revision Dates: No. 635-A – June 6, 2006; No. 635-B – October 2, 2007; No. 635-C – November 3, 2015

Sec. 2-261. – DEFINITIONS.

For the purposes of this code of ethics and conduct the following words and phrases shall have the meanings ascribed to them by this section.

Advisory board shall mean a board, commission or committee of the city that functions only in an advisory or study capacity.

Business entity shall mean a sole proprietorship, partnership, firm, corporation, association, holding company, joint stock company, receivership, trust, or any other entity recognized by law.

Employee shall mean any person employed by the city, including those individuals on a part-time basis, but such term shall not be extended to apply to any independent contractor.

Family member shall mean a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

Family Relationship means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Gift means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.

Knowingly. A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowing, or with knowledge, with respect to a result of his or her conduct when he is aware that his or her conduct is reasonably certain to cause the result.

Officer shall mean any member of the City Council, the Planning and Zoning Commission, the Board of Adjustment, the Building Board of Appeals and any member of a board, commission or committee established by ordinance, charter or state law that has final approval authority over any application, permit, license or other City approvals; provided, no member of an advisory board shall be deemed an officer of the city.

Substantial interest.

- (1) A person has a substantial interest in a business entity if:

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- a. The interest is ownership of 10 percent or more of the voting stock or shares of the business entity or ownership of either 10 percent or more or \$5,000.00 or more of the fair market value of the business entity (see Section 171.002, Texas Local Government Code); or
 - b. Funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year (see Section 171.002, Texas Local Government Code); or
 - c. The person holds a position of member of the board of directors or other governing board of the business entity; or
 - d. The person serves as an elected officer of the business entity; or
 - e. The person is an employee of the business entity; or
 - f. The person is a creditor, debtor or guarantor of the business entity in the amount of \$5,000.00 or more; or
 - g. Property of the person has been pledged to the business entity or is subject to a lien in favor of the business entity in the amount of \$5,000.00 or more.
- (2) A person does not have a substantial interest in a business entity if:
- a. The person holds a position as a member of the board of directors or other governing board of a business entity; and
 - b. The person has been designated by the City Council to serve on such board; and
 - c. The person receives no remuneration, either directly or indirectly, for his or her service on such board; and
 - d. The primary nature of the business entity is either charitable, nonprofit or governmental.
- (3) A person has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500.00 or more (see Section 171.002, Texas Local Government Code).
- (4) A person has a substantial interest under this ordinance if the person's Family Member has a substantial interest under this chapter (see Section 171.002, Texas Local Government Code).

Vendor means a person who enters or seeks to enter into a contract with the City. The term includes an agent of a vendor. The term does not include a state agency except for Texas Correctional Industries.

Sec. 2-262. DECLARATION OF ARTICLE POLICY.

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only

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to the people of the city; that governmental decisions and policy should be made in the proper channels of the governmental structure; that no officer, employee or member of any board, commission or committee should have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest; that public office and public employment are positions of public trust imposing the duty of a fiduciary upon all employees and officeholders, who are not to use their public position for personal gain; and that the public should have confidence in the integrity of its government. To implement such a policy, the city council deems it advisable to enact this code of ethics and conduct for all officers, employees and advisory board members, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms. This code of ethics and conduct is cumulative of other ordinances, city Charter provisions and state statutes defining and prohibiting conflict of interest.

Sec. 2-263. – PENALTIES FOR VIOLATION OF ARTICLE; FORFEITED POSITION; EXEMPTIONS; INJUNCTIONS.

- (a) Except where otherwise provided by state law, it is not the intent of this code that violations thereof be subject to criminal penalties.
- (b) Whenever the City Council has determined that any officer, employee or advisory board member has violated any provision of this article, such officer, employee or advisory board member shall be subject to discipline, including forfeiture of his or her office or position. Nothing in this ordinance shall be construed to prohibit such officer, employee or advisory board member from being re-elected, reappointed or otherwise rehired to any position forfeited under the provisions of this code.
- (c) The City Council may exempt from the provisions of this article any conduct found to constitute a violation by an officer, employee or advisory board member if it finds that the enforcement of this article with respect to such conduct is not in the public interest.
- (d) Any contract or transaction which was the subject of an official act or action of the city in which there is an interest prohibited by this article, or which involved the violation of a provision of this article, shall be voidable at the option of the City Council.
- (e) At the discretion of the City Council, the city attorney shall have the power, where a violation of the provisions of this article is threatened or has occurred, to bring a civil action or proceeding, at law or in equity, for a judgment enjoining any violation of the provisions of this code or requiring the relinquishment of any prohibited interest or the voiding of any such contract or transaction, taking into account the interests of the city and any third persons who may be injured thereby. Where the City Council determines that the public interest may best be served by not voiding a contract or transaction entered into in violation of this code, such contract or transaction may be enforced and an action or proceeding may be brought against any officer, employee or advisory board member found in violation of provisions of this code for damages, not to exceed twice the

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damages suffered by the city or twice the profit or gain realized by the officer, employee or advisory board member, whichever is greater.

Sec. 2-264 – STANDARDS OF CONDUCT.

- (a) No city officer, employee or advisory board member, or their spouses, shall knowingly:
- (1) Accept or solicit any gift, favor, service or thing of value from any person, group or business entity, including a promise of future employment, that might reasonably tend to influence him in the discharge of his or her official duties or that the officer, employee or advisory board member knows or should know is being offered with the intent to influence the officer's or employee's official conduct. This prohibition shall not apply to:
 - a. An occasional non-pecuniary gift, insignificant in value; or
 - b. An award publicly presented in recognition of public service; or
 - c. Any gift which would have been offered or given to the officer employee or advisory board member or his or her spouse if he/she were not a city officer, employee or advisory board member; or
 - d. Any travel and related expenses to attend ceremonial functions provided that such acceptance and attendance have been approved by the City Council prior to the occurrence of the ceremonial function.
 - (2) Grant in the discharge of his or her official duties any improper favor, service or thing of value to any person, group or business entity;
 - (3) Knowingly disclose any confidential information gained by reason of the position of the officer, employee or advisory board member concerning property, operations, policies or affairs of the city, or use such confidential information to advance any personal interest, financial or otherwise, of such officer, employee or advisory board member, or others. This subparagraph shall not preclude disclosure of such confidential information in connection with any investigation or proceeding regarding whether there has been a violation of the standards of conduct set forth in this code.
 - (4) Use one's position or office of employment or city facilities, personnel, equipment or supplies to secure special privileges or exemptions for himself or others or for the private gain of the city officer, employee, advisory board member or his or her spouse.
 - (5) Engage in any exchange, purchase or sale of property, goods or services with the city, except:
 - a. Rendering services to the city as an officer, employee or advisory board member;
 - b. Paying taxes, fines, utility service or filing fees;
 - c. Executing and performing any developer's agreement or plat in compliance with laws and regulations applicable to any person; provided,

