



To All City of Keller Employees,

We are proud to present to you the City of Keller Employee Handbook, which outlines for you the City policies, procedures and employee benefits. You will see that the City of Keller provides competitive salary levels and excellent benefits to its employees. It is our desire that you have a fulfilling and enjoyable career with our organization. If you have a heart to serve your community, you will do well.

**Excellence, Integrity, Service** above self, **Creativity** and **Communication** are the core values by which we conduct our business. These ideals are important to us and we expect you to demonstrate them in all that you do. It is what we should expect from others in the organization as well. If we make mistakes, we admit it and go on. We don't want to make promises we can't keep. We want to strive to keep the ones we do make. Treat those around you the same way you would want to be treated. Our job is to serve the citizens and businesses of Keller and to be proud of our profession and our community.

This community cannot function without the services you provide. We will solve people's problems and make their lives better where we can. It is my hope that you can find value in this service and work for this community for many years. We want you to enjoy coming to work every day and these policies are designed to assist in that endeavor.

We are excited that you are part of our team and appreciate your assistance in making Keller a great place to live, work and play.

Sincerely,

*Aaron Rector*

Aaron Rector  
Interim City Manager

**TABLE OF CONTENTS – Revised 07/18/2024**

<b>1.00</b>	<b>ADMINISTRATION</b>	<b>1</b>
1.01	City of Keller Objectives and Policy Statements	1
1.02	Administration of Employee Policies	2
1.03	Bulletin Boards	2
1.04	Mobile Communication Devices	2
1.05	Code of Ethics	8
1.06	Confidentiality of Information	9
1.07	Dress Code	9
1.08	Employee Responsibility	11
1.09	Electronic Communications	11
1.10	Flower, Gift Card and Card Policy	16
1.11	Gift Policy	16
1.12	Inclement Weather	17
1.13	Individual Department Policies	19
1.14	Nepotism	19
1.15	Payroll Deductions	20
1.16	Political Activities	20
1.17	Smoke-Free Workplace Policy	21
1.18	Travel Policy	21
1.19	Use of City Equipment	24
1.20	Use of City Owned Vehicles	24
1.21	Use of City Purchasing Card	25
<b>2.00</b>	<b>FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS</b>	<b>26</b>
2.01	ADA Amendments Act (ADAAA) of 2009	26
2.02	Consolidated Omnibus Budget Reconciliation Act (COBRA)	27
2.03	Drug-Free Workplace	27
2.04	Equal Opportunity Employment	36
2.05	Fair Credit Reporting Act (FCRA)	36
2.06	Fair Labor Standards Act (FLSA)	36
2.07	Family Medical Leave Act (FMLA)	37
2.09	Flexible Work Schedules	39
2.10	Health Insurance Portability and Accountability Act of 1996 (HIPAA)	41
2.11	Immigration Reform Act	41
2.12	Life-Threatening Illness Policy	41
2.13	Preventive Immunizations	41
2.14	Harassment	42
2.15	Violence in the Workplace	45
2.16	Whistleblower Act	46
2.17	Breast-Feeding Employees	47
2.18	Public Safety Paid Quarantine Leave	47
2.19	Mental Health Leave	48
2.20	Pregnant Workers Fairness Act (PWFA)	49
<b>3.00</b>	<b>EMPLOYMENT</b>	<b>50</b>

3.01	Recruitment.....	50
3.02	Job Related Tests .....	52
3.03	Probation.....	53
3.04	Job Classifications .....	54
3.05	Changes in Employee Status .....	55
3.06	Performance Evaluations .....	57
3.07	Prohibited Behaviors .....	58
3.08	Outside Employment.....	58
3.09	Work Standards/Work Ethics.....	59
<b>4.00</b>	<b>BENEFITS/COMPENSATION .....</b>	<b>59</b>
4.01	Benefits.....	59
4.01.01	Bridging of Prior Service Credit.....	59
4.01.02	Car Allowance and Mileage Reimbursement .....	59
4.01.03	Certification Pay.....	61
4.01.04	Civic Duty .....	62
4.01.05	Credit Union Membership .....	62
4.01.06	Deferred Compensation.....	62
4.01.07	Direct Deposit .....	63
4.01.08	Employee Assistance Program (EAP).....	63
4.01.09	FICA and OASDI Deductions (Social Security Taxes).....	64
4.01.10	Internal Revenue Code (IRC), Section 125 .....	64
4.01.11	Holiday Pay .....	65
4.01.12	Dental, Medical and Life Insurance .....	67
4.01.13	Library Cards .....	67
4.01.14	Short-Term and Long-Term Disability .....	67
4.01.15	Longevity Pay .....	68
4.01.16	Emergency Call Back/On-Call Pay.....	68
4.01.17	Out of Class Pay.....	69
4.01.18	Employee Awards.....	69
4.01.19	Retirement Benefits .....	71
4.01.20	Retirement Gift.....	72
4.01.21	Sick Leave .....	72
4.01.22	Training and Development.....	73
4.01.23	Tuition Reimbursement.....	74
4.01.24	Vacation.....	74
4.01.25	Workers' Compensation.....	77
4.01.26	The Keller Pointe .....	78
4.01.27	Modified/Light Duty Policy.....	79
4.02	Compensation.....	80
4.02.01	Fair Labor Standards Act (FLSA).....	80
4.02.02	Contract Labor .....	81
4.02.03	Pay Periods .....	81
4.02.04	Volunteer .....	81
4.02.07	Overtime Hours.....	81
4.02.08	Hours Not Worked .....	82
4.02.09	Waiting Time.....	82
4.02.10	Breaks .....	82
4.02.11	Meal Time.....	82
4.02.12	Travel Time.....	83
4.02.13	Attendance at Training Sessions and Other Meetings.....	83
4.02.14	Compensatory Time.....	83
4.02.15	Assignment Pay.....	84
4.02.16	Pay Plan .....	84

4.02.17	Merit Increases .....	85
4.02.18	Cost-of-Living Increases .....	85
4.02.19	Advance Pay .....	85
4.02.20	Timesheets .....	86
4.02.21	Development of Job (Class) Descriptions .....	86
4.02.22	Amendments to the Policies and Procedures.....	87
<b>5.00</b>	<b>LEAVES (ABSENCES) .....</b>	<b>87</b>
5.01	Administrative Leaves .....	87
5.02	Additional Paid Leaves.....	87
5.03	Administrative Leave Without Pay .....	88
5.04	Bereavement Leave .....	89
5.05	General Administrative Leave .....	89
5.06	Arrests and Confinements.....	89
5.07	Attendance and Punctuality.....	90
5.08	Maternity Leave.....	91
5.09	Military Leave .....	91
5.10	Keller Youth Mentorship Program .....	92
<b>6.00</b>	<b>Disciplinary Procedures .....</b>	<b>93</b>
6.01	Documentation .....	93
6.02	Disciplinary Actions .....	94
6.03	Acts Constituting Disciplinary Action .....	95
6.04	Complaints and Grievances .....	96
<b>7.00</b>	<b>TERMINATION OF EMPLOYMENT .....</b>	<b>99</b>
7.01	Resignations .....	99
7.02	Terminations .....	99
7.03	Reduction in Force/Layoff .....	99
7.04	Exit Interviews.....	101
<b>8.00</b>	<b>SAFETY IN THE WORKPLACE.....</b>	<b>101</b>
8.01	Safety Program .....	101
8.02	Safety Training.....	102
8.03	Accident Prevention .....	102
8.04	Reporting & Investigation of Accidents, Incidents, Safety Deficiencies and Hazards 102	
8.05	Safety Review Board.....	102
8.06	Prescription Safety Glasses or Goggles .....	102
<b>9.0</b>	<b>FAILURE TO COMPLY WITH EMPLOYEE HANDBOOK .....</b>	<b>103</b>
9.01	Disciplinary Action.....	103
	<b>GLOSSARY OF TERMS .....</b>	<b>104</b>

## **1.00 ADMINISTRATION**

### **1.01 City of Keller Objectives and Policy Statements**

#### **Policy**

It is the policy of the City, pursuant to the City Charter, that the general and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to City Council by State law or the City Charter.

The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment.

The City Manager reserves the right to change, revise or eliminate any of the policies, procedures or benefits outlined in this manual.

Management authority includes but is not limited to the following:

- Discipline or discharge;
- Hiring, promotion, assignment, or transfer of employees;
- Determination of the mission, goals, and objectives of City departments;
- Determination of the method, means, and allocation/assignment of personnel needed to carry out the City's mission;
- Introduction of new or improved methods or facilities and changes of such;
- Determination of reasonable schedules of work and establishment of methods and processes by which such work is performed;
- Requiring the performance of duties as stated and intended in the job description, with the understanding that every duty connected with the City's operation and enumerated in a job description is not always specifically described; and
- Determination of position availability by:
  - Hiring and promoting;
  - Authorizing lateral reassignments;

#### **Guidelines**

- Individual City departments may develop policies and procedures that are consistent with City policies and procedures.
- Policies and procedures apply to all employees of the City, both on and off duty where applicable, and unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.
- Only the City Manager or his designee through expressed delegation has the authority to enter into any employment agreements, promises, or commitments contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager or his designee shall not be enforceable unless in writing and approved by the City Council.
- Any statement in a policy and 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.
- Use of the masculine gender or absence of gender is for convenience only and shall include both the masculine and feminine gender.

## **Responsibility**

- It is the responsibility of the Human Resources Department and the department head to ensure that each affected employee receives a copy of the policies and procedures upon implementation of said document or at his/her initial employment orientation.
- It is the responsibility of each department head and/or immediate supervisor to ensure the policies and procedures are fairly administered and equitably enforced.
- It is the responsibility of each affected employee to read, retain, understand, and update his/her policies and procedures when provided applicable revisions and additions.

## **Objectives**

- To promote and increase productivity, efficiency, responsiveness to the public, and economy in City service;
- To provide fair and equal opportunity for qualified persons to enter and progress in City service in a manner based upon merit and fitness as ascertained through fair and practical personnel management methods;
- To maintain a program of recruitment, advancement, and longevity that will make City service an attractive career, and to encourage employees to give their best effort to the job and to the public;
- To establish and maintain a uniform plan of evaluation and compensation based upon the duties and responsibilities of positions in the City;
- To establish and promote high morale among City employees by fostering good working relationships, providing uniform personnel policies, providing opportunities for advancement, and consideration of employee needs and desires.

### **1.02 Administration of Employee Policies**

The employee policies established herein are intended to cover all employees of the City of Keller except where otherwise provided by the Charter of the City of Keller. 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 head, or to the Human Resources Department. The Human Resources Director shall monitor these policies and shall make every good faith effort to insure compliance not only with the letter but also with the spirit of the objectives set forth in these policies.

### **1.03 Bulletin Boards**

Bulletin boards contain only department, division, and citywide information/events. Employees are encouraged to read the bulletin board at their work-site in order to keep abreast of new information.

Bulletin boards are an official means of communication. Only authorized personnel may put up, take down, or alter items on bulletin boards. Items posted will have a removal date in the upper, right-hand side.

Supervisors are responsible for monitoring items posted. Questionable items should be discussed with Human Resources.

### **1.04 Mobile Communication Devices**

This policy will address issues surrounding personal mobile communication devices (MCDs) and city-issued MCDs. While at work employees are expected to exercise the same discretion in using personal mobile devices as is expected for the use of city-issued mobile devices. Excessive

personal calls during the workday, regardless of the mobile device used, can interfere with employee productivity and may be distracting to others. Therefore, personal mobile calls, texting, and web browsing/social media websites should be limited to use during non-work time where possible, on breaks, lunch, or before/after work. Friends and family members should be asked to limit their calls to emergency use, or to leave a message for a return call when the employee is on break. Abuse of this policy may result in the loss of the use of a city-owned mobile phone and/or disciplinary action.

**Definitions:**

Mobile communications device (MCD) – any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with capability to access the Internet (generally referred to as a Smart Phone).

Conversation – Communication exchange between two (2) or more individuals taking place in voice or data format.

**Personally-Owned Mobile Communication Devices/Allowance Policy**

**1.0 Purpose**

This policy addresses allowances provided to City employees for using their personally-owned MCDs for business purposes.

**2.0 Overview**

In order to ensure compliance with IRS regulations, the City will discontinue providing City-owned MCDs for assignment to individual employees except for those issued to departments for shared, temporary or infrequent use.

Approved employees whose job duties require the frequent use of MCDs will be given a taxable monthly allowance to compensate for business use of an employee-owned MCD. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as FIT, FICA, TMRS, etc.

**3.0 Eligibility**

Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be submitted on the Mobile Communication Device Allowance Authorization Form and sent to the Information Services Director for processing and review by the Mobile Communication Device Policy Committee. It should not be issued based solely on position or title. Eligibility must also fall under at least one (1) of the following categories:

- Public/Personal Safety – the employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- Accessibility – the employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- Responsiveness – the employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement.

#### **4.0 MCD Allowance**

The MCD allowance is not intended to pay the full costs of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable costs that the employee incurs while using the device/service as part of their City job duties and responsibilities. The MCD Allowance guidelines are as follows:

- a. The employee is responsible for procuring and paying for all services and equipment.
- b. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
- c. An additional allowance, provided initially and every one (1) year thereafter, will be provided for the activation and for the purchase/upgrade/replacement of devices or accessories.
- d. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or overtime. Taxes incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.
- e. The employee must retain an active MCD service contract as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employees' own expense.

#### **5.0 Employee Responsibilities**

- a. Sign the Mobile Communication Device Allowance Authorization Form.
- b. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MDC due to problems with the selected mobile service provider, the City may request that the employee change providers.
- c. Provide supervisor with current contact information or address of the communication device within three (3) days of activation.
- d. Acknowledge that supervisors may periodically request that the employee provide a copy of the first page of the phone bill in order to verify that he/she has an active mobile communications device. Supervisors may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.
- e. Assure availability for communication, be in possession of the MCD, and have it charged and turned on during the days/times as specified by supervisor.
- f. Notify supervisor immediately of damaged, lost, or stolen MCD, and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by supervisor. Any associated costs for replacement will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify Information Services immediately of the loss or theft. If possible, Information Services will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device. If theft is suspected, employees must file a police report and cooperate with law enforcement.
- g. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
- h. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's



Electronic Communication Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Keller's email or other information system are reminded that these systems are intended for official City business only (i.e.; personal emails sent through City email system).

- i. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
- j. Acknowledge that MCD records may be subject to the Public Information/Open Records Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, emails, all types of messaging, photographs, internet usage, and application usage. Information related to phone conversations typically obtained through the Open Records Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.
- k. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- l. Make the personal MCD phone number available for inclusion in the City's telephone and department directories as deemed appropriate by supervisor.
- m. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
- n. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.

#### **6.0 Departmental Responsibilities**

- a. Once eligibility is established, the department head must submit a completed Mobile Communicate Device Allowance Authorization Form to the Information Services Director for approval and additional processing.
- b. The department head must periodically review the need for MCDs used by employees for business purposes.
- c. The department head has the option of revoking the allowance approval.
- d. If an employee is terminated, resigns, transfers, or for any reason is no longer eligible for a mobile communications device allowance, the supervisor will resubmit the Mobile Communication Device Allowance Authorization Form showing the service end date to terminate the allowance and will notify Human Resources immediately.
- e. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.

#### **7.0 Information Services Responsibilities**

- a. Information Services will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor-to-vendor.
- b. When necessary, Information Services will load City-licensed or City-required applications onto employee-owned MCDs.
- c. Information Services will not provide any troubleshooting services for employees who elect to purchase devices other than those recommended by Information Services. Limited support may be provided for employees purchasing recommended devices.
- d. Information Services will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.

- e. Information Services will budget the monthly allowance and annual device allowance for all approved devices within the Information Services budget.
- f. During the budget process Information Services will provide Finance a summary of phone allowance expenses. Finance will calculate the annual amount of phone allowance expenses for each respective fund to transfer to the Information Services fund as part of the proposed budget.
- g. Information Services will chair a Mobile Phone Policy committee that will be responsible for the review and approval of all MCD requests. This committee will be comprised of a minimum of three (3) department heads and meet on an as needed basis.

## **City-Owned Mobile Communications Devices**

### **1.0 Purpose**

The City will own and retain a certain number of mobile communications devices (MCDs) as departmental pool phones and for emergency use, or disaster response/recovery purposes. The intent of these MCDs is to improve and better facilitate communication with employees serving on a shift rotation basis or to employees in temporary situations.

### **2.0 Overview**

City-owned MCDs issued to employees will improve efficiency, enable employees to respond promptly in emergency situations, and/or provide safety for Keller citizens and employees when more conventional and cost effective means of communications are not available.

### **3.0 Eligibility**

Justification for a City-owned MCD should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Requests for new City-owned MCD's should be submitted in writing to the Information Services Director for processing and review by the Mobile Communication Device Policy Committee. It should not be issued based solely on position or title. Eligibility must also fall under at least one of the following categories:

- a. Public/Personal Safety – the employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. Accessibility – the employee requires immediate direct communication to conduct urgent city business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. Responsiveness – the employee requires immediate direct communication to conduct urgent city business to ensure responsiveness to operational and/or support functions.

### **4.0 General Guidelines for Use**

After justification for a City-owned MCD has been approved, a device will be assigned to the department. City-owned MCD guidelines are as follows:

- a. Departments should only “check-out” the MCD to employees serving in positions which meet the Eligibility criteria defined above, serve on a shift rotation basis, or to employees who need to communicate while in temporary situations. It may not be assigned to an individual employee on a long-term basis.
- b. The device must be used for City-related business **ONLY**.
- c. The IRS may require that specific information be documented for each communication a City-owned MCD. Each department may be consulted to provide that information periodically.

- d. The device may not be utilized for personal use by any employee. Any personal usage must be itemized and deducted from the employee's wages.
- e. Employees are prohibited from downloading the TikTok application or accessing TikTok on any city-owned device. Exceptions apply to law enforcement acting in an official capacity or for information security purposes.

### **5.0 Employee Responsibilities**

- a. For departments that have MCDs for "check-out", the employee must "check-out" the City-owned MCD on a temporary basis or on an as needed basis (on-call, project, etc.). "Check-outs" must be approved by supervisor.
- b. Personal use of a City-owned MCD is strictly prohibited and will not be tolerated. Employee will be responsible for reimbursing the City for any personal usage. If personal usage continues, the employee may be reprimanded and suspended from usage of City-owned MCDs.
- c. Employees using City-issued MCDs shall have no expectation of privacy in mobile phone calls, pictures, or text messages on these phones.
- d. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Electronic Communication Policy, etc.) currently in effect which pertain to MCDs. Employees whose job responsibilities include driving and who are issued a MCD for business use are expected to refrain from using their phone (includes web browsing, texting, taking pictures, etc.) while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before using the MCD. Special care should be taken in situations where there is traffic, inclement weather, or unfamiliar area. In situations where job responsibilities include a significant amount of work time spent driving and use of the MCD, hands-free equipment will be provided to facilitate the provisions of this policy.
- e. Employees whose MCDs are capable of accessing the City of Keller's email or other information systems are reminded that these systems are intended for official City business only.
- f. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- g. Employees in possession of a City-owned MCD are expected to protect the equipment from loss, damage, or theft. Upon separation of employment or at any time upon request, the employee may be asked to produce the phone for return and inspection. Employees unable to present the phone in good working condition within 24-hours may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will have such charges deducted from their final check.
- h. Business MCD usage should be kept to a minimum during lunch and before/after hours. If a non-exempt employee must make business calls or accept business calls after hours; the employee must keep a log of the date, time and duration of each call in excess of ten (10) minutes, including the purpose of the call. The phone log shall be attached with the employee's time sheet in order to be considered for compensation. Phone logs may be audited regularly.

### **6.0 Departmental Responsibilities**

- a. Once eligibility is established, the department head must submit a detailed written justification/request to the Information Services Director for additional processing.
- b. Each department should maintain logs which shows date and time MCD was "checked-out" including which employee used the MCD.

- c. The department head must periodically review the need for MCDs used by employees for business purposes.
- d. Supervisors are responsible for ensuring that employees do not conduct personal conversations on City-owned MCDs. Department head and/or supervisor have the discretion to suspend usage of City-owned MCDs to employees who exhibit continued personal usage as well as conducting employee reprimand.
- e. As with any policy, management staff is expected to serve as role models for proper compliance and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

## **7.0 Information Services Responsibilities**

- a. Information Services will provide recommendation for contracted service providers and MCDs. Contracted discounts may be available and may vary from vendor to vendor.
- b. When necessary, Information Services will load City-licensed or City-required applications onto City-owned MCDs.

## **8.0 Public Information Act**

Employees are advised that records related to calls, text messages, and/or pictures made and received on City-owned MCDs are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

## **9.0 Monitoring of Mobile Phone Calls**

Employees should be aware that mobile phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor mobile phone conversations without the consent of one of the parties to the conversation.

Although it is technically difficult, inadvertent monitoring of private mobile conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided mobile phone.

## **1.05 Code of Ethics**

Officials and employees of the City of Keller shall be dedicated to the highest ideals of honor and integrity in all public and personal relationships. They shall demonstrate a commitment to the preservation of the values and integrity of local government, and a dedication to effective, efficient governance. The following code of ethics, adopted by the City Council on March 19, 1996, and "Personal Financial Interest", Chapter 3.12 of the City of Keller Charter, shall govern all officials and employees of the City of Keller, who shall:

1. Comply with state laws governing cities, including the Public Information Act and the Open Meetings Act of the Texas Government Code, and the adopted Ethics Policy of the City.
2. Refrain from entering into any activity that may be in conflict with or give the appearance of conflict with the interests of the citizens of the City of Keller or that would prejudice their ability to carry out objectively their duties and responsibilities;
3. Never accept or solicit any gift or item of monetary value or promise of future gift or favor from any person or business entity that is seeking official action from the official, employee, or the City of Keller;
4. Act impartially and not give preferential treatment to any private organization or individual or use their position for private gain;

5. Disclose, as a matter of record, any substantial direct or indirect financial interest in any matter requiring official action, and shall not participate in any vote or decision on a matter in which they have a direct or indirect financial interest;
6. Ensure the accuracy and reliability of records and reports essential for the City's reputation and ability to meet its obligations and comply with the law;
7. Protect the privacy of confidential information and never use such information for personal benefit;
8. Protect and conserve City property and never use it for other than authorized activities;
9. Disclose waste, fraud, abuse, and corruption to appropriate authorities;
10. Never ask or direct any other official or employee to violate any provision of this code of ethics by action or omission.

### **1.06 Confidentiality of Information**

During the course of employment with the City of Keller, employees may have access to personal information about current and former employees, Keller citizens, businesses, job applicants, persons applying for permits or processed through the Courts, addresses, telephone numbers, and other information that is to be considered confidential. No confidential information related to City business or other employees should be divulged to anyone, including media, without approval of the department head, who shall confer with the City Manager or City Attorney to ensure compliance with the Texas Open Records Act, or other applicable laws.

Requests for employee information, job references, job questionnaires etc. must be referred to the Human Resources Department.

### **1.07 Dress Code**

The City of Keller is a public "service" organization; most employees are in constant contact with the public, citizens, out-of-town guests, potential new residents, the business and professional community, etc. Employees are expected to dress in a manner that is appropriate to a business environment and their specific positions that will represent professionalism and pride in the City of Keller and the citizens they serve. In accordance with department/division standards, or work environment, employees shall maintain a neat, clean, pressed and well-groomed appearance, including clothing that fits properly. This policy is not intended to preclude cultural or religious customs.

This dress policy applies to all employees of the City of Keller including full-time, part-time, temporary, seasonal, uniformed, and non-uniformed personnel. This policy is not designed to conflict with established uniform or safety codes of individual departments. Supervisors shall administer guidelines that are appropriate for their work units and counsel their employees when necessary.

**Exceptions to the Dress Policy** The dress code guidelines will govern normal work situations; however, there may be instances where exceptions may be made such as moving, office reorganization, etc. Supervisors are responsible for ensuring their employees are not abusing the dress code or casual day policy in order for the City to maintain a professional and appropriate working environment and appearance. Casual dress shall be acceptable on Fridays (Thursdays for employees working at City facilities closed on Friday) as outlined in the dress code guidelines.

**Personal Hygiene and Grooming** Along with professional dress, employees will maintain proper hygiene and grooming. Employees will not use products or perfume that, due to their fragrance, cause discomfort to others. Items that will not be allowed are: jewelry/piercings in

visible body parts other than the ear, disruptive/extreme hairstyles, baseball caps other than City issued or part of the employee's uniform and hair in a color or shade other than those that occur naturally.

Hair must be clean, neat, well-trimmed, and always combed or maintained neatly in a protective hairstyle, except under adverse conditions. Beards and mustaches shall be kept clean and neatly trimmed. Baseball caps may be worn if City issued or if part of the employee's uniform.

**Uniforms** City employees may be required to wear uniforms in the performance of their duties as determined by the department head. This may include jeans, shirts, caps, rain gear, all weather jackets, and steel-toe or composite-toe boots. Special equipment as provided by the police and fire department will be issued according to department policy. Employees should consult departmental policies for any specifics regarding uniform requirements.

Employees required to wear uniforms will receive an annual uniform allowance, based on budgeted funds, for the purchase of boots, jeans, shirts, jackets, etc. One (1) pair of steel-toe or composite-toe boots will be purchased for employees up to the maximum set by their department. If an employee prefers a pair of boots beyond the maximum amount set, the difference shall be paid by the employee to the vendor at the time of purchase. In the event an employee's boots are damaged during their course of work, a replacement may be purchased at the Department Director's discretion.

If an employee resigns before the completion of probation, the employee shall reimburse the City for the boots through a payroll deduction on his/her final paycheck.

Uniforms are the property of the City and all employees are responsible for proper care and use. An employee shall refrain from wearing any portion of the employee's uniform, which displays the City's logo, except when on duty or representing the City, or in route to or from such duty. An employee shall refrain from wearing any attire while off-duty that identifies the person as an employee of the City while engaging in conduct or activity that would discredit the City or places either the employee or City in disrepute or discredit.

**Return of Clothing Upon Termination** A terminating employee will return all City issued articles before receiving his/her final paycheck. Any employee who willfully damages or destroys any part of a City issued uniform must reimburse the City for those items damaged or destroyed. Employees are required to keep uniform articles clean and in good repair. A Department Head may authorize the person to retain certain items that do not contain City logos, are worn beyond use, or are determined to have no value to the City.

## **DAILY DRESS CODE**

### EXAMPLES OF ALWAYS INAPPROPRIATE ATTIRE:

- Athletic Attire
- Shorts
- Sweatpants
- Sweatshirts\*
- T-Shirts
- Tank Tops
- Dresses, skirts, split skirts shorter than 4" above the knee
- Clothing that exposes the midriff
- See-through clothing

- Capris shorter than mid-calf (hem should hit midway between knee and ankle)
- Low-cut, backless, shoulder-less dresses
- Stirrup-pants/leggings
- Clothes that do not fit properly (too tight or too baggy)
- Clothing not in good condition (faded, frayed, having tears or holes)
- Sneakers, Flip Flops, and Crocs

Exceptions:

Casual Days: Jeans are allowed on Fridays (Thursdays for employees working at City facilities closed on Friday). T-Shirts with the City of Keller logo and sneakers may also be worn on casual days.

\*Holiday monogrammed or silk screened sweatshirts/T-shirts are allowed during holiday season on Fridays (Thursdays for employees working at City facilities closed on Friday).

**Responsible Person** Each Department Head is responsible for implementing the dress code and communicating it to their department's employees. Department Heads have the authority to enforce the policy and implement a more restrictive dress code for their departments. Exceptions to dress code may be approved by the Department Head under certain circumstances.

Complaints about the attire of an employee should be directed to the Department Head of the employee in question. The Department Head has the discretion to determine the appropriateness of the employee's attire.

Questions or concerns relating to reasonable accommodation issues or management interpretation questions may be directed to Human Resources.

**Procedure** Employees are expected to abide by the provisions in this policy. In the event that an employee does not meet appropriate dress code standards, an employee will be sent home to change their clothing. A second incident will result in disciplinary action.

**1.08 Employee Responsibility**

It shall be the responsibility of each employee to read, understand, and comply with all policies, procedures, rules, regulations, and practices, both those of the City and those of their respective departments. Failure to comply may result in disciplinary action up to and including termination of employment.

**1.09 Electronic Communications**

**Purpose**

The purpose of this policy is to provide users with an understanding of the acceptable conduct that shall be followed when using technology provided by the City of Keller.

**References**

- Health Insurance Portability and Accountability Act (HIPAA)
- Texas Public Information Act
- City of Keller Record Retention Policy
- City of Keller Employee Handbook

## Definitions

### **Information Services**

Any employee of the City of Keller's Information Services Department.

### **Information Services Technology**

Refers to all city owned desktop and laptop computers, mobile computers, servers, and other electronic devices (including, but not limited to, printers, scanners, digital storage devices, Blackberry handhelds, mobile telephones, digital cameras, and personal digital assistants) that are attached to and using City of Keller resources, including its networks, and the applications they support; such as software, electronic mail, and access to the Internet.

### **User**

Any individual who has been issued a domain user name and password which may include, but not be limited to, a City of Keller employee, Mayor or City Council Member, Board or Commission Member, vendor, or volunteer.

### **Non-user**

Any individual who is not classified in **User**, for example: friends and/or family members of a user.

### **Electronic Mail Communication (includes E-mail, Instant Messaging, and other general electronic communication)**

Refers to all electronic communication that is sent, received, downloaded, or stored when using the City of Keller Information Services Technology System, regardless of method of entry or retrieval. Access to personal Internet e-mail systems, such as accounts with Yahoo, Hotmail, etc., are subject to provisions stated under **Internet Usage**.

### **Virtual Private Network (VPN)**

A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide authorized users access to Information Services Technology from remote locations.

## Policies

### **Electronic Mail Communication**

Use of electronic mail communication is permitted for city business-related purposes only. Users must remember that e-mail messages are not a form of private communication. All messages that are created, received, and/or stored using Information Services Technology are considered the property of the City of Keller and are subject to the Texas Public Information Act (formerly the Texas Open Records Act), the City of Keller Record Retention Policy, and must be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). All e-mails should be maintained according to the city's record retention policy and follow all set record retention series as managed by the City Secretary's office.

Prohibited conduct or inappropriate use of electronic mail communication may include, but is not limited to:

- a) Engaging in illegal, fraudulent, or malicious activity.
- b) Creating, storing, maintaining, or sending jokes, racism, political views, personal opinions, chain letters, or sexually-oriented material. Messages must not include any offensive, abusive, harassing, threatening, or obscene material.



- c) Using electronic mail communication for any commercial promotional purpose, including personal messages offering to buy or sell goods or services.
- d) Subscribing to non-city business-related mass communication subscriptions, personal mailing list servers, discussion threads, and newsgroups.
- e) Utilizing communication resources for charitable endeavors not specifically sanctioned by the city.
- f) Conducting political campaigns or other related activity.

E-mail signatures shall not suggest or contain any personal views, statements, quotes, or images. E-mail signatures are designed to identify the staff member and provide city contact information. E-mail signatures may contain information related to city business or events including images, mission statements, or advertisement for special city sponsored events.

The city maintains an "All Employee" e-mail distribution list that allows for staff to send an e-mail to every user's mailbox. The "All Employee" e-mail distribution list should only be utilized for official city business and with the approval of a department head. Information Services will manage this list, through email security settings, to only allow certain users to send email to the "All Employee" email list as directed by the City Manager.

Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, users should exercise caution when forwarding messages. City of Keller sensitive information must not be forwarded to any party outside the city e-mail distribution list without prior approval of a supervisor.

Each user's mailbox has a storage capacity of two gigabytes. When a mailbox reaches this storage capacity, a message will be sent to the user instructing them to contact Information Services for assistance with message archiving procedures. All deleted e-mail messages are stored online for a period of thirty (30) days and all deleted messages older than thirty (30) days are automatically purged from online storage.

When an employee ceases employment with the City of Keller, regardless of reason, the Human Resources Department will notify Information Services. Upon the last day of employment, each user's mailbox will be disabled for a period of thirty (30) days. After thirty (30) days, the user's mailbox will be archived to the city's standard, portable storage media and deleted from online storage.

### ***Internet Usage***

The City of Keller internet use is intended primarily for city business-related purposes; however, limited incidental personal Internet use, during non-work periods, may be allowed if approved by the user's department head and if it does not adversely affect the daily duties and responsibilities of the organization.

Streaming audio or video from the Internet for non-city business-related activities is prohibited. This activity includes, but is not limited to, listening to online radio stations and watching music videos and movie clips. Unwarranted Internet usage can cause the city's network system to become congested resulting in interruption of Internet access for users who may be conducting online city business.

Employees are prohibited from downloading the TikTok application or accessing TikTok on any city-owned device. Exceptions apply to law enforcement acting in an official capacity or for information security purposes.

If a user posts information to a city business-related newsgroup or to a blog type information sharing application, such as a federal, state, county, or city association or affiliation, a

disclaimer must be included that specifies the information posted is not the responsibility or of the opinion of the City of Keller.

The terms and conditions of this policy shall also apply to users accessing the Internet when using any device classified as Information Services Technology.

### ***Employee Owned Equipment***

The City of Keller prohibits the use of employee-owned equipment being directly attached to Information Services Technology equipment. Examples of employee-owned equipment include, but are not limited to, the following:

Personal digital assistants (PDA), portable hard drives, laptops, desktops, digital cameras, video game systems, and/or MP3 players. Exceptions to this section are employee owned equipment which employee receives a reimbursement; such are mobile phone and mobile data devices utilized for business purposes. Personal USB drives used for file storage are allowed, but must be strictly managed and checked for malicious files before attaching to Information Services Technology equipment. This section does not pertain to employees accessing Information Services Technology equipment, through the Internet, via secure access. Examples include, but are not limited to, secure Outlook Web Access e-mail and secure access to the city's website content management system.

### ***Non-user***

Non-users, as defined under ***Definitions***, are strictly prohibited from using any device classified as Information Services Technology.

### ***File Storage***

Users should refrain from storing personal files, such as documents, photographs, graphics, music, etc., on any device classified as Information Services Technology.

Information Services performs nightly tape backups of all network system files and documents; therefore, all city business-related documents must be stored on network drives. Files and documents stored on a user's desktop or local drive will not be backed up.

### ***Remote Access (VPN)***

The policies and procedures contained herein apply to authorized users of the City of Keller's Virtual Private Network (VPN) Service. All other policies covering the use of Information Services Technology by authorized users (e.g.; the City of Keller's Computer Use Policy) are still in effect when resources are accessed from remote locations as well as all regulations governing the protection of confidentiality and integrity of city information, such as the Texas Public Information Act, the City of Keller Record Retention Policy, and the Health Insurance Portability and Accountability Act (HIPAA). Any remote linkage through the VPN Service is considered an extension of the city's network systems, and is subject to all security and appropriate use policies.

#### ***A. Remote Access for Users (VPN)***

Users that require access to the city's network system from a remote location will be provided a unique VPN user name and password. All requests for remote access must be submitted to the Information Services Director for approval and only users issued Information Services Technology laptops with docking stations may apply. While accessing the city's network systems from a remote location all terms and conditions contained within this policy shall apply.

## **B. Remote Access for Vendors (VPN)**

Information Services recognizes the need to provide secure remote access to its network systems to authorized vendors, and their associated business partners, with which specific contractual relationships have been established. Normally, such vendors need access only to a specific city network system(s) as required by the contractual relationship. Vendors must submit a completed VPN Authorization Form to the Information Services Director explaining the intended purpose for remote access, approximate usage and duration, as well as the full names of all vendor employees that will be accessing the city's network systems. At no time should any vendor employee provide their VPN user name and/or password to anyone, not even family members. Vendors must notify the Information Services Director immediately upon termination of an employee who has been provided VPN privileges.

### ***Desktop Remote Access***

Information Services utilizes a variety of desktop sharing applications that provide remote access to a user's computer when assisting with reported issues. Information Services will attempt to contact the user before establishing a remote connection. If the user is unavailable, Information Services reserves the right to establish a remote connection to the user's computer in an attempt to resolve reported issues.

### **Passwords**

All user passwords must be constructed, implemented, and maintained according to the following standards and procedures governing password management.

- Passwords shall be a minimum length of eight (8) characters
- Passwords shall not be a dictionary word or proper name
- Passwords and the user id shall not be the same
- Passwords shall be changed within a maximum of every ninety (90) days
- All systems shall prevent password reuse of the last ten (10) passwords

### **Monitoring, Reporting and Filtering Rights**

Internet usage and e-mail communications are monitored daily to ensure compliance with this policy and any applicable local, state, and federal laws or regulations related to the use and security of city information.

#### ***Monitoring Rights***

Information Services has the right to monitor all activity conducted while using Information Services Technology. Information Services may monitor Internet and desktop application usage to diagnose and repair network performance issues and ensure user compliance to this policy.

#### ***Reporting Rights***

Information Services has the ability to provide reports on a user's computer activity while using Information Services Technology. Information Services collects detailed information on all desktop application and Internet usage and has the ability to provide reports on such usage by user name, computer, or department.

All requests for desktop application, email, or Internet usage reports must be submitted to the Human Resources Director for review and approval.

### ***Filtering Rights***

Information Services has the right to filter and/or block access to specific websites or categories of websites to enforce Internet usage rules, as defined in ***Internet Usage***, in an effort to reduce bandwidth usage and improve the city's overall network system performance.

### **Disciplinary Actions**

Any user who fails to comply or adhere to the City of Keller Electronic Communications Policy may be subject to disciplinary action, as defined within Section 9.01 of the City of Keller Employee Handbook, up to and including termination.

### **Requests for Public Disclosure of Electronic Records**

All requests for release of any data in electronic form, including hard-copy printout, shall be handled in conformance with federal, state, and local open records laws, policies, and procedures.

All requests for information, and the corresponding release of information, must be processed through the Office of the City Secretary.

### **1.10 Flower, Gift Card and Card Policy**

Flowers, gift cards or a greeting card may be sent at the City's expense, for the following occasions to employees or their family members as follows:

1. Births: A \$50 gift card will be mailed to an employee or employee's spouse.
2. Deaths: Flowers (plant or gift basket) will be sent to the funeral home for the death of an employee, spouse, children, parents or stepparents of employee or spouse and family living in the employee's home. A card will be sent for any other members of the immediate family.
3. Illness or hospitalizations: Flowers (plant or gift basket) will be sent only to employees for illness when they are admitted to the hospital or in the event of a severe illness. A card will be sent for any other members of the immediate family in the employee's home.

It will be the responsibility of each department to notify Human Resources with all of the information needed to send the gift.

### **1.11 Gift Policy**

General Rule: Per state law and the City of Keller Ethics policy, an employee may **not** solicit, accept or agree to accept any gift or benefit from any person, firm, corporation, partnership, or association that transacts or solicits business of any type with the City, or has any matter pending with the City, except as may be authorized by law or ordinance.

This general rule has also been set out in the City of Keller Ethics Policy. The purpose of this policy is to provide more specific guidance in particular fact situations. Since this policy is more specific and provides additional direction, this policy should govern an individual employee's conduct in a particular fact situation.

Exceptions: In accordance with the provisions of Section 36.10 of the Texas Penal code, the prohibition against soliciting, accepting, or agreeing to accept any gift or benefit will not apply to the following:

1. A fee prescribed by law to be received by the employee or any other benefit to which the employee is lawfully entitled or for which the employee gives legitimate consideration in a capacity other than as an employee.
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the employee.
3. An honorarium is not permitted under Section 36.07 of the Texas Penal Code unless Section 36.10(3) of the Texas Penal Code applies, which allows an honorarium to a public servant who is required to file a financial statement, if an honorarium in excess of \$50 is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or political subdivision;
4. Goods or services of minimal value, such as a basket of fruit, nuts, or candy sent to the department for distribution to all employees are not considered to be a "benefit" under the Penal Code. Employees should not solicit any goods or services personally, even those of minimal value, but if an item of minimal value, such as those listed above, is provided to an entire department, and would be difficult to identify or return to the provider of such goods, it will not be considered to violate this policy.
5. Promotional items such as calendars, which are inscribed with the name of the distributor and prepared for general distribution to customers, are acceptable.
6. A benefit consisting of food, lodging, transportation, or entertainment accepted as a guest.

Procedure Upon Receipt of Prohibited Gift: The employee shall immediately return any improper gift, accompanied by a letter stating that the gift is being returned as the receipt of gifts is in violation of City policy. Copies of all such letters should be sent to the Human Resources Director.

Appeal: In all instances where an employee believes the prohibition is not applicable but none of the above exceptions apply, the employee must, prior to soliciting, accepting, or agreeing to accept any gift or benefit, submit to the Human Resources Director a written statement setting forth the reason or reasons why the employee believes the gift or benefit is not prohibited, the nature or type of gift or benefit, and the name of the person, firm, corporation, partnership, or association from whom the gift is received.

## **1.12 Inclement Weather**

The purpose of the inclement weather policy is to establish guidelines for attendance and pay during periods of inclement weather.

During periods of bad weather or natural disaster, the City Manager may declare Inclement Weather Days. Inclement weather is defined as weather conditions which are physically severe, and which create travel situations hazardous to employee safety. The City Manager may determine that the weather conditions are severe enough that only essential employees are required to report for duty. Essential (or emergency) employees are Police, Fire and Public Works and those employees determined by Department Directors.

Essential non-exempt employees who report to work during inclement weather shall be paid for the hours worked and accrue vacation hours based on the chart below and according to their regular work schedule, except firefighters who accrue 12 hours per day. If the City Manager declares an early closure or late arrival, essential employees who work their regular schedule will accrue half of the normal vacation hours or 6 hours for firefighters.

<b>Schedule</b>	<b>Full Inclement Weather Day</b>	<b>Half Inclement Weather Day</b>
8hrs per day	8	4
9hrs per day	9	4.5
10hrs per day	10	5
12hrs per day	12	6

Essential employees who attend training on an inclement weather day will also accrue vacation in accordance with the chart above.

Those employees not designated as essential personnel who arrive to work at their regularly scheduled time shall receive their regular pay plus be eligible for early dismissal.

Payroll for Inclement Weather Days, as declared by the City Manager, shall be recorded as follows:

1. Non-essential employees who do not come to work should record WEATHER code for their time.
2. Non-essential employees who came to work despite the bad weather should record for time the number of regular, actual hours worked.
3. If a non-essential employee attended a scheduled training class, it should be verified that the school was not closed on the inclement weather day and the employee did attend. The time should be recorded as regular pay.
4. Employees who were absent due to an illness, FMLA or a scheduled vacation day should record sick hours or vacation hours for their time.
5. Essential non-exempt employees who worked during the inclement weather day will code their time as DISASTER PAY and/or DISASTER PAY Overtime.
6. Essential non-exempt employees who were not scheduled to work and did not work during the inclement weather day do not receive pay or accrue vacation hours. Applicable leave may be used unless it is a regular day off.
7. Essential non-exempt employees who were not scheduled to work and were called into work during the inclement weather will be compensated under the Emergency Call Back Policy. Regular overtime rules apply for employees who are scheduled to work during the inclement weather.
8. When possible, exempt employees are encouraged to work from home during inclement weather to ensure the City maintains excellent customer service, meets deadlines and prevents delays to projects.

### 1.13 Individual Department Policies

It shall be the prerogative of each department head to develop and implement department policies, procedures, rules, regulations, and/or practices that are separate from or in addition to the policies, procedures, and regulations listed in the personnel policies. However, department policies and procedures, rules and regulations shall not be less restrictive, or inconsistent with the personnel policies of the City. A copy of all department policies should be on file in the Human Resources Department.

### 1.14 Nepotism

Pursuant to Sec. 5.06 of the City charter of the City of Keller and Texas state law, no person related within the second degree by affinity (marriage), or within the third degree by consanguinity (blood) to the Mayor or to any member of the City Council, or to the City Manager shall be appointed to any office, position, clerkship, or other service of the City. This provision shall not apply to volunteer services with the City.

**Definition of Relative** Those related by blood or adoption to the employee shall be defined as: parent (mother/father); children (daughter/son); siblings (sister/brother); grandparents (grandmother/grandfather); grandchildren (granddaughter/grandson); sibling's children (niece/nephew); grandparent's children (aunt/uncle); or grandparent's grandchildren, i.e., aunt/uncle's children (first cousins). Relative also includes persons related within the second degree by affinity as outlined below.

#### **Affinity (Marriage Relationship):**

<b>First Degree</b>	<b>Second Degree</b>
Spouse	Mother-in-Law
	Father-in-Law
	Sister-in-Law
	Brother-in-Law
	Daughter-in-Law
	Son-in-Law

#### **Consanguinity (Blood Relationships):**

<b>First Degree</b>	<b>Second Degree</b>	<b>Third Degree</b>
Mother	Grandmother	Great-Grandmother
Father	Grandfather	Great-Grandfather
Sister	Granddaughter	Great-Granddaughter
Brother	Grandson	Great-Grandson
Daughter	Uncle	Great-Uncle
Son	Aunt	Great-Aunt
	Niece	Great-Grand Niece
	Nephew	Great-Grand Nephew
	First Cousin (Aunt/Uncle's, Son or Daughter)	Second cousin (Your mother or father's first cousin's children)
		First Cousin Once Removed (your cousin's children)

The City of Keller will hire no person, if the person is related within the second degree of affinity or within the third degree of consanguinity to an employee within the same City department.

However, this restriction shall not apply to employees as of the effective date of this policy that are related to another employee within the same degrees as listed above and in their current positions. In the event of promotion, lateral move or reorganization of a “grandfathered” employee; then they may not be in the same division or work under the line of supervision by the other relative. In this example, one of the affected employees will be granted a reasonable amount of time, not to exceed six calendar months, in which to find another position. This restriction shall apply due to the marriage of two employees. For the purpose of this rule, cohabitation will be considered the same as marriage.

Exceptions to this policy will be considered on a case by case basis and may be allowed based on business necessity and upon approval of the City Manager.

### **1.15 Payroll Deductions**

Standard payroll deductions may include, but not limited to, Medicare, OASDI, and FICA, all premiums and associated contributions for health/life insurance, savings/checking, The Keller Pointe fees, deferred compensation, TMRS, United Way, IRS, Section 125 offerings, child support, IRS levies and any legally required and/or court ordered wage garnishment.

The City of Keller shall allow police officers to purchase essential equipment authorized by the department through payroll deduction. An employee may select the items to be purchased and submit the invoice listing the items and prices, including taxes, for the purchase to be paid through payroll deduction. Since the purchase is for personal use, but is job-related, and is not owned by the City, purchases are subject to sales taxes. In order to be eligible for a payroll deduction to be used for a purchase, the purchase must be a minimum of \$200 and must be paid out within 12-months, which is equivalent to 26 pay periods. A minimum payment of \$25 per pay period is required.

**Filing Process** A copy of the invoice must be submitted to Human Resources within five days of the purchase date, with a completed payroll deduction form for processing. The original invoice should accompany the payment authorization form submitted by the department to the purchasing department for payment to the vendor.

In the event employment with the City terminates for any reason prior to repayment of the full amount due under the purchase agreement, the entire remaining balance shall become immediately due and payable to the City. The remaining balance, if any, upon termination of employment, shall be deducted from the employee’s final paycheck. If there are not sufficient funds in the employee’s final paycheck to pay the remaining balance, the City may withhold the employee’s final paycheck until the remaining balance has been paid in full.

### **1.16 Political Activities**

An employee may participate in any political activities that are not prohibited by this policy. An employee may not engage in political activities while on duty or in uniform. An employee may not be a candidate for any elective office in the City.

An employee may not use his/her authority, influence, or official position as a Keller employee to influence the result of any election or nomination for elective office. An employee may not directly or indirectly coerce, command, or advise any public officer or employee to pay, lend, or contribute



anything of value to any person or organization for political purposes. City-owned facilities, personnel, equipment, supplies, vehicles, printing facilities, long distance telephone services, e-mail, publication, websites, or other resources shall not be used in or for any campaign or other political activity.

### **1.17 Smoke-Free Workplace Policy**

The City prohibits smoking or chewing of any tobacco or other plant products in all municipal buildings or facilities, garages or City vehicles. Smoking or chewing of tobacco products, including e-cigarettes and vapor products, is also prohibited on the balconies, patio/terraces of Town Hall, or the Town Hall Plaza.

### **1.18 Travel Policy**

The job duties and responsibilities of City representatives occasionally require attendance at various conferences, seminars, classes, meetings, workshops, or other events and may require travel to other areas of the metroplex, state, or country. The purpose of this policy is to establish and maintain prudent stewardship of public funds and ensure that City representatives attend conferences, etc., that are necessary, relevant, and important to the future of the City.

The following travel guidelines are set forth to serve as a policy statement for business travel by all representatives of the City of Keller. The term "City representatives" includes the Mayor, City Council Members, appointed Board and Commission Committee Members, Volunteers, and City employees.

#### I. Assessing Value of Attendance

The Mayor, City Council, or City staff should review the details of the seminar, conference, event, etc. to ensure that attendance would be beneficial in performance of their duties as representatives of the City and that funds have been budgeted therefore.

#### II. Authorization Procedure

Mayor and City Council Members - Upon request of City Council members, the City Manager's office will coordinate registration, reservations, travel accommodations, etc., for all City Council members.

City Employees - City employees must prepare a Travel Authorization Form for department head approval. For Department Heads and/or if the travel is out of state, approval must be granted by the City Manager or designee.

Board and Commission Committee Members and Volunteers - Appointed board and commission committee members and volunteers must follow the same guidelines for City Employees. The appropriate City staff must approve the Travel Authorization Form.

#### III. Travel Advances

Employees may receive a travel advance, but the use of purchasing cards is encouraged for employees who have a purchasing card, in order to minimize cash advances. The City will issue a travel advance upon completion of the Travel Authorization Form and submitted to the Finance Department thru the Accounts Payable (AP) process for a cash advance check.

Processing the Travel Authorization Form

Under IRS regulations, advances cannot be made more than 30 days prior to a trip. Advances must be settled within 30 days of completion of the trip. Advances not cleared within 60 days after they are paid or the expense is reimbursed will be processed through payroll and subject to withholding taxes. Further advances will not be processed until the employees have settled any outstanding expense report or overdue advance.