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however, that if any city ordinance, rule or regulation allows any discretion by the appropriate officers or employees of the city in the interpretation or enforcement of such ordinance, rule or regulation, any such discretion shall be exercised in favor of the city in connection with any such developer's agreement or plat;

- d. Advisory board members who are not otherwise officers or employees of the city, may engage in any exchange, purchase or sale of property, goods or services with the city, or enter into a contract with the city, provided that the board on which they are a member has no advisory function or cognizance, direct or indirect, present or prospective, with respect to the transaction in which such advisory board member engages or proposes to engage.
- (6) Hold himself/herself out as representing the city in any capacity other than that for which he was appointed, elected or hired.
 - (7) Engage in or accept private employment or render a service when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independent judgment in the performance of his or her official duties.
 - (8) Make or permit the unauthorized use of city owned vehicles, equipment, materials or property.
 - (9) Grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
 - (10) After termination of service or employment with the city, appear before any board or commission of the city in relation to any case, proceeding or application in which he or she personally participated or which was under his or her active consideration, during the period of his or her service or employment.
 - (11) Transact any business in his or her official capacity with the city with a business entity in which he/she has a substantial interest.
 - (12) Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the city or that reflects discredit upon the government of the city.
 - (13) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of city ordinances, rules or regulations or the achievement of official city programs.
- (b) No officer, advisory board member or city employee shall knowingly represent, directly or indirectly, any person, group or business entity:
- (1) Before the City Council or any department, agency, board or commission of the city;
 - (2) In any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, board or commission thereof is a party; or

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- (3) In any action or proceeding in the municipal courts of the city which was instituted by a city officer or employee in the course of his or her official duties, or a criminal proceeding in which any city officer or employee is a material witness for the prosecution.
- (c) The restrictions in this section do not prohibit the following:
 - (1) A city employee, officer or advisory board member (other than City Council), or his or her spouse, appearing before the City Council or a city department, agency, board or commission to represent himself or herself in a matter affecting his or her property; provided, however, that no such person, or his or her spouse, shall appear before the board or commission of which he or she is a member; or
 - (2) A city employee or officer of an employee organization appearing before the City Council or a city department, agency, board or commission to address employment matters.
- (d) The restrictions in this section do not apply to business associates of officers, employees or advisory board members, but only personally to the officers, employees and advisory board members themselves.

Sec. 2-265. - DISCLOSURE OF INTEREST.

- (a) If any city officer, employee or advisory board member has a substantial interest in a business entity or real property involved in any decision pending before such officer, employee, or advisory board member, or the body of which he or she is a member, such officer, employee, or advisory board member shall disclose such interest as provided in subsection (e) below and shall not, except as provided in subsection (b) below, discuss the substance of the matter at any time with any other member of the board of which he is a member or any other body which will vote on or otherwise participate in the consideration of the matter.
- (b) If any of the following interests or relationships are involved in any decision pending before any city officer, employee, or advisory board member, or the body of which he is a member, such officer, employee, or advisory board member must disclose such interest or relationship as provided in subsection (e) a but he shall be permitted to vote on and participate in the consideration of such matter:
 - (1) A decision concerning a bank or other financial institution from which the officer, employee, or advisory board member has a home mortgage, automobile loan, or other installment loan, if the loan is not currently in default, was originally for a term of more than two years and cannot be accelerated except for failure to make payments according to the terms thereof;
 - (2) A decision concerning a bank or other financial institution in which the officer, employee, or advisory board member holds a savings account, checking account or certificate of deposit and which is fully insured by the U.S. government or an agency thereof;
 - (3) A decision concerning a business entity with which the officer, employee, or advisory board member has a retail or credit card account;

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- (4) A decision concerning the approval of substitution of collateral by a city depository bank;
 - (5) A decision concerning real property in which the officer, employee or advisory board member has a substantial interest if it is not reasonably foreseeable that such decision would have a special economic effect on the value of the property, distinguishable from the effect on the public (see Section 171.004, Texas Local Government Code).
- (c) If a City Officer, Advisory Board member, or a City employee, or a family member a City Officer, Advisory Board member, or a City employee, receives one or more gifts that have an aggregate value of more than \$100 in the twelve month period preceding the date the City executes a contract with the vendor or considers entering into a contract with the vendor, the City Officer, Advisory Board member, or the City employee must disclose such gift as provided in subsection (f), (g) or (h), as applicable, but he shall be permitted to vote on and participate in the consideration of such matter. This requirement shall not apply to gifts accepted by the City Council member, the City Manager or City employee if the gift is a political contribution as defined by Title 15, Election Code, or food accepted as a guest.
- (d) If any the following relationships exist between a vendor and a City Officer, Advisory Board Member, or a City employee, the City Officer, Advisory Board Manager or the City employee must disclose the relationship as provided in subsection (f), (g) or (h) as applicable and shall not, in accordance with subsection (a), discuss the substance of the matter at any time with any other member of the board of which he or she is a member or any other body which will vote on or otherwise participate in the consideration of the matter:
- (1) The City enters into a contract with a vendor or is considering entering into a contract with a vendor and the vendor has an employment or other business relationship with the City Officer, Advisory Board Member or City employee, or family member of the City Officer, Advisory Board Member or City employee, that results in the City Officer, Advisory Board Member, or City employee, or their family member, receiving taxable income, other than investment income, that exceeds \$2500 during the 12-month period preceding the date the contract between the City and the vendor is executed, or the date the City considers entering into a contract with the vendor; or
 - (2) The City enters into a contract with a vendor, or is considering entering into a contract with a vendor, and the vendor has a family relationship with the City Officer, Advisory Board Member or City employee.
- (e) A city officer, employee or advisory board member shall disclose the existence of any substantial interest in a business entity or real property involved in any decision pending before such officer, employee or advisory board member, or the body of which he is a member. To comply with this paragraph, a city officer or advisory board member shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by § 171.004 of the Texas Local Government Code or, if not so required, shall publicly disclose in the official records of the body or of the city secretary the nature of the interest. To comply with this paragraph, a city employee shall notify his or her superior, and the Director of Human Resources in writing of the nature of any substantial interest he may have in a business entity or real property which would be

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affected by an exercise of discretionary authority by the city employee. The employee's superior shall assign the matter to another employee.

- (f) A City Council member, the City Manager or a City employee shall disclose a relationship as defined in subsections (c) and (d) that exists between the City Council member, the City Manager, the City employee, or family member of the City Council member, City Manager, or City employee and vendor by filing a conflicts disclosure statement with the City Secretary as required by § 176.003 of the Texas Local Government Code. The disclosure statement form is available from the City Secretary. This disclosure shall be filed not later than 5:00p.m. on the seventh business day after the date on which the City Council member, the City Manager or the City employee becomes aware of the existence of a relationship as defined in subsections (c) and (d).
- (g) An advisory board member shall disclose a relationship as defined in subsections (c) and (g) that exists between the advisory board member, or family member of the advisory board member with a vendor by filing a written statement with the City Secretary on a form promulgated by the City Secretary for that purpose. This statement shall be filed not later than 5:00 p.m. on the seventh business day after the date on which the advisory board member becomes aware of the existence of a relationship as defined in subsections (c) and (d).
- (h) An employee of the city who does not have a relationship as defined in subsections (c) and (d) between the employee, or family member of the employee, with a vendor shall indicate such by filing a written statement with the Director of Human Resources on a form promulgated by the Human Resources Department for that purpose.

Sec. 2-266. – ENFORCEMENT.

- (a) The City Council shall have the primary responsibility for the enforcement of this code. The City Council may direct the city attorney to investigate any apparent violation of the code or it may employ or appoint any qualified attorney to investigate any violation or series of violations of this code by one or more persons. At the direction of the City Council, the city attorney shall have the power to investigate any complaint, and to take any action on behalf of the city where such action is appropriate.
- (b) Any person who believes that a violation of any portion of the code has occurred may file a complaint with the City Council who may then proceed as provided in paragraph A above. However, nothing in this code shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

Sec. 2-267. - ADVISORY OPINIONS.

- (a) Where any officer, employee or advisory board member has a doubt as to the applicability of any provision of this code to a particular situation, or as to the definition of terms used herein, he may apply to the city attorney for an advisory opinion. The officer, employee or advisory board member shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made.

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- (b) Until amended or revoked, any advisory opinion shall be binding on the city, the City Council, and the city attorney in any subsequent actions concerning the public officer, employee or advisory board member who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.

Sec. 2-268. - DISTRIBUTION OF COPIES OF ARTICLE.

The city secretary shall cause a copy of this code of ethics and conduct to be distributed to every officer, employee and advisory board member of the city within thirty (30) days after enactment of this code. Each officer, employee and advisory board member thereafter elected, hired or appointed shall be furnished a copy before entering upon the duties of his or her office or employment and shall sign a written statement acknowledging receipt of the copy. A copy of the ordinance shall be furnished to each officer, employee and advisory board member each year.

Sec. 2-269 - EMPLOYEE BUSINESS CODE OF CONDUCT.

The Council hereby directs the City Manager to prepare and bring before the Council for adoption by resolution, an Employee Business Code of Conduct to be included in the City Personnel Manual which shall incorporate the provisions of this Code of Ethics and Conduct and proscribe conduct in accordance with adopted Southlake Values.



EMPLOYEE BUSINESS CODE OF CONDUCT

City of Southlake

Personnel Policies

Section: **Ethics and Conduct** **Topic:** Employee Business Code of Conduct

Effective Date: July 1, 2006

Approved By: Resolution No. 06-029 **Revision Date:**

I. PURPOSE

A Code of Ethics and Conduct, codified as Chapter 2, Article VI of the Southlake City Code, was passed by City Council on March 21, 1995 and further amended on June 6, 2006. The Code of Ethics and Conduct applies to all officers, employees and board members acting in an official capacity on behalf of the City. Chapter 2, Article VI, Section 2-268 requires the City Manager to present an Employee Business Code of Conduct for adoption by City Council.

To ensure public confidence in the integrity of its City government, we as employees, must be mindful of the Code of Ethics and Conduct and adhere to its provisions. We must also recognize that how we conduct our business also affects the public's perception of the City and its leaders.

The purpose of this Employee Business Code of Conduct is to further expand on the Code of Ethics and Conduct, and to convey our adopted values in how we conduct our business as employees -- with the public, with each other, and with other organizations and businesses.

Southlake Values:

(Adopted by City Council Strategic Planning Workshop June 2005)

Integrity – Being worthy of the public's trust in all things. We deal honestly and respectfully with each other and the public at all times.

Innovation – Valuing progressive thinking, creativity, flexibility and adaptability in service delivery.

Accountability – Taking personal responsibility for our actions or inaction while putting the interests of the taxpayer first.

Commitment to Excellence – Behaving responsively in our delivery of service to the public. Our work is characterized by its quality and by the diligence with which it is carried out. We proactively seek to solve problems in advance.

Teamwork – Recognizing the importance of working together to meet our citizen's needs, communicating clearly, sharing resources and information freely.

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It does not address every situation, nor does it take the place of the City Personnel Policies and Procedures. Where appropriate, those policies are referred to for further guidance and instruction. By following these guidelines, we ensure the public has confidence in the integrity of their City government.