All approved Travel Authorization Forms shall be sent to the Finance Department thru the AP process no later than 10 days before funds are needed. The completed Travel Authorization Form must be approved by the employee's Department Head and submitted with a copy of the documentation (program registration) for the event. For Department Heads, the travel advance must be approved by the City Manager or his designee and submitted with a copy of the documentation (program registration) for the event.

#### IV. Event/Travel Procedures

The following guidelines and standards shall be utilized when traveling on City business regarding; registration, transportation (airfare, public carrier fares, car rental, taxi, ride share, shuttle), parking/tolls, and baggage fees.

The City will be responsible for or reimburse expenses in conjunction with any eligible, approved, conference/seminar/association meeting.

1. Direct payment/billing for any service is preferable.
2. In the event direct payment to the sponsor is impossible, an individual attendee will be reimbursed for the actual costs.
3. Full advantage should be taken of any special rates/discounts when possible and every effort should be made to obtain the most economical advantage to the City of Keller. Some discounts may be obtained by utilizing the City's approved inter-local agreements for services. Please contact Purchasing for information.
4. Vouchers, invoices, advance registration forms, pamphlet of published rates, and/or receipts must be submitted as payment or reimbursement justification.

#### Transportation

1. Employees attending events, seminars, classes, workshops, etc., may be provided a City vehicle to attend, if available.

- a) In the event of a vehicle accident, please contact the Human Resources Department for procedures and assistance.

2. If no vehicle is available, employees using their own vehicle will be eligible to receive a mileage allowance at a rate in accordance with the Internal Revenue Service allowance. Reimbursement will be based upon actual mileage from the employee's regular place of work to their destination, or from home to destination whichever is less. If an employee is required to attend training for an extended period of time (longer than one work week), the place of training will become the employees regularly assigned workplace until such training is completed. An employee will not be eligible for mileage reimbursement in such an instance.

- a) In the event of a vehicle accident, please contact the Human Resources Department for procedures and assistance.

3. Mileage reimbursement will be based upon Internet resources such as GoogleMaps.

Employees receiving a car allowance will not be eligible for mileage reimbursement unless the conference is outside the areas defined by section 4.01.02.

### Meals

1. Per diem for meals will be paid when travel requires an overnight stay. If the travel does not require an overnight stay, per diem will not be paid.

2. Meals and incidental expenses may be paid for in the following manner:

a. Per Diem in an amount to be in accordance with IRS Publication 1542

– Per Diem Rates, to defray all meals, tips and miscellaneous expenses will be provided prior to travel upon submittal and approval of a Travel Authorization Form OR

b. Per Diem may be requested after the travel has occurred.

c. In either case, employees should not utilize the City purchasing card for these expenses and receipts will not be required.

d. Tips are to be included in the services rendered and are considered a part of the per diem allowance.

### Unallowable Travel Expenses

Unallowable travel expenses include, but are not limited to: additional insurance, lost or stolen property, fines (parking/traffic violation), personal entertainment, in-room movies/ recreational facilities, and golf/recreational outings, guest related costs, alcoholic beverages maintenance/repair of personal automobile, towing, babysitting, pet care fees, toiletries/pharmaceutical items, haircuts/beauty salon services, limousines for personal use, personal gifts, fees/expenses involved with pre-conference or post-conference personal vacation.

### Guest Expenses

The City will not be responsible for any expenses of guests who accompany employees on City business. Any additional charges/fees incurred on behalf of the guest will be the responsibility of the employee. Purchasing cards can be used only for the employee's portion of the expense. **Guest charges shall not be charged on the purchasing card.** In the event the guest charges must be paid at time of registration and the employee is registering by purchasing card, the employee must submit reimbursement to the City immediately and be approved by the Department Head. Discrepancies found may result in disciplinary action against both the employee and the individual approving the travel report.

### V. Submittal of Completed Travel Expense Form

The completed Travel Expense Form must be submitted to the Finance Department within 30 working days following the completion of a trip. The summary will be reviewed for accuracy. All receipts for reimbursable items must accompany and match the report. Any unused travel advance must accompany the report unless per diem based. If an employee has not submitted a Travel Expense Form within 30 working days, the appropriate department head will be consulted to determine if travel expenses will be paid.

VI. Events and conditions could arise that preclude persons from complying with the above policies. The City Manager may approve deviations from this policy if the City Manager

determines that it is in the best interest of the City of Keller. City Manager approval of deviations from this policy should be obtained before a travel event whenever possible.

VII. For additional clarification of the City's travel policy please refer to the Travel Expense Instructions located on the City's share drive (k): Finance Forms/Travel Expense Form and Instructions.xls.

### **1.19 Use of City Equipment**

All desks, lockers, vehicles, desktop, laptop, and mobile computers, servers, and other electronic devices (including but not limited to printers, scanners, digital storage devices, Blackberry handhelds, cellular telephones, digital cameras, and personal digital assistants), computer diskettes, CD's, and any other equipment assigned to employees throughout an employee's employment remain the property of the City and may be inspected by a department head without notice. There is no expectation of personal privacy in any desk, locker, vehicle and/or equipment owned by or belonging to the City. If an employee chooses to lock up personal belongings in City property, the employee shall provide the department head with a copy of the key or combination that can be used in the event of an absence from work. The City assumes no responsibility for loss of employees' personal belongings stored in City property.

### **1.20 Use of City Owned Vehicles**

The City of Keller is committed to providing a safe work environment for its employees. Employees driving City vehicles shall abide by all state and local laws and be diligent in operating the City's vehicle in a safe manner.

**Guidelines and Procedures** The City provides vehicles to employees only as it relates to job-related (city) business. The vehicle may not be used for personal business.

**Exception** Police personnel may take home a city vehicle for the duration of an "on-call" assignment, and use the city vehicle within five miles of their home for personal business. Family members are prohibited from riding in the city vehicle.

Employees shall not operate a City vehicle while under the influence of alcohol or controlled substances.

Alcoholic beverages or controlled substances shall not be allowed or permitted inside any city vehicle at any time, except for confiscation purposes by authorized Police Department personnel.

No employee is permitted to operate a City vehicle without a proper and valid Texas drivers' license.

Smoking and/or the use of tobacco products (i.e. chewing tobacco, snuff, dip, etc.) of any kind are prohibited inside all City vehicles.

**"Take-Home" Vehicles** Regular assignment of "take-home" vehicles shall be approved and authorized only at the sole discretion of the City Manager.

Generally a "take-home" vehicle will be authorized, limited to a 10-mile radius outside the city limits; however, the City Manager has the authority to approve additional miles outside the city limits as deemed necessary.

**Reporting Requirements** By January 2, of each year, each department shall submit to Human Resources a list of “take home” City vehicles. Human Resources will verify approval from the City Manager and forward the list on to the Finance Department.

All changes in vehicle usage must be reported immediately to Human Resources which in turn will notify the City Manager and Finance Department.

Violation of this policy may subject an employee, including the respective supervisor(s), to disciplinary action up to and including termination of employment.

### **1.21 Use of City Purchasing Card**

Cardholders are responsible for and accountable to the City of Keller for all purchases made with the purchasing card and they must adhere to all policies regarding its use. All purchasing card purchases should be for official City business only. Any employee who fails to use the purchasing card properly or abuses the use of the purchasing card shall be subject to disciplinary action as listed below, up to and including immediate termination. The City will aggressively seek restitution for any inappropriate purchases made with the card. All cases of misuse or abuse of the purchasing card will be documented by the Finance Department and forwarded to the Human Resources Department and the Department Head. Any suspected credit card abuse or fraud will be submitted to the Tarrant County District Attorney for criminal investigation.

The following types of card misuse will be reported in writing to the Department Director and Human Resources and subject to penalties referenced below. These are examples and do not constitute a complete listing:

- Violation of purchasing policies
- Use of card for personal purchases
- Use of card by individuals other than cardholder
- Use of card to avoid or evade single or monthly transaction limits
- Use of card to purchase non-allowable items, including alcoholic beverages
- Splitting transactions at the point of sale in order to evade the single transaction limit
- A consistent pattern of losing or misplacing receipts and/or failure to provide itemized receipts.

#### **Disciplinary Procedures:**

- If a single incident of misuse is severe enough, regardless of the amount, the Department Head and Human Resources may skip all of the below steps and immediately suspend the card permanently or immediately terminate the employee.
- First Offense: The cardholder will receive a verbal warning. The verbal warning shall be issued by the Department Head and/or designee. The Purchasing Card Program Administrator will notify in writing the Department Head and Human Resources of the abuse.
- Second Offense within 24 months: The cardholder will receive a written reprimand, will be required to attend purchasing card training, and will have their purchasing card suspended one (1) full billing cycle or until completion of training whichever occurs last. The written reprimand shall be issued by the Department Head and/or designee. The Purchasing Card Program Administrator will notify in writing the Department Head and Human Resources of the abuse.
- Third Offense within 24 months: The cardholder will receive at least a written reprimand, will be required to attend purchasing card training, and will have their purchasing card suspended for one (1) year. The Purchasing Card Program Administrator will suspend the

purchasing card and notify in writing the Department Head and Human Resources of the suspension of the purchasing card.

- If misuse continues, further disciplinary action will be taken up to and including termination.
- If the misuse is considered a form of credit card abuse or fraud, it will be submitted to the Tarrant County District Attorney for criminal investigation.

## **2.00 FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS**

### **2.01 ADA Amendments Act (ADAAA) of 2009**

**Policy of Non-Discrimination on the Basis of Disability** As mandated by the Americans With Disabilities Act (“ADA” or “The Act”), and as amended by the ADA Amendments Act (ADAAA), the City does not discriminate against individuals with disabilities in the areas of employment, public services, and public accommodations. The Human Resources Director has been appointed ADA Coordinator and is responsible to coordinate compliance with the non-discrimination requirements as set forth in the Act and in Section 35.107 of the Department of Justice regulations as well as any other applicable regulations. Information concerning the Act is available from the Human Resources Director/ADA Coordinator at the City.

**Employment Policy** The City does not discriminate against individuals with “qualifying disabilities” (as defined in the Act) who are otherwise qualified to perform the essential functions of a job, with or without reasonable accommodations. “Essential functions,” as defined in the Act, are the basic job duties an employee must be able to perform, with or without reasonable accommodations. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual’s physical or mental impairments, unless it would cause an undue hardship to the City, or constitute a threat to the safety of the disabled person or other persons.

**Procedure for Employees** Employees with qualifying disabilities who are requesting reasonable accommodations to perform essential job functions must submit in writing a request for accommodation to his/her department head for consideration. If a mutually agreeable accommodation cannot be reached within 10 working days after the submission of the request, either the employee or the department head may appeal to the ADA Coordinator. If the ADA Coordinator cannot reach a mutually agreeable accommodation within 10 working days, either the employee or the department head may then appeal the matter to the City Manager for resolution. Employees with complaints of alleged violations of the Act must submit his/her concerns in writing to the ADA Coordinator as set forth in the below subsection “Procedure for Citizens and Employees.”

**Procedure for Applicants** Applicants with qualifying disabilities may request reasonable accommodations to perform essential job functions either during the selection process or at the time of the formal job offer. Applicants requesting reasonable accommodation should submit their request in writing. This request is to be completed by either the applicant or the applicant’s department head. The department head will contact the ADA Coordinator in the event the department head is unable to make a reasonable accommodation. The applicant may also appeal directly to the ADA Coordinator by submitting a written request. If the employee and department head are unable to develop a mutually agreeable accommodation within 10 working days, either the applicant or the department head may request a review by the ADA Coordinator. Applicants with complaints of alleged violations of the Act should submit his/her concerns in writing to the ADA Coordinator as provided for in the subsection labeled “Procedure for Citizens.”

**Procedure for Citizens and Employees** Complaints of alleged ADA violations and requests for reasonable accommodations should be addressed in writing to the Human Resources Director/ADA Coordinator and should include the name, address, and telephone number of the person filing the document, together with a brief description of the alleged violation and the specific reasonable accommodation requested. Assistance will be available through the ADA Coordinator for those unable to submit written complaints or requests.

**Time Frames for the Filing of Complaints and Appeals** In order to ensure the prompt resolution of problems or complaints, reports of alleged violations must be filed, in writing, as soon as possible after the complainant becomes aware of the alleged violation. Under the provisions of the Act, all complaints must be received no later than 180 days after the occurrence of the alleged violation. Appeals by employees or job applicants for review of a matter already addressed at the department head level must be made within five working days of the written response from the department head or ADA Coordinator making the original determination that is to be appealed.

**Verification of Disability Status** Compliance with the Act may require verification of the qualifying physical or mental disability requiring the requested accommodation in certain circumstances. In those instances, an Authorization for Release of Medical Information must be completed by the individual with the disability and submitted to the ADA Coordinator. The release form must be completed before any contact is made with an individual's physician. All medical information will be treated as confidential medical records as provided for in the Act.

**Time Frames for Resolutions** Department heads and/or the ADA Coordinator shall respond in writing to any requests for accommodations within 10 working days of the receipt of the written request. By mutual consent, in writing by the parties involved in the matter, the above-mentioned time frames may be extended any time during the review process.

**Resolutions** The City recognizes that, as provided for in the Act, where appropriate, the use of alternative means of dispute resolution including, but not limited to, settlement negotiations, conciliation, fact-finding, and mediation is encouraged to resolve disputes. However, the City is free to resolve a request for accommodation solely on the submission of written documents, unless the individual submitting the request objects, in writing, to such a procedure. Should an individual take exception to the offered solution, the individual has the right to appeal the decision to the U.S. Equal Employment Opportunity Commission (EEOC).

## **2.02 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

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. employment ends for any reason other than gross misconduct, reduction in hours of employment, death, divorce or legal separation, no longer eligible for coverage under the plan, or employee becomes eligible for Medicare.

If you would like more information on COBRA contact Human Resources.

## **2.03 Drug-Free Workplace**

The Drug-Free Workplace Act of 1988, subsequently modified in 1994, was created in response to society's concerns over the effects of drug use in the workplace. It is the desire of the City to provide an alcohol and drug-free, healthful, 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.

Employees must notify their immediate supervisor and the department head, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction as mandated by the Drug-Free Workplace Act.

This policy applies to ALL CITY EMPLOYEES including full-time, part-time, seasonal, and temporary.

### **Employees Subject to Testing/Conditions Requiring Testing**

- **Pre-Placement** As a condition of employment, all applicants will be subject to drug testing. If evidence of the use of illegal drugs by an applicant is discovered either through testing or other means, the employment process will be suspended or terminated. If an applicant refuses to take the drug test, the employment process will be terminated. If an applicant attempts to substitute or contaminate his/her drug screen specimen, the employment process will be terminated. Employment consideration with the City will be denied unless specifically authorized by the City Manager.
- **Testing of Current Employees** An employee's consent to submit to drug and/or alcohol testing, in the following situations, is required as a condition of employment and the employee's refusal to consent may result in disciplinary action up to and including discharge. The City may perform drug and alcohol testing of an employee in the following situations:

#### **1. Post-Accident**

Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. If it is determined, that the employee's performance contributed to the accident or injury or it cannot be completely discounted as a contributing factor, the employee will be subject to testing. The Department Director, Supervisor and Human Resources Director, or designee, will determine if testing is required. Documentation is required.

Employees involved in an accident will provide an alcohol test within two hours of the incident, and a drug test within 32-hours. If these time frames cannot be met, documentation regarding the lack of compliance will be made. If an alcohol test cannot be completed within 8-hours, the City will cease attempts to administer the test and will prepare and maintain the same documentation.

Employees should be immediately transported by the supervisor or a designee to the drug testing facility. If all facilities are closed, the supervisor shall call the medical facility and request a "Rapid Drug Test" on-site. Drug test results are typically returned within 10 to 15 minutes. If the results are negative, the employee may remain on duty; if the results are positive, the supervisor should arrange for the employee's transportation home and report the incident immediately to the Department Head and the Human Resources Director.

An accident is any situation involving a personal injury or fatality, any damage to equipment, any incident where the vehicle sustains damage requiring any repair and/or must be towed, any property damage and/or object hit, or any situation in which the driver receives a citation for a moving traffic violation arising from the incident. An employee



involved in an accident is any employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor.

All employees who may be involved in or contributed to an accident requiring medical attention shall also undergo drug and alcohol testing.

2. **Reasonable Cause** The City will require an employee to be tested upon reasonable cause. The decision to test will be based on a reasonable and indisputable belief that the employee is using a prohibited drug or alcohol on the basis of specific contemporaneous physical, behavioral, or performance indicators of probably drug or alcohol use.

An employee will submit to testing for reasonable cause when requested to do so by the City.

The conduct that forms the basis for reasonable cause should be witnessed by at least two employees. When a reasonable suspicion exists that an employee is suspected of being impaired or under the influence of drugs or alcohol, he or she shall be required to undergo a controlled substance and alcohol test at the City's expense. The exam shall consist of a urine and/or breath test. Reasonable suspicion shall include, but not be limited to, the following:

- Vehicle accidents in which the employee was involved during working hours, or while conducting city business;
- Abuse of City property (damage/destruction of equipment/property);
- Personal injury suffered by the employee, injuries caused to others, damage to others' property; an accident or on-the-job injury;
- Employee behavior problems such as fighting, declining work performance, argumentative, uncooperative, or other disruptive behavior;
- Receipt of written or oral statements by employees or others concerning use of drugs or alcohol by employees or being under the influence;
- Possession of any drug or alcoholic beverage, any drug or alcoholic beverage container, or any drug paraphernalia during working hours, in a City vehicle or on City property, except when possessed within the scope of employment;
- Indications of possible impairment or intoxication that include, but are not limited to, the following:
  - Slurred speech
  - Disorientation
  - Job impairment (inability to perform employee's job in a routine manner)
  - Odor of alcohol
  - Odor of other substances
  - Unsteady gait or balance
  - Glassy eyes
  - Drowsiness
  - Euphoria
  - Inattentiveness
  - Mood Swings
  - Excitement or confusion
  - Irritability
  - Aggressiveness

- “Near Misses” involving accidents, injuries, vehicles, and/or equipment
- Other erratic behavior

The City will ensure that the employee is transported immediately to a collection site for the collection of a urine sample and alcohol test. The documentation of the employee’s conduct under reasonable cause will be signed and prepared by two witness(es) within 24-hours of the observed behavior or before the results of the tests are released, whichever is earlier.

The employee will be required to show positive picture identification at the testing facility. Consequently, employees are required to carry their City identification card and/or their valid driver’s license with them while at work.

The employee who is tested as a result of involvement in a reasonable cause situation may be suspended with pay pending completion of any inquiries, which may be required and/or any Medical Review Officer (MRO) process.

An employee working after 5:00 p.m. and prior to 8:00 a.m. may be tested on city premises, in the privacy of city facilities. The supervisor shall call the emergency healthcare agency and request a “Rapid Drug Test”. A healthcare provider shall be dispatched to the City to conduct a drug test on site. The results of such test are typically returned within 10 to 15 minutes of testing.

**3. Random** Random drug testing pertains **only** to employees who are subject to the U.S. Department of Transportation (DOT) regulations. An employee, as a condition of employment, shall agree to submit to drug and alcohol testing when selected by a random selection process.

The City will use a random selection process to select and request an employee to be tested. The percentage will be 50 percent per year for drugs and 10 percent per year for alcohol. The City may modify the random percentage in the future according to changes in DOT requirement.

After receiving notification of the random selection, the employee shall submit to testing for drugs and/or alcohol immediately. If the employee is off-duty, ill, or on vacation they will be notified upon his/her return and will submit immediately to the testing.

**Periodic/Other** The City may perform testing of an employee on a periodic basis in conjunction with his/her Commercial Driver’s License (CDL) renewals. The City also reserves the right to test an employee at the time that the employee is enrolled in a drug rehabilitation program and at any time during or for a period not to exceed 60 months after rehabilitation.

The City may perform testing of an employee for drug or alcohol use, upon return to work following probation, suspension, layoff, or extended leave of absence or any other time in order to comply with State or Federal regulations.

**Permissive Use of Prescribed and/or Over-The-Counter Drugs** The City reserves the right at all times to judge the effect that a legal drug and over-the-counter drug may have upon an employee’s work performance and to restrict the employee’s work activity or presence at the workplace accordingly. It also reserves the right to have a physician of its own choice determine if the medication at the prescribed dosage produces hazardous effects, and may restrict the employee’s work activity.

**Mandatory Disclosure by Employees** Each employee shall report the use of any prescription medication and/or over-the-counter medication if there is a reasonable likelihood that the medication may impair job performance or the ability to safely perform the essential functions of an employee's job to his/her immediate supervisor and provide proper written medical authorization to work from a physician. It is the employee's responsibility to determine from the physician whether or not the drug would impair his or her job performance depending upon the nature of the employee's job. The City reserves the right to have a physician of its own choice determine if the medication produces hazardous effects at the prescribed dosage and may restrict the employee's work activity. Failure to report the use of such drugs or other substances or failure to provide proper evidence of medical authorization of prescription medication taken by employee may result in disciplinary action. Examples of impairment include, but are not limited to; drowsiness, dizziness, confusion or feeling shaky. Sometimes, an employee is not scheduled to be on call but may be called in. If this situation occurs and the employee is under the influence of alcohol or any drugs, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

**Prohibited Use of Alcohol** The use of alcohol by a City employee during work hours; including a business lunch is prohibited. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Certain Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions.

**Prohibited Activities** Prohibited activities may include but are not limited to:

- Use, sale, offer to sell, purchase, transfer, concealment, distribution, or possession of drug paraphernalia or any detectable amount of an illegal drug or alcohol by any employee while on City premises, while on duty, while performing City 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. Certain situations may arise from time to time that are approved by the City Manager, that necessitate an employee serving or consuming alcohol while on duty. These situations will be rare and unusual such as testing, and/or the experimentation of the effects of a controlled substance, etc.;
- Use of a prescription drug that is not the employee's prescription;
- Substitutes, contaminates, tampers or attempts to substitute, contaminate or tamper with his/her specimen to be presented for testing;
- Refuses to submit to a drug or alcohol test when requested to do so;
- Refuses to submit to a legal search or inspection under the provisions of this policy;
- Refuses to cooperate with the MRO as required under this policy;
- Refuses to cooperate with the rehabilitation procedures/program.

Except as previously described, no employee shall be allowed to stay on duty if the employee uses any controlled substances or alcohol while on duty or tests positive for the use of controlled substances or alcohol, except in the case of legally prescribed medications.

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

The City may apply suspension with pay for the duration of the investigation to any employee who is the subject of a drug-related inquiry

**DOT Drivers** A driver who is tested positive for drugs and the positive finding is substantiated after going through the MRO process will be terminated. A driver who is tested and has an alcohol concentration of 0.04 or greater will be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, the employee will receive a mandatory referral to a substance abuse professional (SAP). Any non-compliance with the treatment recommendations of the SAP will result in disciplinary action, up to and including termination. The employee will be placed on administrative leave without pay during the treatment period. The employee may use accrued sick leave during the treatment period. The employee would be subject to unannounced follow-up tests; at least six tests must be conducted in the first 12 months and may be extended for up to 60 months following a driver's return to duty. The City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy.

**Responsibilities** Each individual required to submit to testing should, as soon as practicable, provide the required biological specimens for testing. Failure to meet this responsibility is an offense punishable by termination.

Individuals in supervisory positions shall, as soon as practicable following an incident that requires drug or alcohol testing, contact Human Resources to arrange for the collection and testing of specimens for drugs and/or alcohol and drive the employee to the testing facility. Failure to meet this responsibility is an offense punishable by disciplinary action up to and including termination.

### **Drug Testing Procedures**

- a. Notify Human Resources of any testing as soon as possible. The employee shall complete the testing facility's consent form. Failure to sign a consent form will be regarded the same as a positive test result.
- b. The testing facility's staff member shall provide the employee with a container in which the urine shall have a rapid test ran on the specimen. If the results are positive, the remaining will be sent to a certified laboratory for verification. For DOT drivers a split specimen will be placed into a separate container to be used as a second sample in the case of an initial positive result as in accordance with DOT requirements. The specimen shall be produced in a location that provides privacy.
- c. The results of the rapid drug test will be given to the employee and supervisor as well as faxed to the Human Resources Department.
- d. The staff member then applies a tamper proof seal to the bottle, and the employee initials the label(s), which is affixed to the bottle and signs a chain of custody form and notes that the above procedures have been followed.
- e. The staff member seals the sample in a large envelope and the sample is delivered to the laboratory where a tracking system and chain of custody are maintained.
- f. The laboratory shall use an accepted testing method to test for substances in the employee's body.

- g. The split sample of the employee's urine shall be maintained by the testing facility for a period of at least two-weeks.

### **Alcohol Testing Procedures**

- a. The employee shall complete a consent form, which shall be provided by a member of the testing facility staff. Failure to sign a consent form will be regarded the same as test result of .02 or greater.
- b. If the initial test result is equal to or greater than .02 breath alcohol concentration, the Breath Alcohol Technician (BAT) shall wait 15 minutes and test the employee again.
- c. The BAT will show the results to the employee and get the employee's signature on a certification form.
- d. If the test is terminated for any reason, the BAT must notify the Human Resources Director immediately.
- e. A test, which is deemed invalid by the BAT, has no consequences for an employee.