II. OUR RELATIONSHIP WITH EACH OTHER

A. **Recognizing and Respecting Diversity**

The City is committed to an all-inclusive work culture. We believe and recognize that all people should be respected for their individual abilities and contributions. The City strives to provide challenging, meaningful and rewarding opportunities for personal and professional growth to all employees without regard to race, color, religion, sex, national origin, age, disability or any other legally protected status. We believe that such an attitude contributes greatly to the innovative environment that the City values so greatly.

[Refer to Employee Personnel Policies and Procedures, "Workplace Conduct."]

B. **Maintaining Workplace Safety**

We are responsible for maintaining a safe workplace for ourselves and for others, by following safety and health rules and practices. We are responsible for immediately reporting accidents, injuries and unsafe equipment, practices or conditions to a supervisor or other designated person. The City is committed to keeping its workplaces free of hazards.

[Refer to Employee Personnel Policies and Procedures, Chapter 7, "Safety."]

C. **Respecting Each Other's Privacy**

The City respects the privacy of its employees and therefore maintains only those employee personnel and medical records necessary for business, legal or contractual purposes. The Texas Public Information Act requires public access to all City records. However, as provided by law, employees may restrict public access to certain personal information:

1. Every employee has the right to see his or her own personnel record.
2. The City will comply with all applicable laws regulating the disclosure of personal information about employees.

The City and its employees recognize and respect the privacy of each other's personal lives. However, as public servants, we are also held to a higher standard and we must not let our personal conduct impair our work performance or adversely affect the work environment or reputation of the City.

D. **Employee Assistance Program**

The City has an Employee Assistance Program to help provide guidance and confidential counseling for its employees. Helping its employees handle

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situations before they become unmanageable is important to the City, and is a significant tool in promoting excellence.

E. Harassment

The City prohibits all forms of harassment and violence towards employees, volunteers, and officers in the Workplace Conduct Policy. This includes demeaning, insulting, embarrassing or intimidating behavior directed at any employee related to race, color, religion, sex, national origin, age, disability or any other legally protected status. We believe harassment of any kind contradicts Southlake Values.

[Refer to Employee Personnel Policies and Procedures, "Workplace Conduct."]

F. Team Environment

The City places great importance upon teamwork, one of the five adopted Values. While individual effort is important and necessary, it is also desirable that we recognize and make use of the strength gained through teamwork. Cooperation and consolidation of effort is not only important within each department, but across the entire City as well.

G. Recognition of Southlake Values

The City encourages promotion of outstanding examples of Southlake Values through employee awards, incentive programs, and recognition in employee newsletters and other communication tools. The City also promotes an environment of open communication that values discussion of ideas and issues.

III. OUR RELATIONSHIP WITH ELECTED AND APPOINTED OFFICIALS

A. Professionalism

In our relationship with both elected and appointed officials, we must always act with the professionalism that is the hallmark of excellent public service. Throughout the life of the City, there will be continual transitions in leadership through elections and council appointments. The greatest asset we have in ensuring a smooth transition is by our professional demeanor.

B. Political Involvement

As employees of a municipal government, there are limitations on our political activities while at work. These limitations serve to protect our integrity and accountability for our role in the public sector. We can execute our constitutional rights within the political process, but there are certain limitations as they relate to our service in Southlake.

1. Impartiality and Neutrality

It is essential that we perform our duties without regard to any political party, agenda or point of view while acting in an official capacity. Our

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responsibility is to the citizens of Southlake and to their elected representatives, the City Council.

2. Political Advocacy

We shall not engage in any political activity while working. Although we are not prohibited from expressing our political opinion on an issue, we must clarify that the opinion does not necessarily reflect the opinion of the City or its officers.

3. Influencing Subordinates

We shall not, directly or indirectly, induce or attempt to induce any City subordinate to participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue, or to refrain from engaging in any lawful political activity.

A general statement merely encouraging another person to vote does not violate this rule.

4. Paid Campaigning

We shall not accept anything of value, directly or indirectly, that might reasonably tend to influence us in favor or opposition regarding any political item pending on the ballot.

[Refer to Employee Personnel Policies and Procedures, "Code of Ethics and Conduct."]

5. Display Of Campaign Materials

We shall not display political campaign materials on any City vehicle or property.

C. Information Distribution

We have a responsibility to distribute information in a fair and consistent manner to elected and appointed officials. It should be inclusive of all available facts, not just what is needed to make a favorable decision for us. Additionally, we should provide such information in a responsive and timely manner.

While we should always respond in a timely manner to citizen and City Council requests for information, we should also keep our supervisors and the City Manager informed of such requests as applicable.

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IV. OUR RELATIONSHIP WITH THE CITY

A. **Respecting the City's Greater Good**

Our purpose is to serve the citizens of Southlake. To that end, we also must respect the City's greater good. We should never pursue our own goals or personal gain to the detriment of the City.

B. **Outside Employment**

As employees of the City, we accept certain restrictions so that we may better serve the citizens. Specifically, we shall not accept other employment or engage in outside activities that compromise our ability to fulfill our duties and responsibilities with the City, or which might impair our independent judgment in the performance of our official duties.

C. **Conflicts of Interest**

Maintaining impartiality and neutrality in decisions before the City is essential in preserving not only our individual integrity, but that of the City as well. Conflicts of interest arise when personal involvement and/or gain in a decision could lead to prejudice, or the appearance of prejudice in that decision.

All City employees shall disclose a relationship that exists between the city employee or family member of the city employee, with a person or business contracting or seeking to contract with the City for any goods or services.

[Refer to Employee Personnel Policies and Procedures, "Code of Ethics and Conduct."]

D. **Representation of the City**

We have a responsibility to represent the City in a manner that does not bring discredit upon it or its employees, nor to represent the City in any manner other than in an official capacity. This responsibility should guide our actions while wearing City clothing or uniforms. We shall not wear uniforms or logos identifying the City while engaging in conduct or activity that by virtue of this association would reflect poorly upon the City.

[Refer to Employee Personnel Policies and Procedures, "Uniform / Dress Code / Grooming Policy."]