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

**Post-Test Procedure** The supervisor and another witness who makes a determination that reasonable suspicion exists to conduct a drug or alcohol test will prepare a written record of the observations leading to the test preferably within twenty-four (24) hours of the observation.

At the conclusion of the test, the testing facility will send the results of the tests to the Human Resources Director. When a drug test is conducted, the employee may be placed in an off-duty status with pay, pending the results of the exam, if necessary.

In no instance shall an employee be intentionally allowed to drive their personal vehicle or a City vehicle immediately following a positive drug or alcohol test. The City will make arrangements to have the employee transported home.

**Confidentiality** All employee information relating to drug or alcohol testing will be protected by the City as confidential unless otherwise required by law or authorized in writing by the employee. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government agency officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

**Medical Review of Test Results** Each confirmed positive test result is reviewed by a MRO. The purpose of the review will be to consider the possibility of any alternate medical explanation for the confirmed positive test result.

**Drug Testing Results** Results which are positive for an illegal drug or controlled substance, in a test conducted under the provisions of this policy and verified/substantiated by the MRO process, will result in termination of the employee.

**Alcohol Testing Results** Employees with positive test results of breath alcohol concentration will receive immediate, disciplinary action up to and including termination. Such action may include:

- a. Taken home under the provisions of Post-Testing Procedures and will not be allowed to return to duty for 24-hours after the conclusion of the initial alcohol test;
- b. Placed on leave without pay and will not be allowed to perform any work on behalf of the City for the 24-hour period immediately following the alcohol test;
- c. Receive disciplinary action up to and including termination if their breath alcohol concentration is .04 or greater.
- d. If the employee has a positive alcohol test of less than .04, then the employee shall be subject to disciplinary action up to and including termination. If the employee has a positive alcohol test, at any point of concentration, twice during any 36 month period, then the employee will be termed.
- e. Required to submit to unannounced alcohol testing at least six times during the 12 months immediately following the initial test. The Director of Human Resources will determine when the unannounced tests will be conducted, and will contact the employee's supervisor to initiate the test and will make every effort to maintain the employee's confidentiality during the process at all times;
- f. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.

**On-Call Duty** If the employee was scheduled for stand-by or on-call duty, he will be relieved of this duty immediately upon being transported for a reasonable suspicion test. Consequently, the employee will not receive stand-by or on-call pay for any portion of the pay period in which he/she is not performing this duty.

**Record Keeping** Information regarding an individual's drug or alcohol test results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released regardless of consent to the Occupational Safety and Health Administration (OSHA) or a State or Federal agency upon request as part of an accident investigation. Statistical data related to drug or alcohol testing and rehabilitation that are not name-specific and training records must be made available to OSHA or the appropriate State or Federal agency upon request.

The City will produce upon demand and will permit authorized representatives of the DOT to examine all records related to the administration and results of the drug-testing program. The City will maintain an annual, calendar-year summary of the records related to the administration and results of the DOT drug-testing program.

**Employee Assistance Program** The employee may be referred to the Employee Assistance Program for assistance/treatment with drug or alcohol-related problems.

**Rehabilitation** It is the City's desire to assist employees who voluntarily request assistance with alcohol and 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.

Employees with drug/alcohol problems that have not resulted in, and are not the immediate subject of disciplinary action may request approval to take a leave of absence and/ or to participate in a rehabilitation or treatment program. An employee may not enroll in such program in lieu of disciplinary action and/or termination. The leave of absence may be granted at the City's sole discretion.

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehab or treatment program.

During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation, sick, comp time, or other accrued paid leave time.

If the employee successfully completes the prescribed rehab or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehab or treatment is conditioned on the following:

- Initial negative test for drugs and/or alcohol before returning to work;
- A written release to return to work from the City-approved rehab or treatment facility/program;
- Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required by the program, if applicable;
- All employees who participate in rehab or treatment under this section will also be required to submit to periodic and/or random testing by the City during the 12 months following the employee's return to work following treatment;
- The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources before returning to work.

**Searches and Inspections at the Workplace** The City may conduct general inspection and searches for drugs, alcohol, or contraband on City premises or in City vehicles or equipment wherever located. This specifically includes desks, file cabinets, lockers, any other office furnishings, tool chest, and similar city-owned items.

Searches and inspections may be initiated without prior notification and conducted at times and locations deemed appropriate by the City.

Substances that may be identified as an illegal drug by a layman's examination will be turned over to a drug-testing vendor for scientific analysis. Other forms of contraband such as firearms, explosives and lethal weapons will be subject to seizure during an inspection or search. An employee who is found to possess contraband on City property or while on City business will be subject to disciplinary action up to and including termination.

**Drug Testing** The City will engage a laboratory certified by the Department of Health and Human Services (DHHS) in accordance with DOT procedures. The testing laboratory will be required to permit:

- Inspection by the City before the laboratory is selected to perform testing.
- Unannounced inspections including examination of records at any time by the City, or a State agency if the laboratory is subject to State agency jurisdiction.

The City will not hire or contract for the use of any person as an employee whose functions are subject to DOT procedures unless that person passes a drug and alcohol test.

**Employee Responsibilities** Each City employee who observes or has knowledge of another employee in a condition that impairs his or her ability to perform job duties or poses a hazard to the safety and welfare of the employee or others shall promptly report this fact to his or her immediate supervisor, and the employee must file a written report immediately to the department head and Human Resources Director.

## **2.04 Equal Opportunity Employment**

The City of Keller is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, working conditions, testing and training, compensation and benefits, disciplinary actions or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, disability, genetics, veteran's status or other unlawful basis, is prohibited. Age, sex, or physical requirements must have been demonstrated to be bona fide occupational qualifications prior to use as selection criteria. Any employee who feels discriminated against may file a complaint in accordance with procedures in the employee handbook.

**Designation** The Director of Human Resources is designated as the EEO and ADA Coordinator, with the authority and responsibility to develop and implement strategies to assure the achievement of the intent of the policy. All levels of management in every department, division, and work unit of the City shall uniformly apply this policy.

**Responsibility** Each department head, division manager, and supervisor is responsible for the application of this policy within his or her component. This includes all supporting programs and practices developed in accordance with this policy. All employees of the City are responsible for cooperating with any reviews, investigations, and other activities initiated within the framework of this policy. To achieve ultimate effectiveness in the application of this policy, the cooperation, support, and commitment of every employee is essential.

**Enforcement Information** Employees who believe that they have been unlawfully discriminated against, harassed, or persecuted for filing a complaint in regard to alleged unlawful acts, may file a complaint through the City grievance process, the Equal Employment Opportunity Commission (EEOC) and/or other appropriate state agency(ies). The City will thoroughly investigate complaints and take appropriate disciplinary actions to correct any wrongdoing, up to and including termination of employment. Various state agencies also have the authority to investigate and prosecute complaints of unlawful harassment in employment.

The Director of Human Resources, in conjunction with the affected department head, shall investigate the complaint to determine if the City is in compliance with this policy and shall respond to the complainant within 10 working days of the date the complaint is received.

For more information, contact the Director of Human Resources, City Manager, or the nearest office of the EEOC or the appropriate state agency(ies).

## **2.05 Fair Credit Reporting Act (FCRA)**

The FCRA requires employers utilizing consumer reports for employment purposes to notify applicants or employees, in writing, that a consumer report may be obtained and obtain the written authorization of the applicant or employee prior to requesting the report. The employer is also required to notify the applicants or employee of any adverse action that is taken based on the consumer report. (For more information on the FCRA, contact Human Resources.)

## **2.06 Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime, record keeping, and child labor standards and applies to all full-time and part-time employees. As amended in



1985, FLSA provides the option for compensatory time in lieu of overtime compensation for non-exempt employees.

Executive, administrative, and professional employees are exempt from the FLSA overtime requirements.

The City will comply with the FLSA, which establishes the minimum wage for non-exempt employees. (See the Compensation section for more information.)

## **2.07 Family Medical Leave Act (FMLA)**

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA) of August, 1993. Under the FMLA, eligible employees may take up to 12 weeks of unpaid, job-protected leave each year for specified family or medical reasons and return to the same (or equivalent) job upon the employee's return.

### **FMLA Leave Runs Concurrently with Other Types of Leaves:**

If an employee has any available accrued sick leave, it must be used first (if applicable) and will run concurrently while an employee is on FMLA leave. Then in any order, the employee may use their vacation leave, comp time, personal holiday, and/or holiday leave to cover the absence. FMLA leave will also run concurrently with any time off from work covered by workers' compensation.

### **Employee Eligibility:**

To be eligible for FMLA leave, an employee must have worked for the City for at least 12 months (which need not be consecutive) and must have worked at least 1,250 hours during the 12 months preceding the start of the leave.

**Leave Year:** The 12-week leave period is counted on a calendar year basis.

Whenever possible, requests for Family Medical Leave shall be arranged with the department head at least 30 days in advance and shall be approved by both the Department Head and the Director of Human Resources and Risk Management or designee. When 30 days' notice is not possible, the employee must provide as much advance notice as possible. All supervisors must immediately notify both their Department Head and the Director of Human Resources and Risk Management or designee if they have reason to believe an employee's absence is due to an FMLA-covered reason.

### **Medical Certification and Other Required Documentation:**

All department heads and/or supervisors shall report all absences of three days to the Director of Human Resources and Risk Management or designee for evaluation of eligibility for FMLA leave. An employee must provide the City with a Certification of Health, completed by the attending physician, supporting the need for FMLA leave due to a serious health condition listed under *Basic Leave Entitlements* or *Military Family Leave Entitlements* (see below) affecting the employee or the employee's spouse, child, or parent.

An employee must also notify the Director of Human Resources and Risk Management or designee weekly, to let the City know the status and intent to return to work. This requirement

may be waived/modified by the Director of Human Resources and Risk Management or designee. All employees who are off duty for an extended period of time for any FMLA qualifying event, or absent for an on-the-job injury under workers' compensation benefits, shall be required to provide a "release to duty" form from the attending physician that indicates any restrictions that may be required. Employees shall not be allowed to work until the Human Resources Department receives this form. A copy of the employee's job description and return to work form are available through the department secretary or from Human Resources.

The City maintains the right to ask for documentary evidence in all cases of medical and family leave, and to require a second opinion (at the City's expense) and periodic recertification when necessary.

### **Intermittent Leave:**

An eligible employee may take FMLA leave on an intermittent basis only as allowed in federal law. When intermittent leave is allowed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations.

### **Basic Leave Entitlements:**

The employee may qualify for FMLA leave for any of the following reasons:

- 1. Incapacity due to pregnancy, prenatal medical care or child birth. To care for the employee's child after birth, or placement for adoption or foster care** – A husband and wife who are eligible for FMLA and are employed by the City will be limited to a combined total of 12 weeks for the birth/adoption/foster care of a baby.
- 2. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition** – Sick leave may be allowed in case of medical, dental, or optical appointments, personal illness, physical or mental incapacity of an employee, when it is necessary to care for an ill or incapacitated spouse, child (up to age 26), or for a parent.
- 3. If the employee has a serious health condition and unable to perform the essential functions of the employee's job** Once all sick leave is exhausted, the employee may be eligible for short-term/long-term disability benefits.

### **Military Family Leave Entitlements: (effective January 16, 2009)**

- 1. Qualifying Exigency Leave** – Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement in a leave year to address certain qualifying exigencies. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces. Employees that work 8-hour shifts may be eligible for seven days of paid sick leave. Employees that work 12-hour shifts may be eligible for 5 shifts. Employees that work 24-hour shifts may be eligible for 4 shifts of paid sick leave. The portion of FMLA that is not covered by accumulated leave will be unpaid.
- 2. Military Care Giver** – An employee may be eligible for a total of 26 weeks of leave to care for a covered service member during a "single 12-month period." A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active

duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Employees that work 8-hour shifts may be eligible for seven days of paid sick leave. Employees that work 12-hour shifts may be eligible for 5 shifts. Employees that work 24-hour shifts may be eligible for 4 shifts of paid sick leave. The portion of FMLA that is not covered by accumulated leave will be unpaid. A husband and wife who are eligible for FMLA and are employed by the City will be limited to a combined total of 26 weeks under the military caregiver.

**Benefits During FMLA Leave:**

An employee’s medical, dental, and life insurance premiums as well as the portion of the employee’s dependent premiums normally paid by the City shall continue to be paid by the City during the period of the employee’s FMLA leave, providing the employee returns to work when the leave period has ended. The employee will be responsible for their portion of dependent premiums during their leave.

If an employee is absent from work on paid or unpaid leave, or FMLA for the entire month, the employee will not accrue sick and vacation hours during that month.

**Definition of Serious Health Condition:**

A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Employees who fraudulently misrepresent themselves and/or circumstances regarding this policy will be subject to disciplinary action. (For more information contact the Director of Human Resources and Risk Management.)

**2.09 Flexible Work Schedules**

To encourage work/life balance, the City provides the opportunity for employees to work flexible work schedules as approved by and at the sole discretion of their departments. Not all departments have the opportunity to offer flexible work schedules, but in those departments that do, the supervisors shall provide the opportunity for employees to meet family obligations if it is not detrimental to the needs of the City. The City will make reasonable accommodations directly related to an employee’s religion.

Flextime is allowed as long as departmental staffing levels maintain appropriate customer service levels. Implementation of any flextime options must include involvement of employees and managers/supervisors in designing flextime scheduling and must be well planned prior to implementation.

Management shall provide clear communication of employee performance requirements, hours of work, breaks, record keeping, pay, vacation, holiday, and job evaluation concerning flextime schedules.

Human Resources (HR) shall be apprised of those departments planning a flexible schedule to ensure all schedules comply with the Fair Labor Standards Act and maintain integrity in the payroll system and the City budget.

**Compressed Work Week** A compressed workweek by definition does not fall under the category of flextime, but is included here for scheduling clarification. The most common compressed workweek is a 4-day, 10-hour schedule with one day off during the workweek.

**Core Flex** Coverage in all departments is required between designated hours such as 8:00 a.m. through 5:00 p.m., with the employee choosing how to complete the remainder of the employee's hours based on personal needs.

**Occasional Flex** On occasion, an employee may need to flex their hours; i.e. the employee works late one evening, then the employee may come in late the next morning or leave early the next afternoon. The employee takes a short lunch period or no lunch period in order to leave early or come in late. (Skipping lunch or taking a short lunch period should not become a regular practice).

**Seasonal Flex** This option may be used in any department to handle peak seasonal workloads and /or extreme heat. For example: employees may work an altered work schedule during the summer months. Such flex schedules also must be scheduled well in advance of implementation and announced to City personnel.

**Applicability** This policy applies to all employees (regardless of classification) working within the City.

Under no circumstances should employees be left to run the department without at least one supervisor to oversee the department. With the exception of the Keller Pointe due to their extended hours and seven days-a-week operation, a non-exempt employee may oversee the office for a short period of time, but shall not be in charge on a daily basis, left to deal with customers and/or employee issues.

Employees must request reasonable accommodations from the employee's supervisor, department head, or the ADA Coordinator in Human Resources.

Police and Fire personnel have written guidelines addressing uniformed and sworn personnel work schedules. This policy is not intended to supersede any written guidelines pertaining to such schedules within those departments.

**Flextime Determination** Flex times are determined solely on a departmental basis by the Department Head as long as HR is apprised of the flextime before implementation. The department head shall review the feasibility of flextime and establish an acceptable schedule that will work for the department. The department head has the sole authority, at his or her discretion, to refuse flextime if he/she determines it is not in the best interest of the customer or the City. Any change to a regular work week schedule shall be approved by the City Manager whereas flexing of hours shall be approved by the Department Head.

**Enforcement** This policy shall be enforced by all supervisory and management personnel. Employees who violate or abuse this policy will be subject to disciplinary action, up to and including termination. If employees have questions regarding flextime (as defined by this policy) they should consult their supervisor or department head.

## **2.10 Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

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. (Contact Human Resources for more information on this Act.)

## **2.11 Immigration Reform Act**

The Immigration Reform and Control Act of 1986 makes it unlawful to “knowingly” hire, recruit, refer for a fee, or continue to employ any alien not authorized to work in the United States. The Act also prohibits an employer’s use of contract, day labor, or subcontracting arrangements designed to circumvent the law and hence, the technical act of “knowingly” obtaining the services of an unauthorized alien. Criminal and civil sanctions may be imposed on the employer for non-compliance of the Act. Any employees violating this section may be subject to disciplinary action up to and including termination.

## **2.12 Life-Threatening Illness Policy**

The City recognizes that many employees with life-threatening illnesses desire to lead normal lives, which include working for as long as their health permits. Employees are encouraged to continue working as long as they are able to perform the essential functions of their jobs safely and satisfactorily.

Employees with life-threatening illnesses are entitled to the same employment benefits, as are other workers in the organization who have medical problems.

Refusal to work with an employee or to provide services to anyone who has been diagnosed as having a life-threatening illness shall be cause for disciplinary action. Employees will not be granted transfer requests inconsistent with other transfer policy requirements simply because of the presence of persons with life-threatening illness.

At all times, the City retains the right to require a “fit for duty” determination by a qualified health care provider.

## **2.13 Preventive Immunizations**

To the extent required by law, any employee of the City who is exposed or subject to exposure, during the course of performing official duties, to certain contagious diseases shall have all expenses paid for by the City or the City’s insurance plan for the immunizations, prevention of, or for reasonable medical expenses in treatment of the disease if:

1. The disease is not an “ordinary disease of life” as that term is used by the Texas Workers’ Compensation Commission; and

2. The exposure or possible exposure to the disease occurs or may occur during the performance of assigned job tasks.

Any fire fighter, police officer, or other employee who operates an ambulance or responds to emergency medical calls is also entitled to vaccination or preventive immunizations for the members of his or her immediate family living within the same household.

For the purpose of this policy, "immediate family" shall include any person who is residing in the household of the employee at the time of the employee's exposure to the disease during the course of his or her official duties.

The City shall pay for the expense of all preventive immunizations or vaccinations for employees and reimburse the employee any remuneration in excess of the amounts reimbursed by his or her medical insurance for the immunizations or prevention of the disease for immediate family members.

## **2.14 Harassment**

Harassment of an applicant, client, contractor, business associate, customer or employee by a supervisor, manager, department head, or co-worker on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age is explicitly in violation of State and/or Federal law and will not be tolerated by the City. All employees are expressly prohibited from displaying any conduct that has the purpose or effect of interfering with the performance of others, or intimidating the work environment for any person. The City will not tolerate any form of harassment, nor will it tolerate reprisals against any employee who makes a harassment complaint.

**Responsibilities** Employees who perceive harassment, personally or directed toward a co-worker, should, but is not required, report it immediately, or within five days of the incident to the City's Director of Human Resources or any department head. The Director of Human Resources shall then proceed to conduct any follow-up, review, or investigation that is deemed necessary. The City shall make every possible effort to ensure that a person who complains of harassment does not later become a victim of retaliation.

Harassment is considered misconduct that could lead to demotion, suspension, or termination. The City recognizes that false accusations of any kind of harassment can have serious effects on an innocent employee, his/her reputation, and his/her family. Therefore, false accusations, made in malice, shall result in disciplinary action up to and including termination.

**Prohibited Retaliation** No employee will retaliate against another employee who files a complaint of harassment or cooperates with a harassment investigation. Any employee retaliating against another employee shall be subject to disciplinary action, up to and including termination.

**Definitions** For purposes of clarification, harassment includes but is not limited to the following behaviors:

**Verbal Harassment** Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code

words, and race oriented stories. Television shows, radio shows, or magazine articles may fall within this category.

**Physical Harassment** Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

**Visual Forms of Harassment** Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age. This applies to both posted material and material maintained in or on equipment or personal property in the workplace.

**Sexual Harassment** Any act that is sexual in nature, is used to treat someone differently because of gender, is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

**Workplace Relationships** Anyone is allowed to associate with anyone they desire. It is not the City's intent to interfere with any dating relationships. It is inappropriate for any relationship to interfere with work operations in any manner. Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines:

1. There shall be no dating activities on City time.
2. There shall be no use of City property to arrange dating activities.
3. All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on City property or on City time. Hand holding, kissing, hugging, sexual comments, and other behavior generally associated with a dating relationship are inappropriate while on City time.
4. Any relationship involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be immediately reported by the person of higher rank to his/her supervisor. Failure to report this relationship is a violation of this policy. The manager receiving this information shall immediately contact the Human Resources Director of the relationship. Human Resources shall contact the City Manager and make recommendations to ensure that this relationship does not detract from a sound professional work environment. Such recommendations may include the transfer of one of the individuals to another area.

**Complaint Procedure** If any person feels he/she is a victim of any form of harassment, the person should inform the person(s) participating in this behavior that he/she finds it offensive. If the inappropriate behaviors do not stop, the offended employee can initiate a complaint using the following procedures. Employees are not required to confront an offending party prior to initiating this complaint procedure.

1. Any employee, who believes he or she has been subject to harassment of any kind, may, but is not required, file a complaint with the Human Resources Director within five days of the incident. If the employee complains to his/her supervisory personnel, the supervisor shall immediately contact and inform the Human Resources Director of the nature of the complaint.

2. The employee will be asked to complete a signed, dated statement of the harassment. The City may investigate claims even if no formal written complaint is submitted.
3. The Human Resources Director shall conduct a thorough investigation in a timely manner. Interviews will be held with other employees if they were witnesses to or had knowledge of the alleged behavior or incident.
4. The alleged harasser and the department head will be promptly summoned to the Human Resources Department, given a copy of the complaint form, and informed of the seriousness of the allegation(s) by the Human Resources Director. The alleged harasser will then have five business days to respond to the allegation in writing. If the situation warrants it, the alleged harasser may be placed on administrative leave, with or without pay, pending a complete investigation as per the City's Administrative Leave Policy.
5. The Human Resources Director shall inform the City Manager of the fact a complaint has been filed. The Human Resources Director shall discuss the findings of the investigation with the City Manager and City Attorney and recommend final action. No action shall be taken against the employee without the Human Resources Director and City Manager's approval. If the Human Resources Director is the alleged harasser, then only the City Manager's approval is necessary.
6. Any report of harassment by the City Manager, City Council member or Mayor, or any other official, shall be made to the Human Resources Director or any appropriate HR Representative. Any complaints against these officials must be filed under the City's ethics policy and/or directly to the City Council.

**Disciplinary Action** The disciplinary action taken with respect to each violation of this policy will be determined in conjunction with the seriousness of the particular offense.

1. In the event that a thorough investigation of an alleged incident of harassment reveals that an employee has not engaged in any actions or conduct constituting harassment, the Human Resources Director will inform the complaining employee, the alleged harasser, and his or her department head that no grounds or basis exist to substantiate the harassment charge.
2. In the event that a thorough investigation of an alleged incident of harassment reveals that an employee has engaged in actions or conduct constituting harassment, disciplinary action shall be taken up to and including discharge. The Human Resources Director shall recommend to the department head and the City Manager as to what level of discipline should be taken. The department head will take action with the approval of the City Manager, or action may be taken by the City Manager if the alleged harasser is the department head.
3. The employee being disciplined for charges of harassment has the right to appeal the decision according to the City appeals process.

### **General Provisions**

1. There shall be no action taken against an employee for making a report of harassment unless the report is proven to be made in malice.
2. The Human Resources Director shall document all matters related to complaints of alleged harassment, including interviews, contents of statements made in meetings, and all other actions attendant to the allegation. Such documentation shall be maintained by Human Resources for all charges, substantiated or unsubstantiated. If the Human Resources Director is the alleged harasser, the complaint is handled by the City Manager.



## **2.15 Violence in the Workplace**

The City has “zero tolerance” for violence in the workplace and will not tolerate harassment, intimidation, verbal threats, abusive language towards an employee or any other individual, threatening behavior, inflicting physical harm, violent behavior or acts of violence, no exceptions. The City is dedicated to providing a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur. In accordance with this policy the City will:

**Employee Screening** All employees will be subject to a background check including employment history verification and criminal history verification.

**Employee Training** All new employees will be trained in reference to: cause, effect, risk factors, and true signs of workplace violence.

**Mandatory Reporting** Each employee must immediately notify his/her supervisor of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each employee must also report any behavior that the employee regards as threatening or violent when that behavior might be carried out on City property, a City-controlled site or job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of a threat or other conduct regarded as threatening or violent behavior must immediately notify his/her Department Head and the Director of Human Resources.

**City’s Response** The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City’s disciplinary response will normally be coordinated by the Director of Human Resources, but any threats, violence or illegal acts will be handled by the City’s Police Department or other appropriate law enforcement agency. The Director of Human Resources will evaluate the situation and the need for additional resources to minimize risk and further violence, and will work with the appropriate Department Head in an effort to ensure that appropriate administrative/disciplinary actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation.

**Discipline** When the investigation has been completed and it is determined that a violation of the policy has occurred, disciplinary action will be taken against the violator. Depending on the totality/severity of the violation, the disciplinary action may range from verbal warnings, written reprimands, suspension without pay, reassignment of job duties, mandatory referral to the employee assistance program, initiate criminal prosecution of the person(s) involved, to termination. Any steps may be surpassed directly to immediate termination depending on the severity of the violation.

No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

**Weapons Banned** Unless specifically authorized by the City Manager, no employee, while on duty, other than a City licensed peace officer, shall carry or possess a firearm or other prohibited

weapon on City property. The City prohibits employees, while on duty, from carrying or using any prohibited weapons, concealed or otherwise, on City property. Employees are also prohibited from carrying a prohibited weapon, while on duty or at any time, while engaging in City-related business. Prohibited weapons may include, but not limited to, firearms, clubs, explosive devices, knives with blades exceeding 5½ inches, double-edged blades, switchblades, and illegal weapons.

This ban does not prohibit any employee from transporting or storing a firearm or ammunition the employee is authorized to possess in a locked, privately-owned motor vehicle on City property, including City-provided parking areas (in accordance with the Texas Labor Code). Employees shall not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property, i.e. the City may search a parking lot, desk or locker but not a privately-owned, locked vehicle, purse, or backpack, unless a warrant is obtained.

An employee storing or transporting a firearm or ammunition in a locked, privately-owned vehicle is responsible to know and understand for themselves whether or not an exception to the provision of the statute which allows an employee to store or transport a firearm or ammunition applies to them. Further, an employee or employees who store or transport a firearm or ammunition in a locked, privately-owned vehicle are advised that the City of Keller has immunity from civil liability and from civil damages that may occur as a result of storing or transporting the firearm or ammunition.

**Protective Orders** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Director of Human Resources and the City's Police Department a copy of the Petition, all attachments to the Petition, any temporary or permanent Orders and any other pertinent documents. The City employee must immediately advise their Department Head and the Director of Human Resources of any protective or restraining order issued against them.

**Confidentiality** To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City Management, and others on a need-to-know basis and as may otherwise be required by law.

**City Property** For purposes of this policy, City property includes but is not limited to City-owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, fitness center, swimming pools, and parks.

**Documentation** All threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/or the Police Department.

**Policy Violations** Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

## **2.16 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).

**Appeal Procedures** Section §554.006 of the Texas Government Code states “A public employee must initiate action under the grievance 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.”

## **2.17 Breast-Feeding Employees**

In recognition of the well documented health advantages of breastfeeding for infants and mothers, the City provides a supportive environment to enable breastfeeding employees to express their milk during work hours.

Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times for up to one year after the child’s birth. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as arranged with their supervisors.

A private room (not a toilet stall or restroom) shall be available for employees to breastfeed or express milk at each City facility. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, have a chair and an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee’s supervisor. Expressed milk can be stored in a City refrigerator (such as in break room) or employee’s personal cooler.

Any employee covered by City provided medical insurance may obtain assistance with lactation support and counseling and the costs of renting or purchasing breastfeeding equipment.

It is expected that all employees will assist in providing a positive atmosphere of support for breast-feeding employees.

Employees who wish to express milk during work hours shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the City. Breast-feeding employees are responsible for keeping the milk expression areas/room clean. Employees should label all milk expressed and are responsible for proper storage of the milk.

## **2.18 Public Safety Paid Quarantine Leave**

### **Purpose**

The purpose of this policy is to outline the processes and/or procedures for administering quarantine leave, as it relates to City employed peace officers, detention officers, firefighters, and emergency medical technicians during a time when one of these City employees is ordered to quarantine or isolate due to a possible or confirmed on the job exposure to a communicable disease. In accordance with Texas Local Government Code Sec. 180.008, this policy is effective June 15, 2021.

### **Applicability**

This policy only applies to First Responders defined as sworn police, detention officers, certified fire, and emergency medical technicians. Refer to Texas Local Government Code Sec. 180.008 for more details on definition.

### **Conditions**

The paid leave and benefits provided by this policy are only available to an employee who is ordered to quarantine or isolate due to a possible or confirmed exposure to a communicable disease while on duty by his or her Department Head or designee. An employee may be required to provide proof of an order to quarantine and may be denied paid leave or benefits if the employee fails to provide proof.

### **Compensation and Benefits**

The City will continue to pay the employee's salary while under a quarantine order as if the employee had worked normal hours for a pay period. It will not be used to provide hours above normal pay or to accumulate toward overtime. The employee's leave accruals, pension benefits, and health benefit plan will not be affected while on quarantine leave.

### **Reimbursement for Expenses**

If an eligible employee is ordered to isolate or quarantine, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment, and transportation by submitting a reimbursement request to their Department Head or designee within five (5) days after returning from the leave ordered under this policy. Any necessary lodging is to be approved by the Department Head or designee. An employee is required to furnish receipts with the request and may be denied reimbursement that the City deems unrelated to quarantine.

### **Procedure**

The leave period must be ordered by the employee's Department Head or designee. To initiate the quarantine period the on-duty supervisor must complete the "Paid Quarantine Leave" form located in the K drive of the Human Resources file. The on-duty supervisor will complete the form immediately upon learning of a possible or confirmed exposure, and must forward the form to the Department Head or designee. The Department Head and Human Resources Department will work through each exposure on a case-by-case basis.

Paid Quarantine Leave will be coded to WC on timesheets and will not count towards overtime. If the employee would like to waive Paid Quarantine Leave and use their own accruals, they may. If the employee opts to use their own accruals they will do so for the full duration of the quarantine period. If an employee tests positive as a result of the exposure a workers' compensation claim must be filed, the worker's compensation policy will take precedence.

## **2.19 Mental Health Leave**

### **Purpose**

The purpose of this policy is to outline the processes and/or procedures for administering mental health leave as it relates to peace officers employed by the City who experience a traumatic event in the scope of employment. In accordance with Section 614.015, Government Code, this policy is effective September 01, 2021, revised for telecommunicators effective September 1, 2023.

### **Applicability**

This policy applies to licensed peace officers and telecommunicators employed by the City of Keller.

### **Conditions**

An officer or telecommunicator is allowed up to three (3) working days, (unless additional time is ordered by a licensed mental health professional) of mental health leave per calendar year, subject to the following conditions:

1. the leave is
  - a. approved by the employee's Department Head or designee; or
  - b. ordered by a mental health professional; and
2. the leave is taken as a result of a traumatic event that occurred in the peace officer's scope of employment while involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

### **Requesting Mental Leave**

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the Department Head or their designee or Human Resources. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request.

### **Confidentiality of Request**

The City will keep requests for mental health, leave and any medical information related to mental health leave under this policy, confidential to the extent allowed by law and separate from the employee's general personnel file.

### **Compensation and Leave Benefits**

The City will continue to pay the employee's salary while on mental health leave as if the employee had worked normal hours for a pay period. Additionally, the employee's leave accruals, pension benefits, and health benefit plan will not be affected while on mental health leave.

### **Mental Health Services Available**

#### **City Provided Benefits**

- The City's Employee Assistance Program (EAP) – employees and covered dependents have free access to the EAP. This confidential service offers free over-the-phone counseling any time, day or night. The EAP also provides up to eight (8) free face-to-face counseling sessions per issue or event. Reference the Employee Benefits Handbook.
- Peer Support Group - a department employee group, with similar experiences, who get together to support each other.
- The Chaplain – provides confidential counseling and emotional and spiritual support.

#### **Other Options Available**

- Any licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist. Consult with your insurance provider for mental health professionals within your network. The costs associated with such visits is the responsibility of the employee.

## **2.20 Pregnant Workers Fairness Act (PWFA)**

### **Reasonable Accommodations for Pregnant Workers Policy**

#### **Purpose**

As required by the federal Pregnant Workers Fairness Act (PWFA), the City of Keller will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the City of Keller's operations. This policy is effective June 27, 2023.

## **Policy**

An employee or applicant may request accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to the Director of Human Resources. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation. Upon receipt of a request for accommodation, the Director of Human Resources will contact the employee or applicant to discuss the request and determine if accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship. While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- Sit while working.
- Drink water during the workday.
- Receive closer-in parking.
- Have flexible hours.
- Receive appropriately sized uniforms and safety apparel.
- Receive additional break time to use the bathroom, eat and rest.
- Take time off to recover from childbirth.
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the City of Keller will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work. The City of Keller prohibits any retaliation, harassment or adverse action due to an individual's request for accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## **3.00 EMPLOYMENT**

### **3.01 Recruitment**

The intent of the Recruitment Policy is to identify the process by which staff vacancies are filled in a timely, objective process in order to produce skilled, qualified, engaged employees in compliance with federal, state, and local employment law in such a manner as to reduce negative impact to the hiring department.

**Guidelines for Recruiting Qualified Applicants** Recruitment is conducted in an effort to attract and select the most qualified candidates while complying with all Federal, State, and local laws.

**Evaluation of Job Description** When a vacancy occurs, the hiring supervisor shall carefully evaluate the job description of the open position to determine if there have been any significant changes to the essential job functions, experience, and/or educational requirements. The position will be appropriately placed within the pay plan according to the position's duties and responsibilities.

**Personnel Requisition** A personnel requisition must be completed for each vacancy by the department head where the vacancy exists and must be approved by the Director of Human Resources and Finance to ensure the position is authorized in the budget, prior to the initiation of the recruitment process.

**Advertising of Vacancies** Human Resources will work with the hiring department head or designee to determine the most effective media to utilize for advertising. Human Resources will be responsible to pay the advertising costs for up to two consecutive weeks. Additional rounds of advertising (if the first round does not produce a hire) or anything in addition to the agreed upon first round of advertising will be paid for out of the hiring manager's department budget.

**Closing Dates for Vacancies** Closing dates for accepting applications are established by Human Resources and the affected department. The City will accept no applications or résumés after the closing date.

**Internal Applicants** A current City employee, wishing to apply for a vacancy in another department, shall submit, at a minimum, a letter of intent with an updated résumé, if necessary, to the Human Resources Department for consideration of a position. The current employee will be required to complete the hiring process the same as all other applicants.

**Review of Applications and/or Résumés by Human Resources** The Human Resources Department will review all applications and/or résumés received to ensure all candidates meet or exceed the minimum qualifications. All candidates must meet the minimum qualifications to be considered for hire. The Human Resources Department will offer all applications or résumés to the hiring supervisor for the supervisor's review and selection of those candidates to be tested and/or interviewed.

**Selection** New employees shall be selected on the basis of their job-related qualifications for a position as determined through a thorough and objective selection process that may include, but is not limited to: application review, validated pre-employment skills testing, interview, and background investigation.

No oral or implied hiring or compensation agreements that differ from written policy or authorized salary plans will be honored unless expressly authorized, in writing, by the Human Resources Department and approved by the City Manager.

Notice of all new positions or vacancies to be filled will be posted on the bulletin board in the employee break room at Town Hall, posted on the City of Keller website, and sent by the Human Resources Department to designated representatives in each department to be posted on the department bulletin board. Each vacancy posting will list the minimum qualifications for the position and the last date applications for the position will be accepted. Employees who meet the minimum requirements for a vacant position and wish to apply are encouraged to contact the Human Resources Department. The minimum posting period is five (5) business days, which includes positions available for promotions. Some position vacancies may be limited to employees within the department because of specific certifications and job experience required.

**Disqualification from the Process** An applicant shall be disqualified for consideration for a position for the following reasons:

- Does not meet the minimum qualifications as posted in the posting documents and job description;
- Has knowingly made a false statement on the application form or supplements thereto;

- Has committed or attempted to commit a fraudulent act at any stage of the selection process; or
- Is not legally permitted to hold the position.

An applicant may be disqualified from consideration upon reasonable grounds relating to job requirements at any time in the process.

**Hiring Department/Supervisor Responsibility** Each hiring supervisor is responsible for reviewing all applications received by the Human Resources Department and selecting candidates to interview. Human Resources will contact the applicants to arrange the interviews with the department.

**Conditional Offer of Employment** Upon selection of the final candidate, Human Resources will initiate the conditional offer and any required drug testing and/or physical examination. Upon successful completion of all required elements, Human Resources will contact the hiring manager to determine a desired start date and will complete all necessary paperwork and documentation to onboard the new employee.

### **3.02 Job Related Tests**

**Background Checks** All applicants selected for employment will have their criminal record, the sex offender list, social security number and address verification checked through a vendor that provides such services. Recruiting guidelines for employment will be followed in the event of any criminal history. Social security number must be substantiated or the applicant will be given a period of time to resolve the issue.

**Credit Checks** Applicants selected for employment for identified positions that handle money (excluding the Keller Pointe part-time/seasonal/temporary employees) shall have a credit check performed periodically to identify risks and limit liability.

**Drug (Controlled Substance) Tests** All applicants for employment shall be required to consent to, in writing, and pass, a controlled substance test, as a prerequisite to employment. When requested by the testing laboratory, applicants must provide the appropriate sample for testing. Applicants for employment who do not consent to, in writing, and pass, the required controlled substance test will not be hired.

**Skills Testing** Depending on the position, a variety of test may be administered to applicants. Such test may include typing, data entry, listening skills, behavioral testing, written test, live simulations, management inbox scenarios, etc.

**Driving Records** Driving records will be checked before any applicant is hired and annually throughout employment to ensure that no persons with unsafe driving records (as defined in the Safety Program Manual, Section I, under Vehicle Operator Standards) will be operating City-owned vehicles or driving any vehicle while on City business.

Employees who have a revoked or suspended driver's license, or who no longer qualify for the safe driving record requirement, must notify the Human Resources Director immediately so that all City-related driving responsibilities can be terminated. Because of the potential for liability to the City and the high cost of insurance, we must require all of our drivers, including those who drive his/her own vehicles while on City business, to maintain a current motor vehicle operator's license, liability auto insurance, and a safe driving record.



**Polygraphs** During the course of an investigation, an employee may be asked to submit to a polygraph examination conducted by a licensed polygraph operator of the City's choosing. Polygraph tests are conducted only in accordance with applicable State and Federal laws governing such tests. Police and Fire Department personnel will be asked to submit to a polygraph examination as part of the screening/hiring process.

**Psychological Evaluations** Police and Fire Department applicants will be asked to submit to a psychological evaluation conducted by a licensed doctor of the City's choosing. Psychological evaluations are conducted only in accordance with applicable State and Federal laws governing such tests.

**Medical Examinations for New Hires** Applicants who have been made a conditional offer of a job will be required to undergo a thorough medical examination by a physician designated by the City, the cost of which will be borne by the City. This examination will include drug (controlled substance) testing to determine the presence of any form of substance abuse. No applicant will be allowed to work until the applicant has been certified to meet the minimum physical qualifications for the job. The City shall not employ applicants who fail the medical examination unless the applicant qualifies under the Americans with Disabilities Act and requests an accommodation, which can be reasonably made for the position. (Refer to ADA Policy in Section 2.01 in this Handbook).

**Current Employees** In the interest of safety or for any other reasonable cause for concern as to the employee's ability to perform job-related tasks, the City may require an employee to report to a doctor of the City's choosing for a complete physical and mental evaluation including controlled substance and alcohol testing. Public safety personnel may also be required, at any time, to demonstrate physical fitness as measured by standards for the regular physical fitness test. Refusal to submit to an examination may be reason for dismissal. Employees are expected to maintain the same minimum standards of physical and mental fitness required of new applicants for their particular position. All department requests for evaluations shall be coordinated through the Human Resources Department.

**Confidentiality of Medical Records** Unless required by law, all medical information obtained in an examination by physicians designated and paid for by the City shall be the property of the City. All records are considered confidential and shall be maintained separate from all personnel files.

### **3.03 Probation**

**Probationary Period** Employees selected for appointment to a regular employee position, either entry level or promotional, shall be required to serve a probationary period of six-months. All uniformed Fire Department personnel and all Police Department personnel shall be required to serve a probationary period of 12-months. The probation 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 job.

**Review of Work** During the probationary period, the probationary employee's work unit supervisor is responsible for reviewing the quality and efficiency of the employee's work. The evaluations and the recommendation will be placed in the employee's personnel file in the Human Resources Department.

**Application** Procedures for evaluation of probationary employees applies to both new hires and employees who are promoted, transferred, or demoted.

**Probation** No regular employee appointment shall be made until the employee satisfactorily completes probation and all evaluations and recommendations are turned in to the Human Resources Department. Under extraordinary circumstances a probationary period may be extended for no longer than 90 additional days.

**Right to Revert** An employee promoted to a new position whose work has not been satisfactory during the probationary period may, with the approval of the department head, revert back to the employee's former job position, providing a vacancy exists for the position.

**Right of Appeal** An initial hire employee in a new job, or a regular full-time employee who has changed into a new position and has been dismissed from City service for failure to successfully complete the probationary period, shall not have the right to appeal.

**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 such positions may be terminated with or without cause, when in the opinion of the direct supervisor, department head, or City Manager such action is in the best interest of the City.

### **3.04 Job Classifications**

There are various categories used to identify classifications of employees and the employee status within the City.

**New Hires** All new hires are hired into classified positions unless specifically designated as unclassified. All new hires must meet the minimum qualifications for the range to which the position is assigned. Requests for a higher starting salary must be submitted in writing to the Director of Human Resources, outlining specific qualifications or experience supporting the request. The Director of Human Resources may authorize up to 10 percent above the starting salary; the Human Resources Director must submit any higher requests to the City Manager for final approval. Hiring above the entry salary will be conditional upon the following:

- The prospective employee's unusually high qualifications or significant experience clearly warrant higher pay;
- Hiring ten (10) percent above minimum will not disrupt current internal salary relationships;
- Funds are available in the department's personnel budget to finance the higher pay rate for the remainder of the year; and
- The action is in the best interest of the City.

Hiring above the entry salary will be considered an exception and extraordinary justification is required.

**Regular Full-Time Employee** (1) An employee in a budgeted position with a normal workweek of 40-hours or more (2,080 hours per year); or (2) Firefighters who work 24-hours shifts averaging 56-hours per week, or 2,912 hours worked per year. In accordance with the provisions of section 207(k) of the Fair Labor Standards Act, hours worked in excess of 212 hours in each 28-day work period are paid at the appropriate overtime rate.

**Regular Part-Time Employee With Benefits** An employee in a budgeted position with an officially scheduled workweek of 20 or more hours per week will contribute into the Texas Municipal Retirement System (TMRS) and will receive prorated leave accrual benefits. An employee in a budgeted position with an officially scheduled workweek of 30 or more hours per

week will also receive all health insurance benefits, due to Affordable Care Act (ACA) requirements.

**Regular Part-Time Employee Without Benefits** An employee who works less than 20-hours per week will not be eligible for employee benefits. Supervisors may not schedule this employee to work more than 1,000 hours per year.

**Temporary and Seasonal Employees** 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. 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.

The department will comply with the following regulations when hiring a person under the age of 18:

1. Cannot drive a city vehicle or heavy equipment.
2. Cannot operate rollers or Jackhammers, etc.
3. Cannot be a flagger, only the most experienced and training personnel should be used as a flagger.
4. An employee under the age of 18 may operate a weed eater, push a lawn mower, a rake, or a shovel, but must be trained on the operation of such equipment.
5. Safety gear must be provided and an explanation of when and how to use such equipment should be explained. Each individual must sign-off on this information being provided.
6. An employee under the age of 18 should be closely supervised and no horseplay should be allowed.
7. Supervisors will provide close supervision to those under the age of 18.

**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.

**Non-Exempt Employees** An employee occupying a position that is eligible for overtime pay and/or compensatory time off under the provisions of the Fair Labor Standards Act.

### **3.05 Changes in Employee Status**

**Promotion** A promotion is a change in the duty assignment of an employee from a position in one classification to a higher position in another classification in a higher salary range. A promotion recognizes advancement to a higher position requiring higher qualifications and involving greater responsibility. Promotions will be granted through a recruitment process in which both the department and Human Resources will be involved and agree on the employee to be promoted.

An employee will receive a five (5) percent salary increase at the time of the promotion. If a five (5) percent increase does not move the employee onto the new salary range for the position, the salary will be increased commensurate with the minimum of the new salary range. Exceptions will require the approval of the City Manager.

**Demotion** A demotion is a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower pay range. Demotions may be made for the purpose of voluntary assumption of a less responsible position, as a result of a reclassification of the employee's position, or a disciplinary measure, due to unsatisfactory

performance in a higher position. A demotion will only be made when there is a vacancy in a lower position or a higher position is reclassified or reallocated to a lower position.

Demotions are made on the recommendation of the employee's department head through the Director of Human Resources and approved by the City Manager. When a demotion is approved, the employee's salary will be reduced to the same salary range as the lower position. Tenure and internal equity will also be taken into consideration. In the case of disciplinary action, the employee's salary will be reduced by at least five (5) percent assuring the employee's resulting salary falls within the lower salary range.

**Transfers** Employees may apply for other job openings within the City at any time providing the employee meets the established minimum qualifications for the open position. Requests for transfers shall be discussed with the employee's supervisor or department head. At a minimum, a letter of intent shall be submitted to the Human Resources Department during the period in which applications are being considered for the vacant position. In addition, the employee may, but is not required to submit an application and/or resume.

Transfers may be requested to other positions in the employee's same salary level (called a lateral transfer) to positions in lower-paying salary levels or to positions in higher-paying salary levels. A lateral transfer will not affect the employee's salary however; a transfer to a lower-paying job may require an adjustment in salary and other salary-related benefits. If the employee is transferring to a higher-paying position, the transfer may be considered a promotion and a salary increase may be authorized.

**Re-employment** Employees of the City may be re-hired after having resigned from service, providing his/her prior service with the City was terminated in good standing. The former employee must have demonstrated acceptable prior service with the City, and the employee must meet the current minimum qualifications for the position for which he/she is applying.

**Responsibilities and Eligibility** Re-hires shall be eligible for benefits the same as those offered a new employee until such time as the re-hired employee is eligible for bridging of his/her former service. Bridging refers to an adjusted hire date for eligibility of benefits, which is calculated to connect prior years of service with the number of years of current service (See Policy 4.01.01 - Bridging of Prior Service). **Employees who terminate a second time may be eligible for rehire, but would not be eligible for bridging of service a second time.**

**Reclassification of Positions** A reclassification is a reassignment of a position to a lower, higher, or different class (job title) based on current duties and responsibilities of the position. An employee whose position is reclassified upward does not automatically receive a pay increase unless an increase occurs to place the employee at the entry salary of the new pay range. Reclassifications may be initiated by the department head and presented to the Director of Human Resources for consideration. Reclassifications generally should be submitted prior to budget in order to be implemented with a new budget, unless the position has changed so significantly the changes require immediate attention. The Director of Human Resources will make recommendations to the City Manager prior to the budget process.

**Reallocation of Classes to Pay Ranges** Reallocation is the reassignment of an entire class of positions to a new pay range based on market data and/or the current duties and responsibilities of the class. Reallocation can be to either a lower or higher pay range. Positions in the plan are based on factors that include education and required training, authority and decision-making responsibility, scope and comparability. The Director of Human Resources will make all recommendations for reallocation of classes to the City Manager based on the annual market survey and review of all positions within the City.

**Revised Job Descriptions** A revised job description is one that includes additions to, deletions from, or amendments to current duties and responsibilities, but does not change the job so substantially as to require a reclassification or creation of a new job title and job description.

Job descriptions are developed when, 1) a new position is created; 2) a current position is divided into two positions or two positions are combined into one; or 3) a job description no longer accurately reflects the actual duties and responsibilities of a position.

The Director of Human Resources shall be responsible for continuous maintenance and administration of the compensation plan and corresponding job descriptions. Each job is distinguished by a written job description including job title, person to whom the incumbent reports, essential job functions and responsibilities, other job functions, a list of minimum qualifications required for performance of the job duties, and environment or working conditions. Job descriptions may change at any time at the discretion of management. Every job is designated by a job title on all-official records, payroll, and communications. All job titles shall be recommended by the Director of Human Resources and approved by the City Manager as being appropriate to the duties performed.

Any new positions created during the year shall be included in a revised classification plan presented to the City Manager during the annual budget cycle for City Council review.

### **3.06 Performance Evaluations**

Performance evaluations permit the supervisor and the employee to discuss the job responsibilities, standards, performance requirements, and any existing or anticipated problems. New employees shall be evaluated on a cycle of approximately three months and six months prior to completion of the employee's probationary period. All regular employees shall be evaluated by the probation schedule or by October 1<sup>st</sup> of each year. However, supervisors may elect to prepare a written performance evaluation at any time. All employees shall be evaluated not less than once a year. Mid-year evaluations are not pay-related. Pay raises are not given upon the completion of probation. (See Section 4.02.17)

Supervisors are expected to point out deficiencies at the time they are observed. Warning in sufficient time for improvement should precede any formal discipline, but nothing in this section shall prevent immediate formal action whenever the interest of the City requires.

Department heads are responsible for the introduction, implementation, and enforcement of good disciplinary practices and grievance resolution procedures in their respective departments in accordance with this policy manual.

**Orders from Supervisors** When any questions arise concerning the validity of an order from a supervisor, employees are expected to follow all lawful orders, policies, and procedures, and settle any complaint with the supervisor at a later time. If the employee cannot obtain a satisfactory resolution of the complaint from the employee's supervisor, the employee may choose to use the formal complaint procedure.