The Code of Ethics and Conduct also delineates specific guidelines that prohibit an employee of the City from representing any person or group before the City. Further, we may not represent any person or group in any action or proceeding against the interests of the City or in any litigation in which the City is a party.

[Refer to Employee Personnel Policies and Procedures, "Code of Ethics and Conduct."]

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V. OUR RELATIONSHIP WITH SOUTHLAKE CITIZENS AND THE PUBLIC

A. Responsiveness and Equitable Treatment

We should respond in a timely manner to the needs of the public with respect, courtesy, and professionalism. At no time shall we grant any special consideration, treatment, or advantage to any citizen beyond that which is available to any other citizen.

B. Respect For Private Property

We shall respect the private property of our citizens. In circumstances where official City business requires us to work on private property, we shall make every reasonable effort to notify the property owners of such work activity. Whenever possible, the private property shall be returned to its pre-work condition.

VI. OUR RELATIONSHIP WITH VENDORS AND CONSULTANTS

A. Gifts

It cannot be overstated that the Southlake Values can be greatly compromised by the improper acceptance of gifts. Even the appearance of accepting gifts can be damaging.

No City officer or employee shall accept any gift that might reasonably tend to influence them in the discharge of their official duties, or grant any improper favor, service or thing of value. Neither shall they use their official position to secure special privileges or exemptions for themselves or others.

[Refer to Employee Personnel Policies and Procedures, "Code of Ethics and Conduct."]

B. Bidding and Contracting

Bidding and contracting can bring great discredit upon the City if it is not conducted in a legal and appropriate manner. Any private gain by employees of the City or any gain beyond reasonable compensation for the contractor is prohibited.

[Refer to City Purchasing Policy.]

VII. OUR STEWARDSHIP OF INFORMATION

A. Information Access and Management

In the course of our official duties, we may have knowledge of, or work with, various types of public and confidential information. We should strive to provide prompt and accurate access of public information in a timely manner. The Texas Public Information Act and the Texas Open Meetings Act provide specific guidance and legal requirements.

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In providing information to the media, the City seeks to provide consistent, accurate and timely information. To accomplish this goal, it is desirable that only designated employees provide official responses to the media. This does not prevent any employee from providing a response, but we must always remember that in doing so, whether we intend to or not, we represent the City of Southlake. [Refer to Employee Personnel Policies and Procedures, "Media Relations and Communications."]

B. Confidential Information

We shall not use our position as employees of the City to secure official information about any person or entity for any purpose other than the performance of our official responsibilities. We will protect from disclosure or misuse all non-public information pertaining to the City or its actions. Further, we shall not disclose confidential information or use such information to further or impede anyone's personal interests. This does not prohibit any disclosure or use that is authorized by law, or the confidential reporting of illegal or unethical conduct to authorities designated by law.

VIII. OUR STEWARDSHIP OF THE ENVIRONMENT

To provide residents with an outstanding quality of life, the City is committed to health, safety and the environment through actions such as recycling and energy conservation. We will abide by all applicable health, safety and environmental laws and regulations as we conduct our business, and will seek to maintain standards of excellence in the Southlake environment. Whenever possible and appropriate, we will notify citizens about environmental issues related to our activities. If we are required to use hazardous materials in the conduct of our operations, we will take all precautions necessary to prevent misuse.

IX. OUR STEWARDSHIP OF PUBLIC RESOURCES

A. Equipment, Facilities and Technology Systems

Our ability to serve the citizens of Southlake requires the efficient and proper use of the City's assets and resources. This includes not only physical property, equipment and inventory, but other tangible assets such as office equipment and supplies, and information systems. Safeguarding these assets is the responsibility of all employees. We must use and maintain City equipment and facilities with care and respect while guarding against fraud, waste and abuse.

[Refer to Employee Personnel Policies and Procedures, "Technology Policy."]

We will use public resources according to City policies and procedures, comply with security programs and procedures that help prevent their unauthorized use or theft, and abide by all regulations or contractual agreements governing their use.

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B. Use Of Public Resources

We recognize that the resources of the City have been provided through the taxes of the citizens of Southlake, and are for the purpose of providing service to our citizens. We shall not use, request, or permit the use of City facilities, personnel, equipment, or supplies for private purposes (including political purposes), unless allowed by City policy or approved by City Council.

X. OUR FINANCIAL INTEGRITY

Financial integrity is one of the most essential concerns a government has to deal with, and it is no less important in the operations of the City. As stewards of public monies, we must always recognize that the funds we utilize are not our own. We act on behalf of the citizens of Southlake. In all things from budget prioritization, administration, records maintenance and reporting, we should strive to make our actions transparent, easily understood, and beneficial to the citizens. To do anything less would be to forsake the public trust that we have been given.

XI. OUR RESPONSIBILITY TO REPORT VIOLATIONS

The cornerstone in any team environment is a shared concept of ethics. Therefore it is imperative that all employees report any ethics violations and ensure that the highest standards are upheld in our daily conduct. Depending upon the situation and personnel involved, violations can be reported to various parties, including the department director, City Manager's Office, Human Resources Department, or to an ethics violation hotline. The Human Resources Department is responsible for publishing an ethics violation hotline number to all employees.

TRAVEL POLICY

CITY OF SOUTHLAKE TRAVEL POLICY

I. PURPOSE

The purpose of this Travel Policy is to establish regulations for the allowances of Travel Expenses related to City Business. Authorized travelers should neither gain nor lose personal funds as a result of City-related business expenses incurred on behalf of the City of Southlake (City).

II. APPLICABILITY, RESPONSIBILITY AND AUTHORITY

- A. This policy applies to all City employees, volunteers, board appointees and City Council elected officials acting within an official City capacity (traveler).
 - 1. The traveler and Authorized Approver (Approver) are responsible for understanding the provisions of this policy and conformance to the regulations.
 - 2. Additionally, Approvers are responsible for authorization of Travel and to ensure Budgetary Requirements are met prior to spending funds for Travel. If Budgetary Requirements are not met, Approvers may deny authorization for City Travel, Travel Advances and Travel allowances.
 - a. In accordance with Section 2.05 of the Home Rule Charter of the City of Southlake, City Council elected officials are entitled to reimbursement for expenses in the performance of their specific duties when approved by the Council.
 - 3. Finance Administration (Finance) is responsible for administering the requirements of this policy, including issuing administrative procedures to accompany it.
 - 4. Department Directors will provide oversight for adherence to the policy.
- B. A traveler's signature certifies the accuracy of all information and the justification of the Travel and expenses incurred during authorized Travel dates. The approval signature certifies the Travel was necessary and that requested allowances have been reviewed, authorized, and are within this policy's requirements.
- C. Unless specified otherwise, exceptions to this policy must be approved by the City Manager.