An employee is not required to perform job duties when safety practices are not in place. If an employee feels it is unsafe to perform a job task, the employee shall report the problem to his/her direct supervisor or the next supervisor in the chain of command. Under no circumstances will retaliation towards an employee be tolerated for reporting unsafe work practices.

### **3.07 Prohibited Behaviors**

Employees may not:

1. Use an official position to secure special privileges or exemptions for self or others;
2. Grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual or group;
3. Disclose, without proper authorization, confidential information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information gained by reason of the employee's official position or employment for his/her own personal gain or benefit, or for the private interest of others;
4. Engage in any outside activities that will conflict with, or will be incompatible with the duties assigned to the employee in the course of the employee's employment with the City or reflect discredit upon the City. Nor shall any employee engage in any outside activities in which the employee's employment with the City will give the employee an advantage over others engaged in a similar business, vocation, or activity. This rule shall not prohibit employees from performing the same or other services for a private organization that the employee performs for the City, providing there is no conflict with City duties and responsibilities;
5. Represent, directly or indirectly, or appear on behalf of private interests before any agency of the City or any City Board or Commission, nor shall any employee represent any private interest in any action or proceeding involving the City, nor participate on behalf of others in any litigation to which the City might be a party, nor shall any employee accept any retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies;
6. Use City supplies, equipment, vehicles, or facilities for any purpose other than official City business. Unauthorized use for personal reasons may result in dismissal;
7. Have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land;
8. Purchase materials, supplies, or services, except on behalf of the City as an officer or employee;
9. Violate any laws of the United States, State of Texas, the City Charter, City policies or ordinances, or the provisions of this Handbook.

### **3.08 Outside Employment**

An employee may engage in an outside employment activity or enterprise provided that the employee requests permission in writing from the department head and receives approval in writing prior to engaging in outside employment.

Such outside employment shall not constitute a conflict of interest, adversely affect the employee's job performance with the City, nor unfavorably reflect upon the City.

The employee shall not engage in solicitation for outside employment and/or work during their work hours. The City of Keller logo, equipment, uniforms, etc. may not be used in any fashion for an employee's outside business and/or advertising.

The employee may not be covered by the City's worker's compensation insurance unless the employee is required to perform job duties required or directed by the city, and not as a result of outside employment.

A department head must receive written approval from the City Manager prior to engaging in an outside employment activity or enterprise.

### **3.09 Work Standards/Work Ethics**

All employees shall demonstrate and be dedicated to the highest ideals of honor and integrity in all relationships related to his/her employment with the City in accordance with, but not limited to the Ethics Policy and the City of Keller Charter. Employees shall conduct themselves in an ethical manner at all times in order to merit the respect, trust, and confidence of others. Should a situation arise that the employee feels is not in accordance with the City's expected behavioral standards and/or ethical business practices, the City urges the employee to discuss the matter with his/her supervisor, his/her department head, or the Human Resources Director. Every effort shall be made to resolve such conflict situations in a timely and ethical manner.

**Personal Appearance** All employees, regardless of work location and degree of public contact, are expected to maintain an overall professional appearance and demeanor, which reflects a favorable image of the City service, as his/her position requires. It shall be the responsibility of the department head to dictate and enforce specific standards of dress and appearance, as outlined in the City dress code policy.

**Timeliness and Attendance** Employees are to be punctual in maintaining work hours, keeping appointments, and meeting schedules for completion of work. The department head or his/her designee shall establish work schedules and maintain daily employee attendance records.

### **4.00 BENEFITS/COMPENSATION**

All employee benefits and compensation 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 at any time.

#### **4.01 Benefits**

##### **4.01.01 Bridging of Prior Service Credit**

Prior service from an employee's first full-time employment period with the City will be bridged after the employee has been back at work in a full-time position for a period of 12 consecutive months, after which the employee's total length of service from both periods of employment will be used to calculate the employee's longevity pay and vacation accrual rates. However, a break in service will permanently cancel all sick leave accrued. In the event of rehire, sick leave shall be computed only from the rehire date. If an employee leaves city employment after a bridging of service and returns at a later date, the employee will start as a new employee and will not be eligible for bridging of prior service credit.

Example: An employee left the City after five years of service and two years later was rehired. After working for one full year, the employee on his/her anniversary will be eligible to accrue vacation at the rate for 5 – 10 years of service instead of 1 – 5 years of service

##### **4.01.02 Car Allowance and Mileage Reimbursement**

The City of Keller provides car allowances to reimburse employees required to use personal vehicles extensively for City-related business. For some employees at a division manager level and above, a car allowance may be set above the reimbursement level as a part of the employee's total compensation package.

The use of mileage reimbursement is to reimburse employees who are required to use personal vehicles occasionally for City-related business.

**Eligibility for Car Allowance** The City Manager has established an eligibility list for those employees who are to receive car allowances. The dollar amount of car allowances will be considered annually during the budget process. Allowances will be based upon the cost that would otherwise be incurred by the City if a City vehicle were provided using the following criteria:

Nature and extent of vehicle utilization required for official business;  
Size and type of vehicle required for effective job performance;  
Current costs of vehicle purchase, operation, and maintenance.

Employees are not eligible for both a car allowance and use of a City vehicle. The only exceptions are emergency situations or special uses as approved by the City Manager where an employee on car allowance may be temporarily assigned a City vehicle.

Each recipient of a car allowance shall maintain current vehicle registration and tags, a current state inspection sticker, and at least the minimum of liability insurance required by state law.

The City encourages all recipients of a car allowance to maintain comprehensive collision insurance coverage including rent-a-car protection in case of personal vehicle rendered inoperative.

**Coverage of Car Allowances** Car allowance recipients are responsible for any record keeping requirements of the Internal Revenue Service and any tax implications. All or any portion of a recipient's car allowance may be subject to Federal Income Tax.

A car allowance will cover any and all car-related expenses incurred by travel within Collin, Denton, Dallas, Parker, Rockwall, Wise and Tarrant Counties. Any travel beyond the above listed counties will be eligible for mileage reimbursement for actual mileage from the beginning of the trip. Any such reimbursement shall be submitted on a Travel Request Form in accordance with the City Travel Policy.

The City Manager may eliminate car allowances at any time.

**Eligibility for Mileage Reimbursement** Employees who utilize personal vehicles to conduct City-related business are eligible for mileage reimbursement. Exceptions are car allowance recipients and those employees who are using a City vehicle. The Department head or division manager must approve travel qualifying for mileage reimbursement.

### **Disbursement of Car Allowance/Mileage Reimbursement**

- Car allowances shall be disbursed monthly on the last paycheck of each month for the following month.
- Any car allowance paid to a new or terminating employee not employed for an entire month will go by date of hire/separation. Ex. If hired on or before the 15<sup>th</sup> of the month, the employee will receive car allowance for the current month plus on the last paycheck of that month receive the car allowance for the following month. If hired on or after the 16<sup>th</sup>, the employee will not receive the car allowance for the current month but will receive car allowance on the last paycheck of the month for the following month.
- Claims for mileage reimbursement must be submitted on the designated City form.



- Effective upon approval, mileage reimbursement will be made at the standard rate established by the IRS and approved by the City.
- The City of Keller reserves the right to change, modify, amend, revoke, or rescind all or part of this policy at any time.

**4.01.03      Certification Pay**

Employees with certifications listed below may receive additional compensation per month for each qualifying certification obtained above the “basic” level of certification required to perform their job duties. To qualify for certification pay, certificates must be obtained from the appropriate State certification or licensing agencies and/or recognized professional associations performing similar certification or licensing functions for personnel in the applicable profession. Certificates must be directly related to the employee’s present position, and current job duties, profession and/or job requirements. Department heads are not eligible for certification pay. The certification must be maintained in an active status in order to receive compensation.

The purposes and objectives of this program are to:

1. Promote and maintain a highly qualified, trained and professional workforce by providing incentives for employees to participate in job-related continuing education and certification/licensing programs;
2. Enhance and improve the level of service provided the citizens of the City of Keller through the provision of a highly qualified, trained, and professional workforce;
3. Reduce or mitigate general and individual employee liability exposures by ensuring a highly qualified, trained and professional workforce.

The Human Resources Department will not initiate an employee’s certification pay until the first of the next pay period following the date of the certificate. Certification pay will be paid on the first and second pay check of each month (24 times a year).

Provided below is a summary of the certification pay program as it is established within each participating department.

<u>Department</u>	<u>Certificate</u>	<u>Certification Pay Per Month</u>
POLICE	TCOLE Intermediate	\$50
	TCOLE Advanced	\$75
	TCOLE Masters	\$100
FIRE	TCFP Intermediate	\$50
	TCFP Advanced	\$75
	TCFP Masters	\$100
WATER/WASTEWATER	TCEQ Water Class “C”	\$37.50
	TCEQ Wastewater Class “II”	\$37.50
	TCEQ Water Class “B”	\$50.00
	TCEQ Wastewater Class “III”	\$50.00
DISPATCHER	TCOLE TELECOM Intermediate	\$50
	TCOLE TELECOM Advanced	\$75
	TCOLE TELECOM Masters	\$100

ANIMAL CONTROL	TCOLE ACO Advanced	\$50
	TCOLE ACO Administrative	\$75

#### **4.01.04      Civic Duty**

The City of Keller supports and encourages its employees in meeting civic responsibilities.

##### **Guidelines and Procedures**

**Jury Duty** When regular full-time employees and regular part-time (20-hours or more per week) employees are summoned for jury duty; the following procedures should be followed:

- **Notice** Employees must provide their supervisor with a copy of the jury duty summons and keep the supervisor informed of the jury duty status. Employees must also submit a Release From Duty Form to be eligible for full pay. It is expected that employees will work their normal working hours during any time that they are not required to serve as jurors.
- **Compensation** Employees serving on jury duty continue to receive their salary. The employee may retain any monies paid to the employee as pay for jury duty.

**NOTE:** Employees who are not regular full-time or regular part-time (20 hours or more per week) will not be eligible to receive pay for time absent under this policy.

- **Overtime** Time off for jury duty is included in hours worked for the purpose of computing overtime.

**Court Appearances Other than Jury Duty** Employees who are required by court order to appear as a witness for City work-related testimony will be granted time off with pay upon presentation of the notice to appear or other appropriate court documentation to the employee's supervisor.

The supervisors shall forward such documentation to Human Resources to be processed by payroll.

#### **4.01.05      Credit Union Membership**

All regular employees, both full-time and part-time, are immediately eligible to become members of a City credit union. As a member, the employee may elect to use the credit union account for direct deposit into a checking or savings account. Contact Human Resources for more information.

#### **4.01.06      Deferred Compensation**

The deferred compensation plan is an optional retirement plan offered by the City to provide employees an opportunity to invest and save money for retirement. The money invested in the deferred compensation plan temporarily defers the payment of federal income taxes on a portion of the employee's salary.

The deferred compensation plan is not a short-term savings plan. The money invested cannot be withdrawn until retirement or termination, except in the case of an extreme hardship, which is

subject to IRS regulations. In such cases, proof of financial hardship will be required and submitted to Human Resources for review. Contact Human Resources for more information.

#### **4.01.07      Direct Deposit**

The City of Keller has mandatory direct deposit for all employees to deposit net pay directly into a financial institution (checking or savings account) of the employee's choice.

Paychecks are automatically deposited in a personal account on payday. The employee receives via email a check stub detailing gross pay, allowances, taxes, deductions, and net direct deposit amount. The check stub will be emailed to the employee's personal email address each payday and the front of the check will read "Your net pay has been deposited into the account you specified.

Any change to the status of paychecks with regard to direct deposit, such as a bank account number(s), or application to start direct deposit shall be turned into the Human Resources Department. Employees do have the option to have their paycheck funds directly deposited onto a pay card instead of direct deposited into a financial institution's account.

Enrollment and/or change forms for direct deposit and pay cards are located in Human Resources. An employee's final check upon separation from the City of Keller will be direct deposited.

#### **4.01.08      Employee Assistance Program (EAP)**

Recognizing that an employee may experience difficulties in his/her personal life that may adversely affect his/her well-being and job performance, the City provides a voluntary and confidential Employee Assistance Program (EAP) to assist all regular full-time and part-time (slotted) employees and eligible family members to resolve a variety of issues. These issues may include drug and alcohol dependence, family or marital discord, emotional problems, stress, grief, work/life balance and/or financial/legal difficulties.

The City recognizes that many personal or medical problems may result in poor job performance, and as such, the City has a legitimate concern for the appropriate provision of care for these problems and the resolution of such. Therefore, the City advocates early intervention and referral for help in a confidential manner.

Self-referral is encouraged, as the earlier a problem is addressed, the easier it is to deal with and the higher the success rate. Participation in the program will not jeopardize an employee's job security, promotional opportunities, or reputation.

Personal problems that affect job performance concern the City. Any mandatory referral to the Employee Assistance Program will be based on job performance and behaviors that negatively affect job performance. When an employee's performance has deteriorated to the point of referral, the Director of Human Resources shall be consulted.

It is the responsibility of the employee to comply with referrals for diagnosis and treatment and to cooperate with the helping agency. Continued unacceptable job performance shall result in disciplinary action appropriate to the employee's job performance evaluation.

All records and discussions of personal problems shall be handled in a confidential manner. All State and Federal laws regarding confidentiality must be complied with at all times.

In instances where referral appointments must be set during work hours, sick leave, accrued comp time, or vacation time may be granted. This action shall also be handled confidentially.

**Procedures** The immediate supervisor of an employee who manifests impaired job performance that is not due to a lack of job skills or knowledge may confidentially refer the employee to the EAP for aid at the earliest indication that job performance has become unacceptable. The supervisor's referral shall be based on job performance only. Upon the immediate supervisor's determination that one of his/her employee's performance, attendance, and/or behavior has become unacceptable and that this deterioration is not due to a lack of job skills or knowledge, the supervisor is to discuss this with the Department Head for their approval. If approved, the Director of Human Resources will coordinate the mandatory referral with the EAP vendor and assist in any meeting with the employee. The determination of job impairment should be based on the supervisor's documented observations of the employee's performance, attendance, and behavior while on the job only.

In all cases, State and Federal laws regarding confidentiality shall be observed.

The supervisor is to meet with the employee and give specific information about the unacceptable performance, attendance, and behavior. The supervisor is to have documentation of the unacceptable performance, attendance, and behavior in the form of supervision records available to present to the employee at the meeting. The supervisor is to advise the employee of the consequences if the employee's performance continues to deteriorate and offer the Employee Assistance Program to the employee.

In those cases involving the termination of an employee as a result of alcohol or other drug use, it is recommended that the supervisor offer the EAP to the employee at the time of termination for the individual's benefit.

After a reasonable opportunity for job performance improvement has been allowed, the appropriate disciplinary action, up to and including termination, will be taken if adequate improvement is not observed.

An employee may contact the City's EAP counselor to obtain additional information and/or schedule an appointment for assistance with these issues. Generally, employees should schedule appointments during non-working hours, including meal periods and before or after completion of the workday. All discussions, meetings, and records of employees' EAP counseling will be kept confidential to the extent allowed by law.

A supervisor may require mandatory participation in the EAP as a part of disciplinary action, and failure to participate in the EAP can result in further disciplinary action.

#### **4.01.09 FICA and OASDI Deductions (Social Security Taxes)**

FICA is a payroll deduction mandated by Federal Law and is reflected as a payroll deduction as OASDI (Old Age Survivor Disability Insurance) and Medicare.

#### **4.01.10 Internal Revenue Code (IRC), Section 125**

This benefit is authorized under Section 125 of the Internal Revenue Code, and has been approved and adopted by City Council as an employee benefit. This plan allows employees to pay three separate classes of expenses with pre-tax dollars: insurance premiums, non-reimbursed medical/dental expenses, and authorized child-care expenses. Under this plan, money can be deducted from an employee's paycheck to pay these expenses before taxes are calculated. This plan results in a reduction in both federal withholding and social security taxes, thereby increasing the employee's take-home pay. An employee should seek advice of a tax consultant regarding the benefits of this plan.

Participating in this plan is voluntary and will not affect the employee's participation in any other benefits the employee is receiving from the City. The decision to participate in this plan can be made only once each year. The City's plan is effective on October 1<sup>st</sup> of each year. Once the decision has been made to participate, IRS regulations require the employee to remain in the plan until the next open-enrollment period, which will be prior to October first each year. No changes in or out of the plan can be made in mid-year unless there has been a "qualifying event" in accordance with IRS regulations. Inquire at the Human Resources Department for more information.

#### **4.01.11      Holiday Pay**

Paid holidays are extended to every regular, benefitted employee. All other employees are extended the official holiday, without pay. The following nine holidays will be observed:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day/Patriot's Day -  
(First Monday in September)
- Thanksgiving Day
- Day after Thanksgiving\*
- Christmas Eve\*
- Christmas Day

Regular, benefitted employees will also receive a paid Personal Holiday, to be scheduled with the Supervisor.

Regular employees in 24-hour operations (Police, Fire, and Public Works Dispatch) shall observe all holidays on the actual calendar day on which the holiday falls.

When an official holiday falls on a weekend, the following alternative schedule applies to all staff except 24-hour operations:

- A holiday that falls on a Saturday will be taken on the Friday before the holiday; and
- A holiday that falls on a Sunday will be taken on the Monday following the holiday.

If the office is closed or an employee is sent home, regular employees who would normally work on a day of the week observed as a holiday will be paid for the number of hours normally worked on that day. These hours will be counted as hours worked for the purpose of calculating overtime.

#### **City Facilities Closed on Fridays:**

During certain holiday weeks where the holiday is observed on a Friday, such as Thanksgiving, Day after Thanksgiving, Christmas Eve, Christmas, New Year's Day or Good Friday, a limited

staff of employees (skeleton crew) will work in order to maintain service levels to the public. Employees who work on these days will accrue the holiday for future use.

**With the exception of the Day after Thanksgiving and Christmas Eve**, regular full-time employees required to work on a City-observed holiday will be paid one and one-half (1 ½) the regular rate of pay for hours worked. Since these hours are already paid at the overtime rate, they will not be included as hours worked for the purpose of calculating overtime. In addition, the employee will receive their choice of additional holiday hours of straight time pay **or** bank holiday hours off for future use.

**\*Regular full-time employees required to work on the Day after Thanksgiving or Christmas Eve** will be paid the regular rate of pay for hours worked **and** their choice of additional hours of straight time pay **or** bank hours off with pay.

**Public Safety Personnel:** Department heads shall ensure that eligible regular employees working unusual schedules or on shifts receive the benefit of the full number of official holidays. If a holiday falls on an employee's regularly scheduled day off, the employee may bank the holiday or receive straight time pay for the holiday. For employees on flexible schedules, Department Heads may have the discretion of requiring their employee to take another day off in the same pay period.

An official holiday occurring while vacation leave or sick 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. Holiday hours are counted as hours worked for the purpose of calculating overtime. Please refer to Policy 4.02.07 regarding Overtime Hours.

An employee on military leave, court leave, or bereavement leave when a holiday occurs will bank the holiday (take the holiday at a subsequent date convenient to his/her department.)

Accrued holiday leave shall not be granted in increments of less than fifteen (15) minute increments.

**Personal Holiday:** The Personal Holiday should be scheduled with the department head or supervisor. A personal holiday must be taken prior to December 31 of each year or it will be lost. Personal Holiday hours are given to employees at the beginning of each year and upon the start of their employment with the City. If unused at time of separation, the employee will be paid for their Personal Day if they have successfully completed their probation period.

**Separation:** Since final settlement of monies due to an employee separated from the payroll because of death or termination is paid in a lump sum, no holiday occurring after the date of death or termination will be included in the determination of the settlement. (All pay is subject to annual funding in the budget.)

Holiday and Personal Holiday will be earned as indicated in the chart below.

Schedule	Hours
8hr per day/40hrs per week	8
9hr per day/36hrs per week	9
10hr per day/40hrs per week	10
12hr per day/40hrs per week	12

**Note:** A Holiday and Personal Day for firefighters is equal to 12 hours. (The 12 hours are from 7:00 a.m. to 7:00 p.m. the day of the holiday.)

#### **4.01.12 Dental, Medical and Life Insurance**

Dental, medical, and life insurance is provided by the City for all regular full-time employees and part-time employees working 30-hours or more per week. Insurance coverage is effective the first month following the employee's first day of employment or if the employee's first day of employment falls on the first of the month, then insurance is effective that day.

Dependent coverage is available to those covered by the dental and medical plans at a rate determined by the insurance company. The City may contribute to the cost of employee and dependent dental and medical insurance depending on funding availability and Council approval.

The City provides all regular employees with comprehensive life insurance, plus accidental death coverage, at no charge to the employee. This insurance is effective with the first month following the employee's first day of employment or if the employee's first day of employment falls on the first of the month, then insurance is effective that day. The insurance is discontinued upon termination of employment. Optional life insurance is available for the employee, employee's spouse, or dependent children for a reasonable fee. For more information contact Human Resources.

In the event of an employee's death, an additional life insurance benefit is paid through the Texas Municipal Retirement System, equivalent to one times the employee's annual salary.

#### **4.01.13 Library Cards**

Employees of the City of Keller may receive a library card from the Library, unless they have existing fines from the Metropac libraries. Employees will be required to show their City identification card to be eligible for the library card. Any employee, other than a resident of Keller, shall return the library card to the Human Resources Department upon termination of employment from the City.

#### **4.01.14 Short-Term and Long-Term Disability**

Regular full-time and regular part-time employees who works 30-hours or more per week who have worked for a minimum of six (6) months shall be eligible for short-term and long-term disability insurance, which is paid by the City. Short-term and long-term disability insurance pays a percentage of the employee's base pay based on the employee's prior monthly earnings, after a waiting period determined by the plan document, or the end of accumulated sick leave, whichever is greater. Short-term and long-term disability is available when an employee meets the definition of a disability and is no longer able to perform the essential functions of the employee's job.

The City shall continue to pay medical, dental and life insurance premiums for the employee up to 180 days (approximately six months) or until all sick leave is exhausted, whichever is greater. The employee will be responsible for paying his/her portion of dependent premiums, optional life insurance premiums, and all other optional benefit premiums.

When an employee is placed on long-term disability, the employee shall be terminated and the position may be filled. The employee will be offered the opportunity to receive medical benefits under COBRA. The long-term disability benefit continues as per the plan document.

**4.01.15 Longevity Pay**

Longevity pay may be paid to regular full-time employees to recognize an employee’s contribution to the City of Keller for each completed year of service. Part-time employees working 20-hours or more per week shall receive half the amount as regular full-time employees, for each month of completed service. Temporary/seasonal/PT employees working less than 20 hours are not eligible for longevity pay.

Based on funding availability, longevity pay is equivalent to five dollars per month for each completed month of service to a maximum of 25 years. A partial month in which an employee begins work between the first and fifteenth day of the month shall be considered a full month; a month in which an employee begins work on the sixteenth or later shall not be counted for longevity pay.

Longevity pay is paid once a year in a lump sum to those eligible full-time employees on the payroll as of December 15<sup>th</sup> the previous year and still employed at the time the checks are distributed. Checks are generally issued in November. Part-time employees who were promoted to full-time status by December 15<sup>th</sup> of the previous year will be eligible to receive longevity pay at the full-time rate which is effective on their full-time status date.

Longevity pay is based on the number of years of continuous service with the City of Keller. If a break in service occurs, longevity will accumulate from the new hire or reinstatement date and will not include prior service. After one full year of service, an employee will qualify for “bridging of service” at which time the prior years of service shall be included with the calculation of longevity pay for the following payout.

Longevity pay will be taxed in accordance with IRS requirements.

**4.01.16 Emergency Call Back/On-Call Pay**

Non-exempt employees, who are not assigned “on-call” status, but are called out for work outside scheduled working hours (Emergency Call Back), shall be paid time and one-half for all hours worked with a minimum of two hours per call, regardless of any hours taken off during the week, i.e., sick, comp subtract, vacation, holiday, etc.

Non-exempt employees who are assigned “on-call” hours on a regular rotating schedule will be entitled to inconvenience pay equal to \$120.00 per week in lieu of mileage, plus time and one-half for actual hours worked, with a minimum of two hours per call providing the employee has worked his/her regular 40-hour week (On-Call Pay). Hours considered “hours not worked” will not count toward the calculation of overtime, i.e. sick, comp subtract, etc. Supervisors will assign primary and secondary employees (if required) to work regular rotating schedules. An employee is “on-call” when the employee is able to do his/her own personal business, but is required to carry a communication device or be near a phone to be reached in an emergency. The employee is required to report to duty in fit physical and mental condition.

On-call pay will be included in the employee’s overtime rate in compliance with FLSA. Overtime for the called-out hours will be subject to the “Hours Not Worked” Policy 4.02.08

Example:      M      T      W      T      F  
                    8S      8+2      8      8      8 = 34 hrs worked + 8 sick/ 42 straight time





1. An employee or employees who renders outstanding service to a citizen or another department outside the scope of their normal job expectation;
2. An employee who volunteers to work under extraordinary job demands; or
3. Employees who receive a commendation for quality service from a citizen, business or other department.

The employee must not have any disciplinary action in the past year. The employee must also have a passing score on their annual performance evaluation for the past year.

***Quality Achievement Award:***

Quality Achievement Awards can be given at any time. A nomination form must be completed and turned into Human Resources. The form will then be reviewed at the next Employee Activity Team meeting.

If approved:

1. The employee will be notified that they have been approved and may come to Human Resources and select a \$50.00 gift card of their choice.
2. The employee will receive a copy of the nominating form and a copy will be placed in their personnel file.
3. The nominating form text will be published in the employee newsletter.

If not approved:

1. The employee will receive a copy of the nominating form and a copy will be placed in their personnel file.
2. The nominating form text will be published in the employee newsletter.

***Employee of the Year Award:***

The Employee Activity Team will send a survey for nominations by the end of November. They will review the nominations and select an Employee of the Year for each of the five Core Values. They will also select an Overall Employee of the Year. The recipients will receive an award to be presented at the annual Service Awards Ceremony generally in January.

***Eligibility:***

All City employees (full-time and part-time), including department heads, are eligible to receive the Quality Achievement Awards, regardless of length of service. Department heads are not eligible for the Employee of the Year Awards. There will be no limit on the number of times an employee can earn an award.

The employee must not have any disciplinary action in the past year. The employee must also have a passing score on their annual performance evaluation for the past year.

***Recognition:***

The Human Resources Department will be responsible for recognizing employees in the City employee newsletter and for notifying the employees of an award. Department heads or supervisors are encouraged to recognize recipients of an award in staff meetings. The Human Resources Department will file a copy of the nomination form and/or copy of the award in the employee's personnel file.

### **Record Keeping:**

The Human Resources Department will be responsible for purchasing awards and maintaining records regarding the awards purchased, when the award was earned, and by whom.

### **Committee Members:**

The Employee Activity Team members will be a representative from each department and shall serve as the committee to select the employees for these awards.

### **Gift Cards:**

All gift cards received by City Employees are subject to IRS regulations.

## **4.01.19      Retirement Benefits**

The City is a member of the Texas Municipal Retirement System (TMRS). The purpose of this plan is to provide an adequate and dependable program for the retirement of employees of Texas municipalities. Participation in the program is compulsory for all regular full-time and regular part-time employees working, on average, 20 hours or more per week. The TMRS plan requires a contribution of seven percent of the salary of each employee member that will be deducted from each paycheck. TMRS deductions after January 1, 1984 are tax-deferred; which means, no income tax is deducted from the seven percent of the paycheck contributed to TMRS until such time as retirement monies are drawn. There are several optional plans available to retiring employees that are explained in detail in the TMRS handbook available at the Human Resources Department.

**Eligibility for Retirement** The TMRS offers employees several options for retirement providing he/she meets the following requirements:

- Employees must be at least 60 years of age and have at least five years of credited service with the system; or
- Employees may be any age and have completed 20 years of service with the TMRS system. Employees may combine years of service in more than one of the governments covered by TMRS.
- Should the employee have five or more years of TMRS service and die before retirement, the employee's beneficiary will be provided information regarding options for retirement benefits.

**Social Security/FICA** The City participates in Social Security; deductions are made, as required by federal law, from each paycheck to cover Social Security and Medicare benefits at retirement.

**Retiree Insurance Benefits** The City of Keller, in compliance with the Texas Local Government Code sections 175.001 through 175.007, shall provide the opportunity for City of Keller retirees 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.

Retirement from the City of Keller through the Texas Municipal Retirement System (TMRS) shall require the following:

1. An employee must have become vested with the Texas Municipal Retirement System (TMRS) with five years of completed service and be 60 years of age; or
2. The employee must have 20 completed years of service with the Texas Municipal Retirement System and retire at any age.

Retirees shall be responsible for paying for the health insurance coverage at the same rates as the City of Keller and shall make payments to the City for their own and dependent coverage. At the age of 65 a retiree's City insurance becomes secondary to Medicare.

See Policy 4.01.26 The Keller Pointe for retiree membership benefits.

**4.01.20      Retirement Gift**

To recognize and show appreciation to those employees who are eligible to retire under the Texas Municipal Retirement System (TMRS) and who have worked for the City for a minimum of one year, the City of Keller shall reward the employee \$25.00 for each completed year of service up to a maximum of \$1,000. The retirement gift will be paid by direct deposit on the same day as the employee's final check, but will be processed separately from the employee's payroll. Retirement gifts are subject to TMRS, Federal Income Tax and Social Security deductions.

**4.01.21      Sick Leave**

The intent of sick leave is to prevent loss of income to employees who are absent due to illness or injury that is not job-related. Sick leave accrual is unlimited. Probationary employees may use accrued sick leave from the first day of employment with supervisor's approval. Sick leave abuse will not be tolerated.

<u>Sick Leave Accrual</u>	<u>Days Per Year</u>	<u>Hours Per Month</u>
Part-time employees (20 or more hours per week)	6 days	4
40-hour per week employees	12 days	8
24-hour shift firefighters	6 shifts	12

Part-time (less than 20-hours per week) or seasonal/temporary employees are not eligible for sick leave.

Sick leave shall not be granted in increments of less than fifteen (15) minute increments.

Sick leave may be allowed in case of medical, dental, or optical appointments, personal illness, physical or mental incapacity of an employee, when it is necessary to care for an ill or incapacitated spouse, child (up to age 26), or for a parent.

Employees are expected to schedule health/preventative appointments so that there will be minimal disruption to the work areas. For regularly scheduled appointments, employees are to give the supervisor as much notice as possible for the upcoming appointment.

Whenever possible, notice of absence due to an illness, injury, or other unexpected reason must be given by the employee to a supervisor within one hour before starting time. (Fire or Police personnel should notify the department within two hours before starting time.) The employee shall report on each succeeding day of absence. Failure to give notice may result in the employee being declared absent without leave and subject to disciplinary action.

An employee may be required to furnish his/her supervisor or the City Manager with a statement from an attending licensed physician, as to the employee's ability to perform the essential functions of the employee's job when:

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

The Director of Human Resources and Risk Management or designee shall be notified as soon as an employee is absent three (3) full days. Upon notification, Human Resources will contact the employee to assess the employee's eligibility for Family Medical Leave and if FMLA leave is being implemented according to FMLA policy. (See Family Medical Leave Policy 2.07)

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. 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. (See Policy 4.01.27 – Modified/Light Duty)

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/her assigned duties is subject to disciplinary action, up to and including termination.

When an employee's accumulated sick leave has been exhausted, unused vacation time may be used as sick leave upon request of the employee and approval of the department head.

Sick leave may not be advanced. If an employee is absent the entire month with no hours worked, sick leave will not accrue, except in the case of Workers' Compensation. Sick leave cannot be transferred from one employee to another.

Accrued sick leave is not paid to employees at the time of termination or retirement.

Also refer to: Short-Term and Long-Term Disability Policy 4.01.14

#### **4.01.22      Training and Development**

The City will promote and provide training on topics that will maximize our resources, while minimizing the cost of providing services to our customers. Employees will be encouraged to attend training classes sponsored by the Human Resources Department and Information Services Department.

The Human Resources Department will be responsible for the funding, development, scheduling, and coordinating of general training classes while Information Services Department will be responsible for computer/software training classes. It will be the responsibility of each department for the funding, development, scheduling, and coordinating of specific job training classes within the department.

#### **4.01.23 Tuition Reimbursement**

Depending on funding availability and after completion of one year of service, tuition reimbursement is offered to all regular, full-time employees as an incentive for continued training and performance improvement. During the budget process of each year, employees must request tuition reimbursement for the upcoming year beginning with the Fall semester, to allow the City to budget the funds necessary for this benefit. If an employee fails to submit a request for tuition reimbursement for the budget process, the employee shall not be eligible for tuition reimbursement in that budget year.

The employee must attend a “fully-accredited” college, community college, or university, and earn a grade of “C” or higher for undergraduate classes or a “B” or higher for graduate courses. Accreditation of a college, community college, or university will be verified by Human Resources.

Tuition reimbursement will be granted at the discretion of the department head but must be approved prior to enrollment, must be job related and/or required for the employee’s degree plan, and will apply to course registration tuition and mandatory fees.

The tuition reimbursement program covers tuition for classes and laboratories and mandatory fees such as distant learning fee, student service fee, etc. The tuition reimbursement program does not cover the cost of transportation, books, housing, or parking fees.

Employees may not be reimbursed for tuition expenses incurred before the employee completes one year of employment. Employees may not be reimbursed for tuition expenses unless it was approved in the budget.

Tuition reimbursement is not available for expenses already covered by other types of public assistance or benefits such as veterans’ benefits, public safety programs, Social Security benefits, or any type of scholarship program. If the employee is receiving tuition assistance from any outside source, contact the Human Resources Department for clarification of eligibility under the City’s plan. For example, if an employee is receiving \$300 from the VA for tuition and the tuition costs \$450, the City will pay the \$150 difference.

Employees must complete a tuition reimbursement form and submit it to the department head for approval prior to the budget process. Submit the signed form to Human Resources. At the end of the grading period, submit the school receipt with the tuition and fees listed, and the grade report to the Human Resources Department for reimbursement.

#### **4.01.24 Vacation**

The intent of Vacation Leave is to provide eligible employees with a benefit for paid time off for the purpose of rest, relaxation, or recreation. It may also be used to supplement sick leave in the event of a serious health condition impacting the employee or their eligible family member.

##### **Eligibility/Accruals:**

All regularly full-time and benefited part-time employees are eligible to accrue vacation leave time. Eligible employees shall accrue vacation leave for each completed month in which the employee works at least one actual hour. Vacation hours will not accrue in any month in which an employee is absent on sick leave the entire month (unless the employee is absent due to Workers’

Compensation injury/illness). Employees are not able to use accrued vacation time until after successfully completing six (6) months of initial employment.

The accrual rate is based upon length of service and number of hours worked per regular workweek. The maximum accrual is equivalent to two (2) year's accrual. Once the maximum accrual is reached, any vacation leave hours over the maximum accrual shall be lost if not used by the end of the calendar year.

**Regular Full-Time Employees**

<u>Vacation Leave Accrual</u>	<u>Monthly Accrual Rate</u>	<u>Maximum Accrual Allowed</u>
1-5 years (1* – 59 mos. of service)	6.67 hours	160 hours
5-10 years (60-119 mos. of service)	10.00 hours	240 hours
10-20 years (120-239 mos. of service)	13.34 hours	320 hours
20+ years (240+ mos. of service)	13.34 hours	400 hours

**Sworn Police Officers & Fire Protection Personnel (8-hr shifts)**

<u>Vacation Leave Accrual</u>	<u>Monthly Accrual Rate</u>	<u>Maximum Accrual Allowed</u>
1-10 years (1* – 119 mos. of service)	10.00 hours	240 hours
10-20 years (120-239 mos. of service)	13.34 hours	320 hours
20+ years (240+ mos. of service)	13.34 hours	400 hours

**Fire Protection Personnel (24-hr shifts)**

<u>Vacation Leave Accrual</u>	<u>Monthly Accrual Rate</u>	<u>Shifts</u>	<u>Maximum Accrual Allowed</u>
1-10 years (1* – 119 mos. of service)	15.00 hours	7.5 shifts	360 hours
10+ years (120+ mos. of service)	20.00 hours	10.0 shifts	480 hours

\*Accrues but not available for use until the completion of six months of employment. See "Conditions of Use" below.

**Regular part-time benefited employees** will accrue vacation leave at one-half the rate for regular full-time employees. **Directors** shall accrue at the same rate as all regular full-time employees, but may accrue up to a maximum of 400 hours. **Non-benefited part-time and seasonal employees** are not eligible for vacation leave.

**Conditions of Use:**

At the completion of six (6) months of employment, an employee is eligible to begin using accrued vacation leave (six months banked accrual credited and made available at this time). Vacation leave will not be authorized during the first six months of employment for any employee, unless approved by the Department Head.

**Scheduling:**

Employees must schedule vacation in advance with his/her department head or supervisor, who shall give due consideration to the request and the needs of the department. Vacations can only be scheduled when the workload permits; however, every reasonable effort shall be made to accommodate individual requests.

**Terms of Usage:**

Minimum Hours: Employees are encouraged to take vacations in at least one-week intervals. If an employee requests fewer consecutive days off, vacation time may be taken in increments of

fifteen (15) minutes. All vacation requests must be authorized by the supervisor or department head in advance of the time off.

Holidays: Holidays occurring during scheduled vacation leave shall be paid as Holiday Pay and will not be deducted from the employee's vacation accrual.

Negative Balance Not Allowed: Vacation Leave cannot be advanced. Employees may only be absent from work for the amount of vacation leave time accrued; time off cannot be taken as "unpaid" in addition to vacation leave unless approved by the Department Head and Human Resources.

Mandatory Vacation Leave: When it appears that a vacation, or at least time away from the work place, may be in the best interest of the employee, or those of the department or City, the department head may, with the approval of the City Manager, require an employee to take at least one week of accrued vacation leave to be away from the job for an extended period, particularly if the employee has not taken at least one consecutive week of vacation leave in the past twelve months. Similarly, the City Manager may require a department head to take accumulated vacation leave if the City Manager deems it is in the best interest of the employee, the department and the City. If an employee refuses to take vacation leave when so requested, the employee may forfeit vacation hours for the period of time under discussion.

During Disciplinary Suspension: Vacation leave will not be authorized during a disciplinary suspension as a means to supplement pay lost as a direct result of the suspension.

Vacation Paychecks: If an employee does not have direct deposit, the employee may authorize to have the check picked up by a designated person. If the check is to be given to someone other than the employee during the employee's absence, a written, signed authorization form from the employee will be required.

Donation of Accrued Vacation: Accrued vacation hours may be donated by one employee to another when an employee is absent due to a serious personal health condition or to care for a member of the employee's immediate family with a serious health condition.

To qualify for donated vacation leave, an employee must be approved for Family Medical Leave in accordance with Policy 2.07 Family Medical Leave Act or present medical documentation to the Human Resources department. They must also have a zero balance of all leave hours (sick, vacation, holiday and compensatory time) before being able to utilize any donated vacation hours.

At the request of the employee's department head, the Human Resources Department may notify employees that an employee is in need of donated vacation leave; however, donations are strictly voluntary.

The Human Resources Department will send an email to employees requesting donated vacation leave. The employee's name may be released upon request. The reason for their leave will not be provided due to HIPAA requirements and for the employee's privacy.

Employees wishing to donate must complete a Donation Form, including his/her signature, authorizing the deduction of the vacation hours from their balance and submit the form to Human Resources. Employees cannot donate more hours than their current accrued balance, and may only donate vacation time in one (1) hour increments. Donated hours will not be considered "hours worked" by the recipient in the calculation of overtime. All donor names will be released to the receiving employee, if requested, unless the donating employee specifically requests confidentiality. Donated hours will only be used on an "as needed" basis each pay period and



donated hours not needed/used will not be deducted from the donating employee's vacation balance.

Note: The Internal Revenue Service (IRS) allows for a medical emergency exception so that donors can donate leave to others without having to pay income tax on the hours donated.

**Vacation Payout Upon Termination:**

Employees who have completed one (1) year of employment with the City will be reimbursed for all unused accrued vacation leave up to the maximum allowed upon termination of employment, retirement, resignation, or death at the rate of pay the employee was receiving at the time of separation. Employees may not use accrued vacation during the last two (2) weeks of employment without prior approval from the Department Head.

**4.01.25 Workers' Compensation**

All employees in the City, both full-time and part-time, regular and temporary, are covered by Workers' Compensation. If an employee is injured on-the-job, he/she may be eligible for benefits under Workers' Compensation that may cover the entire cost of hospitalization, doctors, drugs, treatments, pharmaceuticals, and other related expenses. Workers' Compensation benefits 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."

If an employee is unable to perform the essential functions of his/her job due to an on-the-job injury and is off work for more than three days, the employee will be placed on FMLA Leave. (See FMLA Policy 2.07

**Wage Continuation**

**Police Firefighters, Police Officers and Medical Services Personnel**

Police Firefighters, Police Officers and Medical Services personnel, including the Police and Fire Chief, who suffer a line of duty illness or injury will receive full pay for a period to commensurate with the nature of the line of duty illness or injury. If necessary, the city shall continue the leave for at least one year.

1. Wage continuation benefits will run concurrently, with eligible Workers' Compensation Temporary Income Benefits, if available.
2. At the end of the leave of absence, the City may extend the leave of absence at full or reduced pay.
3. If the firefighter, police officer, or emergency medical services personnel is temporarily disabled by a line of duty injury or illness and the leave of absence and any extension granted by the City has expired, the person may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave.
4. If the leave of absence and any extension granted by the governing body has expired, a firefighter, police officer, or emergency medical services personnel who requires additional leave described by this section shall be placed on temporary leave.
5. If able, a firefighter, police officer, or emergency medical services personnel may return to light duty while recovering from a temporary disability. If medically necessary, the light duty assignment may continue for at least one year.
6. After recovery from a temporary disability, a firefighter, police officer, or emergency medical services personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave.

## **General Government Employees**

Wage continuation benefits may continue for the period of the job-related disability or 90 days, whichever is less. The City Manager may extend wage continuation benefits for an additional 90 days depending on the severity and cause of an injury. No benefits shall be extended beyond a maximum of 180 days.

The total amount paid to an employee (which includes any combination of Workers' Compensation, disability income payments, wage continuation payments or any other income paid by the City) while absent from work due to a job-related injury or illness shall not be greater than an employee's regular gross salary with the City. If the City has paid the employee's wages under wage continuation, and Workers' Compensation reimbursed the wages for the same pay period, the employee will be expected to reimburse the City for the amount paid by Workers' Compensation to prevent over-payment of wages.

If an employee is not granted wage continuation, or the injury lasts longer than 90 days and the employee is no longer eligible for wage continuation, the employee will be allowed to use comp time, sick leave, and/or vacation leave to supplement the remainder of the employee's income, after taxes, that Workers' Compensation does not pay to the maximum of the employee's regular gross salary. If an employee runs out of sick leave or vacation before being released by the attending physician to return to work, the employee may be granted a leave of absence without pay for the remainder of the 180 days. After 180 days, an employee shall be terminated when Maximum Medical Improvement is reached and the employee is unable to perform their job duties, the employee's sick leave balance is zero, or another 180 days have passed (total of one year) where employee is unable to return full-time to their regular position; whichever comes first.

### **Requirements**

The wage continuation benefit shall be subject to the following provisions:

1. The injury or illness must be the direct result of the employee performing his/her job for the City.
2. The employee must report the accident or personal injury to his/her supervisor and file an injury report to Human Resources within 24-hours of the incident.
3. The employee shall be seen by the medical facility approved by the City for on-the-job injuries. If the employee is taken to a hospital in an emergency, the employee shall complete his/her follow-up visits with a physician from the City's selected medical facility.
4. An employee who is unable to return to work shall contact the Director of Human Resources and Risk Management or designee weekly until the doctor has released the employee to return to work.
5. An employee shall return to work when released by his/her attending physician to return to light duty and shall be required to perform light duties for his/her own department, or that of another department in the City.
6. An employee may not work other employment while under wage continuation benefits.
7. Injuries or illness that occur while traveling to and from work, or while engaging in horseplay, attending to personal business, or failing to follow reasonable safe practices shall not be deemed as on-the-job injuries to qualify for wage continuation.

Seasonal and temporary employees will not be eligible for wage continuation benefits from the City. Wage continuation benefits for general government employees are purely voluntary on the part of the City and may be terminated at any time.

#### **4.01.26      The Keller Pointe**

All full-time and part-time employees are immediately eligible to become members of the City's recreation and aquatic facility, The Keller Pointe. Membership for employees is paid for and provided by the City of Keller. An employee may elect to purchase a family membership.

A Family Membership includes:

- a. The employee who must remain an active employee of the City of Keller.
- b. One (1) adult who must be a relative of the employee and reside in the same household as the employee. Relative is defined in section 1.14 Nepotism of this handbook.
- c. Dependent children (under the age of 26) of the employee or adult member.

Employees who retire from the City of Keller and were employed with the City for fifteen (15) years or more, are eligible for a lifetime membership at the Keller Pointe paid for by the City. This benefit only applies to the retiree, not family members.

Contact Human Resources for additional information.

#### **4.01.27 Modified/Light Duty Policy**

The City may make modified/light duty assignments available to employees with an illness, injury, or medical condition who are unable to perform their regular job duties. The decision to offer an employee a light duty assignment is made at the City's sole discretion. A light duty assignment may be in the employee's own or another department in the City. In making light duty assignments, the City will normally give priority to employees whose injury or illness is work-related. Factors considered by the City in making its decision include, but are not limited to:

- The nature of the employee's illness, injury, or medical condition,
- The medical release provided in support of light duty and restrictions, if any,
- The risk that a light duty assignment may result in aggravation of the employee's condition,
- The type of light duty work available,
- The length of time necessary for the light duty assignment,
- The length of the employee's employment with the City,
- The employee's performance and disciplinary history; and
- Whether the condition occurred on or off duty.

Employees who are released for and given a light duty assignment may not perform work duties in violation of their medical release. Violation of the terms/restrictions of the medical release by the employee while on light duty assignment will subject the employee to possible disciplinary action and loss of the light duty assignment.

Light duty will not extend beyond twelve (12) work weeks from the date of release to light duty by the employee's treating physician. Employees still unable to return to regular duty after that time must re-qualify for limited duty through evaluation by their treating physician and a recommendation from the Department Head and Director of Human Resources to the City Manager. Only the City Manager may approve an extension of a light duty assignment.

An employee who is released for and offered light duty by the City while on Workers' Compensation but who elects not to accept such an assignment, will be ineligible to use any accrued sick leave benefits and salary continuation benefits under the City's Workers' Compensation Policy, but may still be entitled to unpaid leave under the City's FMLA policy.

An employee who is released for and offered light duty by the City for any other illness/injury but who elects not to accept such an assignment, will be ineligible to use any accrued sick leave benefits, but may still be entitled to unpaid leave under the City's FMLA policy. The only exception would be if no light duty assignment could be found or if approved by the City Manager.

During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that the 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their light duty assignment.

All light duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources and Risk Management or designee. They will work with the employee's department in making its decision. Before returning to regular job duties following a light duty assignment, the employee must coordinate his/her return through the Director of Human Resources and Risk Management or designee.

## **4.02 Compensation**

### **4.02.01 Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act (FLSA) established minimum wage, overtime, record keeping, and child labor standards. FLSA provides the option for compensatory time in lieu of overtime compensation for non-exempt employees.

**Exempt Employees** Employees determined to be salaried executive, professional or administrative earning at least \$913 per week and also performing exempt job duties are exempt under FLSA and are not eligible for overtime pay. Exempt personnel are paid a salary and are expected to work whatever hours are necessary to complete their job assignments. Exempt personnel wishing to take time off are expected to obtain approval in advance from their supervisor. An exempt employee taking an entire day off shall record the benefit time used; vacation, sick, holiday, etc.

**Non-exempt Employees** All non-exempt employees are eligible for overtime according to the following:

- Category A: 40-hour employees are eligible for overtime pay for actual time worked over 40 hours per week.
- Category B: Firefighter/EMS employees are covered under Section 207 K of FLSA and are eligible for overtime pay for actual time worked greater than 212 hours in a 28-day work period.
- Category C: Sworn Police Officers and Public Service Officers are eligible for overtime pay for actual time worked greater than 80 hours per pay period in a 14-day work period.

No one has the authority to make exceptions to this policy or to enter into any agreement that denies any City employee his/her rights under FLSA or this policy, unless explicitly provided by law.

All employees have the right and are encouraged to consult with his/her department supervisor or the Human Resources Department regarding his/her FLSA status, pay hours worked, or other matters affecting them under this policy.

The Human Resources Department is responsible for developing supporting systems and procedures and for the applications needed to prepare and process payrolls for FLSA compliance. All payroll records from the last date of entry must be retained for three (3) years.

The Human Resources Department is also responsible for overall administration and interpretation of the Act and shall maintain a listing of all positions showing his/her designation as either exempt or non-exempt.

The department supervisor shall be responsible for determining which method of compensation; pay or compensatory time will be utilized in overtime assignments, depending on the department's overtime budget and operational demands.

#### **4.02.02      Contract Labor**

Individuals employed on a contract labor basis are independent contractors and are not employees and are not eligible for overtime provisions.

#### **4.02.03      Pay Periods**

All employees are paid bi-weekly. If a holiday falls on a payday, the City will make every effort to pay employees on the preceding workday.

Each paycheck shall include earnings for all work performed during the previous payroll period. Each stub itemizes earnings, required and authorized deductions; and provides year-to-date and year-to-year totals for wages, income tax, Texas Municipal Retirement System (TMRS), and Medicare.

If an employee is away from work on payday because of illness, vacation, or other reasons, arrangements must be made with his/her supervisor as to what he/she wants done with his/her paycheck. Paychecks will not be given to third parties without the express written authorization from the employee.

#### **4.02.04      Volunteer**

Employees may not volunteer to work in their own job functions but may volunteer to assist other departments in capacities not related to their own job.

#### **4.02.07      Overtime Hours**

Overtime is generally hours worked over 40 hours in a week, except for Firefighters and some Police personnel. If a supervisor knows, or should have known, that an employee has worked overtime, even though the supervisor did not require or request it, the employee is due to be compensated for overtime.