III. DEFINITIONS See Defined Terms

IV. ADMINISTRATIVE POLICY

- A. The City will pay all reasonable and necessary Travel Expenses related to City Business, if funds are available.
- B. Air, lodging and rental car arrangements must be made through a Purchasing Liaison (PL) using a City Procurement Card (P-Card). When making Travel arrangements, the PL may utilize the State Travel contract or most economical manner.
- C. Except for Mileage-Only expenses, travelers on City Business must have prior authorization in order to receive allowances for expenses.

TRAVEL POLICY

- D. Approved Travel Plan and Authorization (TPA) and Travel Reimbursement form must be completed and submitted to Finance within the times specified within this policy. Failure to comply within the times specified within this policy may result in an Outstanding Travel Claim.
- E. Travel Expenses are open to the public pursuant to the Texas Public Information Act and must be able to sustain the test of public review. A traveler has a Fiduciary Responsibility to safeguard the public trust and the use of taxpayer dollars when making Travel arrangements. Therefore, travelers and Approvers are expected to complete Travel documentation while recognizing they are subject to public scrutiny and the use of public funds should be transparent.
- F. Official procedures and forms for this administrative policy have been adopted as part of this policy and are maintained on the City's intranet site.

V. GENERAL REQUIREMENTS

- A. Travel Expenses include all reasonable and necessary expenses related to City Business. The use of City funds to accommodate personal comfort, preference or convenience is not permitted.
- B. The TPA and Travel Reimbursement form must be completed for each traveler.
- C. A traveler may not pay for another traveler's expenses while on Travel, including meals.
 - 1. Unless specified otherwise, exceptions to this policy must be approved by the City Manager.
- D. Itemized Receipts and appropriate documentation will be required regardless of payment method as provided within this policy.
- E. At times, travelers may have expenses incurred as an officer, board member or presenter for a professional organization. The City will pay allowable expenses. However, an effort to have the requesting organization reimburse a portion or all of the expenses incurred is encouraged. The City must be reimbursed directly by the Third-Party Organization.
 - 1. When a Third-Party Organization has offered to reimburse expenses, the Expenses to be Paid by a Third-Party Organization form must be completed prior to Travel.
- F. Expenses of accompanying spouses, dependents or others are the responsibility of the authorized traveler and are not reimbursable. See also Section X, *Non-Reimbursable Expenses*.
- G. Travel reservations should be made as far in advance as possible to obtain the most reasonable prices. travelers should justify the mode of Travel on the basis of the most economical use of time, the cost of the various Travel options and the requirements of the trip.
- H. Travel that does not require an Advance must be approved within five (5) business days from the Travel start date.
 - 1. All Travel must have prior approval by an Approver.
- I. If the traveler does not have a P-Card, a Travel Card will be issued for M&IE and ground transportation. See Section XII, *Travel Card*.

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1. The Advance issued on the Travel Card will be determined by the TPA. The first and last day of Travel Meals and Incidental Expenses (M&IE) are calculated at 75% of the daily per diem rate set by the US General Services Administration (GSA).
 2. Travel Card requests must be submitted to Finance within ten (10) business days from the Travel start date.
- J. Vacations or personal trips in conjunction with Travel require prior authorization, and the expenses incurred in connection with such, which are not related to City Business, are not reimbursable.
- K. Failure to meet the requirements of this policy may be considered unsatisfactory work performance and is subject to disciplinary action as outlined in the City of Southlake Employee Handbook. Other applicable administrative practices and policies, including the reporting of injuries, accidents or illness, are in force during Travel. While on Travel, if clarification of, and/or assistance with, existing policies and procedures is needed, the traveler should contact their Supervisor.
- L. Travel outside the continental United States requires prior approval by the City Manager.

VI. REIMBURSEMENT REQUIREMENTS

- A. All Travel Claims for reimbursement must be documented on the Travel Reimbursement form. The Travel Reimbursement form and supporting documentation must be completed and submitted to Finance within five (5) business days from the Travel return date.
- B. Itemized Receipts for M&IE are required for each traveler's related expenses. See GSA per diem rate for the daily maximum allowable M&IE.
- C. Meal reimbursements will be paid in accordance with the specific meal allowance found under Section IX, *Meals and Incidental Travel Expenses (M&IE)* of this policy.
- D. Travel Advance and/or reimbursement requests may be denied if there are any Outstanding Travel Claims against the traveler.
- E. Travel Expenses reimbursable by any Third-Party Organization must be included on the Travel Reimbursement form. Until the Travel expenditure refund is received, all expenditures will be recorded within the requesting department's operating budget.
- F. The City will not reimburse any claim for Travel or related expenses without prior Travel authorization.

VII. TRANSPORTATION

The mode of transportation authorized should provide the most practical, cost-effective and economical use of time, based upon the requirements of Travel. Itemized Receipts for related transportation expenses are required.

A. City Vehicle

1. The City provides vehicles that are available for City-related Travel. The use of a City vehicle is encouraged, if available.

TRAVEL POLICY

2. Gasoline, parking, tolls and emergency repairs to City vehicles are allowable expenses by the City. When possible, gasoline and service should be obtained from City facilities.
3. Non-City employees are not permitted in City vehicles unless on official City Business or prior approval.

B. Privately-Owned Vehicle (POV)

1. If a traveler elects to Travel by POV rather than other means, the total transportation expenses reimbursed, including meals and lodging, may not exceed the cost of the most economical Travel mode available.
 - a. Documentation is required to support the cost of the most economical mode of transportation.
2. If the traveler receives a car allowance and chooses to use a POV, mileage reimbursement is not permitted.
3. Reimbursement of POV expenses (in accordance with item B-1 above) are at the standard mileage rate, as set forth by the Internal Revenue Service, for miles traveled on official City Business, plus parking and toll fees when documented, in accordance with this policy.
 - a. Travelers will not be reimbursed for automotive repair or breakdowns when using a POV.
 - b. If a POV is used, only one (1) authorized traveler, per POV, may claim reimbursement for mileage.
4. When City-related Travel is from home directly to the destination without going to the workplace, and the traveler does not receive a car allowance, the traveler will be reimbursed for the distance from the workplace to the destination.
5. In cases where reimbursement for mileage is requested only, a Mileage-Only Expense Report is required. Driving directions using the most direct route that shows the distance in miles to and from the destination are required to be submitted.
6. The City's Travel Policy does not apply to one's normal commute.
7. Fees for storing or parking a POV will be reimbursed with a receipt.

C. Rental Vehicles

1. The use of a rental vehicle is generally not permitted unless it is approved in advance and justified as a reasonable need. The rental vehicle chosen must be the most reasonable available, given the purpose for which the vehicle will be used. While on Travel together, travelers should share vehicles to minimize costs.
 - a. Car rental arrangements must be made through a PL using a P-Card. When making Travel arrangements, the PL may utilize the State Travel contract or most economical manner.
2. The City will not provide additional pay for the use of a rental car to accommodate family members or non-business associates while on Travel with the authorized traveler.

TRAVEL POLICY

3. The acceptance of optional insurance for collision and comprehensive coverage by a traveler is not an allowable expense. The TML insurance provided by the City includes rental cars; Certificates of Coverage can be obtained from Finance prior to Travel.

D. Public Transportation

1. The use of taxicabs, shuttle services, buses and public conveyance are encouraged. Tips are reimbursable when receipts are provided.
2. Other allowable transportation expenses include: ferry, road, tunnel and bridge tolls and parking charges. Receipts are required for reimbursement.
3. Reasonable effort must be made to obtain the most economical transportation to and from the airport.

E. Air Travel

1. Air Travel arrangements must be made through a PL using a P-Card. When making Travel arrangements, the PL may utilize the State Travel contract or most economical manner.
2. If a traveler misses their flight due to unrelated City Business, any expenses incurred will be at the traveler's expense.
3. The City will allow for the cost of one (1) piece of luggage, with a receipt, if the airline charges to check luggage.
 - a. The traveler is responsible for any additional fees charged by the airline if the bag exceeds weight or size limits.
4. The most economical available seat at the time of purchase must be chosen. Personal comfort, preference or convenience will be at the traveler's expense.
5. Travelers may not pay for another traveler's expenses during Travel, including baggage fees and the like.

VIII. LODGING

- A. Lodging expenses are allowed when Travel exceeds one day and the destination is more than 75 miles (one-way) from the City. Itemized Receipts are required.
 1. Lodging reservations must be made through a PL using a P-Card. When making Travel arrangements, the PL may utilize the State Travel contract or most economical manner.
 2. Lodging expenses include the cost of lodging and any applicable taxes and fees.
- B. Separate rooms are permitted for each authorized traveler.
- C. If reserved accommodations are no longer needed, it is the responsibility of the traveler to ensure the room is canceled in accordance with the cancelation policy of the lodging entity.
 1. If reserved accommodations are canceled by the traveler due to personal comfort, preference or convenience, the traveler is responsible for any expenses incurred if accommodations are not canceled in accordance with the cancelation policy of the lodging entity.

TRAVEL POLICY

- D. Allowances for lodging expenses are not authorized for non-commercial lodging facilities, such as a relative or friend.

IX. MEALS AND INCIDENTAL TRAVEL EXPENSES (M&IE)

The daily maximum allowable M&IE includes the cost of meals and incidental expenses calculated using the rates set by the GSA. Travelers may receive an Advance for M&IE during authorized Travel. The zip code of the Travel destination will be used to determine the daily maximum allowable M&IE rate.

The first and last day of Travel M&IE are calculated at 75% of the daily per diem rate set by the GSA. Itemized Receipts are required.

A. Meals

1. For full-day Travel, meals are limited to the daily maximum allowable meal expenses rate set by the GSA.
 - a. One (1) meal is permitted for One-Day Travel status with no overnight stay.
 - b. Alcoholic beverages are not allowable expenses.
2. For longer than One-Day Travel, expenses will not be allowed for meals purchased less than 75 miles from the City.
3. A registration fee that includes a meal(s) is not subject to the meal allowance.
4. Unless the conference agenda includes an entertainment event, meals purchased at entertainment venues are not reimbursable.
5. While on Travel, a traveler may not pay for another traveler's meal – including authorized travelers or spouses. When possible, only meal expenses for the traveler should be included on the itemized receipt.
6. Groceries require prior approval and are limited to remote locations, as approved by the Chief Financial Officer.

B. Incidental Expenses

1. For full-day Travel, incidental expenses are limited to the daily maximum allowable IE Rate set by the GSA.
2. Gratuities and tips for services for which a tip is customary, including, but not limited to taxis, shuttles and baggage handlers are reimbursable with a receipt.
3. Incidental expenses include, but are not limited to: non-meal tips, gratuities and hotel baggage checking/handling.

X. NON-ALLOWABLE EXPENSES

A. Expenses including, but not limited to the following, will not be allowed:

1. Alcoholic beverages

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2. Personal toiletry articles, medicines or other personal convenience items (hotel minibar or other)
3. Airline or trip insurance, passports or money orders
4. Loss of funds or loss/damage to personal belongings
5. Childcare, eldercare, babysitting or pet care costs
6. Barber or salon services
7. Gum, candy, cigarettes or other tobacco products
8. Penalties (airline or other)
9. Personal entertainment not related to the conference such as movies, cable fees, health clubs or golfing
10. Parking or moving violation fines, bail or legal fees
11. Donations
12. Medical expenses (Human Resources will need to be contacted if a work related injury occurs while on Travel)
13. ATM or banking service fees

XI. PROCUREMENT CARD

- A. If the traveler has been issued a P-Card, it must be used for all expenses while on Travel. Use of the P-Card must comply with both the Purchasing Policy and the Travel Policy. The P-Card may be used for official purchases including lodging, transportation or other justifiable City-related Travel Expenses.
- B. Any expenses over the daily maximum M&IE allowance must be reimbursed by the traveler within five (5) business days from the Travel return date. The P-Card must not be used for items such as non-reimbursable expenses or personal items. See Section X, *Non-Reimbursable Expenses* and the Purchasing Policy.
- C. As a governmental entity, the City of Southlake is sales tax exempt. However, hotel and meal taxes during Travel are allowed.

XII. TRAVEL CARD

- A. If the traveler does not have a P-Card, a Travel Card will be issued for M&IE and ground transportation.
 1. The Advance issued on the Travel Card will be determined by the TPA form. The first and last day of Travel M&IE are calculated at 75% of the daily per diem rate set by the GSA.
 2. Travel Card requests must be submitted to Finance within ten (10) business days from the Travel start date.
 - a. For Travel less than a 48 hour notice, please contact Finance for Travel arrangement options.
- B. Travel Cards may not be requested, nor will they be provided for non-Travel purposes.
- C. Employees with a City P-Card may not request a Travel Card.

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- D. A Travel Card request may be denied for reasons including, but not limited to, Outstanding Travel Claims, excessive amounts requested, insufficient processing time or incomplete request forms. Travelers with an Outstanding Travel Claim will not be permitted additional Advances.
- E. Travel Cards must be returned to the City if the trip is canceled or shortened for any reason within five (5) business days of the cancelation or trip shortening. Purchasing must also be notified.
- F. Itemized Receipts for allowable Travel Card expenses must be submitted.
- G. Travel Cards or any amount due to the City must be paid within five (5) business days from the Travel return date.

XIII. OTHER ALLOWABLE EXPENSES

- A. When reasonable and necessary expenses are incurred by a prospective employee, approved expenses by the City Manager will be reimbursed in accordance with the City's Travel Policy.
- B. Unless contract requirements state otherwise, consultants and other vendors with the City may only charge the City for business-related Travel Expenses incurred in accordance with the City's Travel Policy.

XIV. REIMBURSEMENT OF PAYMENT FROM TRAVELERS

All unauthorized, improper, duplicate or mistakenly paid P-Card or Travel Card charges must be immediately reimbursed by the traveler to the City. Failure to do so may result in disciplinary action, as outlined in the City of Southlake Employee Handbook, if still unpaid past fourteen (14) business days of being notified of the need to reimburse.

XV. POLICY ACKNOWLEDGEMENT

It is the traveler's responsibility to read and comply with the provisions of the Travel Policy. The traveler has the right to ask questions about the policy; any questions should be directed to Finance. Violations of the policy may result in disciplinary action up to and including dismissal for City employees, and as to all travelers, curtailment of travel Advances and reimbursements.

Approved: by City Council, 11/17/2015

*Supersedes: Personnel Policies, Compensation, Travel Policy, 12/3/1996
City Council Expense Policy*

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DEFINED TERMS

Advance: Funds provided to a traveler prior to Travel.

Authorized Approver: An individual designated by City Council elected officials, the City Manager, Department Director or designee with the authority to approve Travel related expenses.

Budgetary Requirements: Funds that are set aside specifically for Travel purposes.

City Business: Purpose of Travel is directly related to one's job.

Fiduciary Responsibility: The responsibility of every City representative to safeguard the public trust and the use of taxpayer dollars.

Groceries: Food items purchased for multiple meals or multiple days.

Incidental Expenses (IE) Rate: Daily rate set by the US General Services Administration (GSA). It is a breakdown of the Meals and Incidental Expenses Rate (M&IE rate), and provides the cost of allowable incidental expenses for a specific area. The expenses are for gratuities and tips for services (i.e. taxis, shuttles, baggage handlers, etc.).

Itemized Receipt: Receipts must include business name, date, items purchased, price of each item and total.

Meals and Incidental Expenses (M&IE): Includes the allowable cost of meals and incidental expenses based upon the rate set by the US General Services Administration (GSA).

Mileage-Only: Reimbursement for various errands related to City Business for those travelers without a car allowance.

One-Day Travel: A Travel status given if Travel does not include an overnight stay, but requires more than four (4) hours away from the workplace. Traveler will be leaving from home and returning home the same day.

Outstanding Travel Claim: Traveler owes the City funds from a previous trip and that is still unpaid more than fourteen (14) business days of being notified of the need to reimburse.

Privately-Owned Vehicle: Vehicle not owned or leased by the City.

Procurement Card (P-Card): City-issued bankcard used as a payment tool authorized by City staff for official City Business. The use of the P-Card is a substitute for a purchase order, which is a promise to pay, using City funds. All purchases must comply with the Purchasing Policy and Travel Policy.

Purchasing Liaison: A purchasing and Travel expert selected by each department to receive regular training regarding any changes or updates to the Purchasing Policy, Travel Policy and related SOPs. The liaison will have access to book Travel using the State Travel contract and will have the resources to obtain the most economical form of Travel for their department.

Third-Party Organization: A professional organization the City representative is affiliated with, other than the City.

Travel: Includes expenses for conferences, conventions, workshops, seminars, educational and training courses, forums, and other business activities related to the administration of municipal government that includes One-Day Travel or an overnight trip.

Travel Card: A temporary purchasing card only used for approved Travel-related purchases, for those individuals that have not been issued a Procurement Card (P-Card).

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Travel Claim: An approved Travel Plan and Authorization (TPA), where the traveler has incurred expenses.

Travel Expense: Ordinary and necessary expenses for Traveling away from home on City Business.

Travel Reimbursement: A request for eligible Travel Expenses due to traveler.

Travel Plan and Authorization (TPA): A request to Travel. Traveler and Purchasing Liaison have planned their Travel Expenses in advance; those Travel Expenses will be authorized based on budgeted funds.

US General Services Administration (GSA): Government Agency that sets the Meals & Incidental Expense (M&IE) rates for US Federal Government agencies.