Example: If a non-exempt employee comes to work 15 minutes early and begins preparing for work (opening mail, fueling a vehicle, or answering business calls), the time is considered "hours worked." Also, employees who voluntarily continue to work at the end of the day or shift are engaged in compensable working time.

Overtime is defined as those hours worked by "non-exempt" employees during any FLSA – defined work period, which exceed the number of hours specified for such work period. All hourly (non-exempt) employees not in executive, administrative or professional positions are non-

exempt and are eligible for overtime. Non-exempt employees are compensated at one and one-half time (1 ½) their regular hourly rate for all hours actually worked in excess of 40-hours during any one week. The City's workweek begins at 12:00 midnight Saturday and ends at 11:59 p.m. Friday.

If an employee is on vacation, holiday/personal holiday, weather, military leave, or jury duty and physically works over 40-hours the same week, vacation, holiday/personal holiday, weather, military leave, and/or jury duty hours may be considered hours worked in the calculation of overtime.

For example: An employee is on vacation eight hours Monday, works 10 hours on Tuesday, and works eight hours on Wednesday, Thursday and Friday for a total of eight hours vacation and 34 hours actually worked, the employee will be eligible for two hours overtime because the eight hours of vacation will be considered as time worked in the calculation of overtime for a total of 42-hours.

If a holiday falls on an employee's regularly scheduled day off, the employee may bank the holiday or receive straight time pay for the holiday. The holiday reflected on the time sheet in this instance is not included in the calculation of overtime. (Please refer to Policy 4.01.11 – Holiday Pay.)

As required by FLSA, the overtime rate paid to employees includes base salary, certification/regional pay, longevity, and on-call pay.

Any work to be done as overtime must be authorized and approved in advance in writing by the supervisor. Working overtime without prior authorization and approval may result in disciplinary action.

#### **4.02.08      Hours Not Worked**

Sick leave, bereavement leave, compensation time off, and injury leave (Workers' Compensation) are considered "hours not worked" and are not considered for overtime eligibility.

Example: Within a one-week period, an employee takes one day of sick leave, then works ten hours one day and eight hours the remaining three days, for a total of 42-hours for the week. The employee would be paid for 42 hours at straight time because the eight hours of sick leave cancel out the two hours of overtime.

#### **4.02.09      Waiting Time**

Employees who wait before starting their duties because they arrived at work earlier than the required times are not entitled to be paid for waiting time. However, if an employee reports at the required time and then waits because there is no work to start on, the waiting time is then compensable work.

#### **4.02.10      Breaks**

Break periods are not required by law, but a department may provide breaks if time allows. If breaks are permitted, they should not be longer than 20 minutes in duration and shall be counted as time worked. Breaks cannot be used to offset other work time in any workweek.

#### **4.02.11      Meal Time**

Meal periods must be at least thirty-minutes (30) in duration, the employee must be completely relieved of all duties, and the employee must be free to leave his or her duty post; however, there is no requirement that the employee be allowed to leave the premises or work site. When these three conditions are met, mealtime is not compensable work time. Some Police Department and MSC (Public Works and Parks & Recreation) personnel working 12 or 8 hour shifts do not take an official lunch period and are compensated for 12 or 8 hours.

#### **4.02.12 Travel Time**

Home-to-work travel is not compensable work time. Travel of this nature is considered a normal incident of employment. Generally, an employee is not at work until he or she reaches the work site. However, if an employee has gone home after completing a day's work and is subsequently called back to return to the worksite or to perform work, all travel time involved in the call-back to work is considered work time.

If non-exempt employees are required to travel out-of-town, the travel time outside of regular working hours is not considered work time. Employees and supervisors are encouraged to contact Human Resources for clarification of this policy.

#### **4.02.13 Attendance at Training Sessions and Other Meetings**

In general, training is time worked if:

- a. Approved by Supervisor;
- b. It is directly related to the employee's current job;
- c. It is designed to enhance the employee's performance of his/her current job;
- d. Attendance is mandatory. Attendance is mandatory if an employee is led to believe that working conditions or chance of continued employment in the employee's current job status would be adversely affected by nonattendance.

Training time is generally not work time if:

- a. The program is designed to facilitate an employee's advancement to a higher position and does not necessarily improve the employee's ability to perform his/her current job;
- b. Attendance is outside regular working hours;
- c. The employee performs no productive work in connection with the program;
- d. Certification training is of general applicability and is not tailored to meet the particular needs of the City of Keller;
- e. Attendance is voluntary. Attendance is voluntary only if the employee is not led to believe that his/her working conditions or chance of continued employment in his/her current job status would be adversely affected by nonattendance.

#### **4.02.14 Compensatory Time**

Time worked in addition to the normally scheduled workweek of 40-hours may be considered compensatory time by the non-exempt employee for the amount of overtime hours worked. Or in the case of a fire fighter, comp time may be granted for regular hours in excess of 212 hours in any 28-day work period. Records of compensatory time earned and taken shall be maintained within each work unit.

Example: M T W T F  
10 8 8 8 6 = 40 hrs week

No overtime pay or comp time is applicable.

Example: M T W T F  
10 8 8 9 8 = 43 hrs (3 hrs OT x 1.5  
= 4.5 hrs comp time or OT)

If comp time is given to non-exempt employees, it must be given at time and one-half hours off for every hour of overtime worked. Compensatory time may be authorized in lieu of overtime pay only as approved by the department head.

The department supervisor will be responsible for accurately accounting for all overtime hours. When a non-exempt employee terminates or is promoted to an exempt position, the employee will be fully compensated for all unused compensatory time accumulated in accordance with the FLSA regulations.

**Compensatory Time Accrual Limits** Regular non-exempt employees may not accrue in excess of forty-two hours (42) of compensatory time. (28 hrs X 1.5 = 42 hours of comp time)

Detention Officers and Dispatchers may not accrue more than sixty (60) hours of compensatory time. (40 hrs x 1.5 = 60 hours of comp time)

Firefighters may not accrue more than seventy-two hours (72) of compensatory time. (48 hrs x 1.5 = 72 hours of comp time)

Sworn Police Officers may not accrue more than eighty-hours (80) of compensatory time.

Compensatory Time shall not be used in increments of less than fifteen (15) minute increments.

#### **4.02.15 Assignment Pay**

An employee may be requested to accept additional responsibilities for a higher level position for a short period of time; the City Manager may determine an increase in salary based on the responsibilities and duration of assignment. At the same time, should an employee be released of the assignment, the employee’s pay shall be reduced by the same amount.

Police Officers, Dispatchers, Detention Officers and Animal Control Officers will have five (5) percent added to their base hourly rate while performing the duties of pre-approved training or instructing. All assignment pay must be pre-approved by the supervisor.

#### **4.02.16 Pay Plan**

The City of Keller has developed a broadband pay plan for non-exempt and exempt employees in seven categories: Trade, Administrative, Professional, Police, Fire, Manager/Director, and the Keller Pointe. The pay plan has been specifically developed to meet the needs for hiring new employees and retaining current employees.

**Maintenance of the Pay Plan** To keep the salary plan current, uniform, and equitable, the Director of Human Resources is responsible for annually preparing an analysis of prevailing



salaries for similar positions in the area. The Director considers all variables that may be pertinent in establishing salaries or recommending changes to the existing salary plan.

Any major department reorganization or changes affecting jobs within a department should be addressed during the preparation of the department's proposed annual budget. Any changes affecting job titles, job descriptions, salary ranges, placement of new positions on the salary plan, etc. should be submitted to the Director of Human Resources for proper consideration of placement in the pay plan, and then presented to the City Manager for consideration in the budget process.

The Director of Human Resources shall complete an annual salary survey well in advance of budget preparation. Based on the salary survey, the Director of Human Resources shall recommend to the City Manager whatever adjustments or revisions are necessary to maintain the internal and external integrity of the salary plan. The City Manager shall recommend changes to the City Council as needed. If adopted by the City Council, the changes will become effective at the beginning of the next budget (fiscal) year, or the assigned date of implementation.

#### **4.02.17      Merit Increases**

A merit increase may be a percentage of pay added to base salary, percentage of pay lump sum, or a one-time lump sum, approved in the budget and granted to recognize acceptable/outstanding performance. An employee's salary may not exceed the maximum of the pay range for the position. Merit increases are not used to recognize increased duties and responsibilities (a promotion). An increase is earned when employees earn an acceptable rating (as determined by City management) on a performance evaluation. To recognize exceptional performance, merit increases are granted in a higher percentage or lump sum if approved in the budget. City management establishes the ratings for each different percentage. All performance evaluations must justify the rating to earn an increase. All compensation improvements and increases must be approved by the City Manager within authorized budget limits.

**Eligibility for Merit Increases** All employees, hired on or before March 1<sup>st</sup> will receive a performance evaluation before October 1<sup>st</sup> in order to be considered for a merit increase to be paid on the paycheck for the pay period that October 1<sup>st</sup> falls in subject to funding by the City Council. Any employee hired after March 1<sup>st</sup> or who had their probationary period extended, shall not receive a merit increase until the following October, providing their evaluation merits the increase.

#### **4.02.18      Cost-of-Living Increases**

A cost of living increase will be considered each year, which is based on the Consumer Price index, Employment Cost Index, and the Municipal Cost Index. Should a cost-of-living increase be approved, the increase will be paid to all employees and will adjust the pay plan to retain a competitive compensation plan.

Probationary employees shall be eligible for cost-of-living adjustments and/or market adjustments as implemented to the pay plan.

#### **4.02.19      Advance Pay**

No full or partial advance of salary or wages shall be made to any employee. All paychecks will be distributed on the scheduled payday.

#### **4.02.20 Timesheets**

Non-exempt employees are required to maintain timesheets daily that reflect hours actually worked. If an employee is absent, leaves early, or arrives late, it should be noted on the timesheet.

Exempt employees are not eligible for overtime or compensatory time. Only entire day exceptions (absences) to the 80 hour pay period should be noted on the timesheet (i.e., sick, vacation, holiday, etc.)

“Doctoring” or otherwise falsifying time records clearly violates the FLSA and City policy and will subject the responsible person or persons to appropriate disciplinary action. Beyond all possible legal and policy complications, falsified time records violate the City’s need for equity in its pay and benefit practices among employees in any department.

Employee Responsibilities:

- Hourly (non-exempt) employees must clock in/out on the day they are scheduled to work. They must notify their department’s dedicated payroll person if they failed to clock in/out.
- All employees must submit leave requests for time off if they do not work on the day they are scheduled to work.
- All employees must verify and approve their timecards in ADP before leaving for the day on their last workday of the pay period.
- All employees must carefully review timesheets and pay codes to confirm that they are being paid correctly.

Supervisor Responsibilities:

- Supervisors must approve all leave requests and timecard changes. Otherwise, this will result in the employee not getting paid for the leave request and/or the timecard change.
- Supervisors must approve all supplemental pay codes, if applicable. Otherwise, this will result in the employee not getting paid for the supplemental pay.
- Supervisors must verify and approve their employee’s timecards by 10am on the Monday following the end of the pay period.
- Supervisors must carefully review timesheets and pay codes to confirm that the employee is being paid correctly.

In order to process payroll in a timely and accurate manner, employees are expected to adhere to this policy. Failure to comply with this policy may result in disciplinary action.

#### **4.02.21 Development of Job (Class) Descriptions**

The Director of Human Resources shall be responsible for continuous maintenance and administration of the compensation plan and corresponding job descriptions. In cooperation with the department heads, the Director of Human Resources will gather information regarding the jobs through questionnaires, interviews, and on-site job visits.

New job descriptions are developed when:

- A new position is created;
- A current position is divided into two positions or two positions are combined into one; or

- A job description no longer accurately reflects the actual duties and responsibilities of a position.

Each job is distinguished by a written job description including job title, person to whom the incumbent reports, essential job functions and responsibilities, other job functions, a list of the minimum qualifications required for performance of the job duties, and environment or working conditions. Every job is designated by a job title on all official records, payroll, and communications. No job may change or carry an official title that has not been recommended by the Director of Human Resources and approved by the City Manager as being appropriate to the duties performed.

Any new positions created during the year should be included in a revised classification plan presented to the City Council by the City Manager during the annual budget process.

#### **4.02.22 Amendments to the Policies and Procedures**

The city reserves the right to make any amendments to these policies from time to time and all employees shall be required to comply with these policies and all amendments.

### **5.00 LEAVES (ABSENCES)**

#### **5.01 Administrative Leaves**

The City may grant employees paid or unpaid administrative leave when it is necessary for an employee to be away from work and the absence is not consistent with the use of other established policies or departmental efficiency as determined by the department head. The need to be away from work may be at the request of the employee or the department head. The department head may recommend administrative leave with pay; however, such an absence shall be discussed with Human Resources to ensure compliance with all Federal and State laws and regulations. The City Manager shall approve any such decision prior to the department head taking action.

Employees on paid or unpaid leave, for more than thirty-days (30), will not accrue benefits (sick leave, vacation, seniority, or longevity) until returned to regular duty.

Any employee, who is on administrative leave for six-months (180-days), shall be terminated.

#### **5.02 Additional Paid Leaves**

**Department Head Responsibility** When no other paid leave category is available or applicable and leave without pay would not be appropriate; a department head may grant administrative leave with pay for any of the following reasons:

- **Board or Committee Meetings**  
If the employee is required to appear before any board or committee.
- **Examinations or In-House Interviews**  
To take an examination required by the City or to be interviewed for another position in the City.
- **Voting**

To vote in national, state, or City elections when off-duty voting cannot be reasonably accomplished due to the employee's work schedule.

- **Miscellaneous**  
In special situations as approved by the City Manager where such leave is in the best interest of the City.
- **Disciplinary Actions**  
During the response time of a disciplinary action involving suspension or dismissal. (Human Resources and the City Manager must be notified in advance of this action.)
- **Investigations**  
During an investigation that may result in disciplinary action if it is in the best interest of the City. (Human Resources and the City Manager must be notified in advance of this action.)

An employee who has exhausted all paid leave shall be placed in an unpaid leave status for the duration of the requested leave period.

### **5.03 Administrative Leave Without Pay**

Employees may be granted a leave without pay for justifiable personal reasons to be determined in the sole discretion of the City Manager or his designee. The request for a short-term leave without pay shall be submitted in writing to the supervisor. No unpaid leave shall be approved until all eligible paid leave has been exhausted. Such an absence shall be discussed with the department head and submitted to Human Resources for final approval to ensure compliance with all Federal and State laws and regulations.

Human Resources and the City Manager must review and approve unpaid administrative leave for disciplinary action.

Any employee on an unpaid leave status shall not accrue additional vacation leave, sick leave, or seniority benefits. In addition, any employee on unpaid leave shall contact the Human Resources Department to arrange for payment of the employee's payroll deductions. The employee will be required to make payment to Human Resources by the first working day of the month or by the fifteenth of the month if the unpaid leave begins after the start of the month.

All City benefits in place at the time the leave begins will remain in effect throughout the duration of the requested leave period. Premium payments normally made by the employee continue to be paid by the employee.

Employee premium amounts are subject to changes in rates that occur while the employee is on leave.

Premium payments that are more than thirty (30) days late will result in termination of coverage, provided the City has notified the employee in writing at least fifteen (15) days before the date the coverage will lapse.

If an employee fails to return to work, the City may recover benefit premiums paid by the City for maintaining insurance coverage during the leave.

#### **5.04 Bereavement Leave**

Regular employees may be granted up to 3 days off with pay (24-hour shift Fire personnel will receive up to 36 hours), per calendar year, to arrange or attend the funeral of a member of the immediate family. The department head may approve additional bereavement time off with pay for unusual circumstances (i.e., two parents die the same year.) If an employee needs more than three days, the extra days shall be deducted from accrued vacation, comp time or if no available time is accrued, the extra time may be approved without pay.

For the purposes of this policy, "immediate family" means an employee's spouse, children, parents, grandparents, grandchildren, brothers, sisters, or a member living in the employee's household or the "immediate family members" of a spouse.

Additional requests for funeral leave regarding an individual(s) outside the "immediate family" (definition above) will need prior approval by the department head and will be deducted from accrued vacation if available or without pay if no vacation is accrued.

Requests for bereavement leave must be initiated with the employee's supervisor and be processed through the department head.

#### **5.05 General Administrative Leave**

**Exempt Employees** Neither the salary nor the leave accruals of an exempt employee will be docked for absences of less than one (1) full workday.

**Failure to Return to Work** Failure to return to work following a leave specified under this policy may result in disciplinary action up to and including dismissal.

**Employee Status** Authorized leave without pay does not affect an employee's rate of pay, or position, nor does it constitute a break in service for the purposes of computing longevity pay. An employee on unpaid administrative leave may be eligible for other leave benefits in accordance with each applicable policy. An employee on unpaid administrative leave for an entire pay period is entitled to other benefits but these benefits may be subject to additional restrictions.

#### **5.06 Arrests and Confinements**

City employees are subject to disciplinary action and/or job restrictions for violations of the law. This policy applies to acts prohibited by law that result in charges being filed, arrest, or confinement as well as to acts prohibited by law not resulting in charges filed, arrest, or confinement. A conviction of a violation of the law may result in a leave of absence with or without pay; and/or further disciplinary action up to and including termination.

#### **Procedure**

##### **Duty to Notify of Arrests, Charges and Convictions**

- Employees are required to report arrests, charges, and convictions to their supervisor. Class C traffic citations do not need to be reported.
- Employees shall self-disclose, without the necessity of an inquiry, any suspension, limitation, revocation, or cancellation in driver's license status and any and all arrests, charges, or convictions for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving, whether such incidents arose out of work-related driving or not.

- Employees shall make such self-disclosure to their supervisor or Human Resources at the earliest opportunity and shall not operate any City vehicle/equipment or their personal vehicle to conduct City business until cleared to do so by Human Resources.
- If the employee has any questions about the necessity of reporting an arrest, the employee should contact Human Resources and notify the Director of Human Resources or designee of the arrest
- A supervisor who is advised by an employee of an arrest should immediately report the notification to their Department Head and to the Human Resources Director.

**Employee Detained by Law Enforcement Authorities** An employee detained by law enforcement authorities who fails to report to work and/or provide timely notification to his/her supervisor will be subject to disciplinary action for Unauthorized Absence. If an employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

**Exempt Employees** Neither the salary nor the leave accruals of an exempt employee will be docked for absences of less than one (1) full workday.

**Employee Status after Violation of Law** At the time the department is made aware of an employee's arrest or conduct constituting an offense, the department head shall consult with the Human Resources Department to determine available options that which include:

- Allowing the employee to return to regular duty with pay;
- Allowing the employee to return to restricted duty with pay;
- Placing the employee on paid administrative leave; or
- Placing the employee on unpaid administrative leave.

**Disciplinary Action** Disciplinary action may be pursued concurrently or in place of the above options, or at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action up to and including termination.

**Other Policies** This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other citywide policies.

**Review of Case** The City, in determining how this policy will be applied in a particular case, will consider all the facts and circumstances of each individual situation.

## **5.07 Attendance and Punctuality**

Employees are required to be at their workstations, on time, every day, in accordance with the established working hours for their respective work units.

### **Guidelines:**

**Notification of Absence** Employees who expect to be absent from duty or tardy for any reason shall notify the supervisor or division manager, stating the reason for the absence, as soon as possible – normally within one hour before starting time. (Fire or Police personnel should notify the department within two hours before starting time.) In addition, employees are expected to keep the supervisor informed daily of extended absences.

**Prior Appointments (Doctor or Dentist Visits, etc.)** Employees are expected to schedule medical appointments so that there will be minimal disruption to the work areas. For regularly

scheduled appointments, employees are to give the supervisor as much notice as possible for the upcoming appointment.

**Illness/Injury While at Work** Employees who become ill, suffer an injury, or who have another reason for leaving their work units during working hours shall request permission from their immediate supervisor or division manager before leaving work. In an emergency, if the supervisor is unavailable, the employee shall request permission from another supervisor within the department. If no supervisor is available, the employee shall notify a Human Resources representative. Nothing in this section should be interpreted to delay emergency care.

**Tardiness and Excessive Absenteeism** Employees are required to be at work every day at the established starting time. The supervisor shall counsel employees who demonstrate excessive absenteeism or tardiness instances within a twelve (12) month period. (Examples of excessive absences will be considered as, using every hour of sick leave as it accrues, consistent absences on paydays or same day of week, consistent one or two day absences not requiring a doctor's release, etc.) Counseling and disciplinary action should be documented.

**Record-keeping and Documentation** For salary and record-keeping purposes, a non-exempt employee's time must be recorded in the timekeeping system to reflect any absences during the workweek in which the absences occur.

**Job Abandonment** An employee who has not reported his/her absence after three (3) consecutive workdays is considered to have abandoned the job and shall be terminated.

## **5.08 Maternity Leave**

A leave of absence for maternity reasons will be recorded and treated as any other medical leave. Pregnant employees will be expected to work as long as the physician indicates that the employee is capable of performing her job duties safely and satisfactorily. Both male and female employees may be eligible for maternity leave under the Family Medical Leave Act.

## **5.09 Military Leave**

Any employee who is a member of the state military forces or a reserve component of the armed forces will be eligible for a leave of absence from his/her duties in accordance with the following rules:

- When ordered by proper authority to duty or for field exercise, or authorized training for a period not to exceed three weeks paid per fiscal year;
- The employee called for such training will be absent without loss of time, efficiency rating, accrued vacation time, seniority, or longevity currently accrued, or any other benefit provided by these rules;
- The employee shall forward a copy of the official military notice as soon as it is received to their immediate supervisor and to Human Resources.

**Differential Pay** Employees called for military service shall be granted military leave during such service and shall retain any and all pay benefits received from the military during this period. The City shall compensate the employee by paying the difference between said employee's military pay and the regular City salary after the receipt of proper military documents for up to six (6) consecutive months. The employee shall also continue to receive certification pay.

Employees on military leave, for more than thirty-days (30), will not accrue benefits (sick leave, vacation, seniority, or longevity) until returned to regular duty.

Health coverage shall continue to be provided for the employee and the employee's family. The City shall continue to pay the employee's coverage and whatever portion of dependent coverage the City pays toward all other City employee dependents for up to six (6) months. The employee's portion shall continue to be deducted from his/her paycheck.

Should the reservist remain absent after six (6) months, the City of Keller shall terminate medical and dental coverage and provide the opportunity to purchase medical and dental coverage under COBRA regulations, which is 102% of medical and dental rates.

**Departure Procedures** When a reservist is called to duty, the reservist must supply the department with military orders. Those orders shall be forwarded to Human Resources immediately.

**Reemployment Rights** Employee Obligations Upon return to the City from military leave the employee shall maintain the same status as when the employee left, (e.g. accruing vacation at the appropriate rate, longevity pay shall be calculated as if the employee was never absent, etc.)

In compliance with reemployment under state and federal laws, an employee who leaves a position with the city for active military service has a qualified right to reemployment in the same position they were in at the time of enlistment, or a position of similar seniority, status and pay providing the conditions for reemployment outlined in said law are met.

## **5.10 Keller Youth Mentorship Program**

1. The Keller Youth Mentorship Program (Program), as approved by the Keller City Council by Resolution 4383 on July 20, 2021, is intended to connect city staff and leadership with local youth. The goal of the program is to help foster healthy educational, social and emotional development for young people in Keller or the surrounding communities. The program focuses on interaction and engagement and shall not be utilized for general community service tasks or projects.
2. Eligible programs require one-on-one mentoring with a youth. Examples of programs that are not be eligible include coaching youth sports, leading a Boy Scouts troop or volunteering at a food bank.
3. Each employee, at their supervisor's discretion, may be granted up to one hour of administrative leave per week, not to exceed five hours per calendar month, to participate in the Program. No overtime shall be accrued as a result of participation in the Program. Time spent mentoring shall be coded to pay code MVS (Mentor Volunteer Service) in the payroll and timekeeping system. Both non-exempt and exempt employees are required to track the time spent mentoring,
4. Employees may choose to serve at one of the city's Youth Mentorship Program Partners (Program Partners), as listed below. If an employee desires to serve with an organization not approved as a Program Partner, they may submit a written request to the Director of Human Resources for consideration.
5. Employees shall be responsible for completing all required documentation, including application and background check information, for their selected Program Partner.
6. Supervisors may approve the aggregated use of up to five hours in any calendar month, provided the agency representative deems such usage appropriate for the delivery of services. In such cases, no further administrative leave shall be granted until the next calendar month. Hours may not be transferred from one month to another.



7. In granting administrative leave for any purpose under this section, the supervisor shall take into consideration the impact of such leave on the employees' work unit.
8. If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such leave. Abuse of leave will not be tolerated. Time keeping documentation may be requested at any time by the Director of Human Resources or the employee's supervisor.
9. In order to be eligible to participate in the program, employees must have completed their probationary period and be classified as full-time employees.
10. Interested employees must complete the Keller Youth Mentorship Program Application, which must be signed by the employee, their supervisor, the Department Director and the Director of Human Resources.
11. Once an employee has completed a program partner's application process and been approved to begin work as a mentor, the employee must submit an email to the Human Resources Department to be added to the register of employee mentors.

#### Program Partners

- Community Storehouse
- Keller I. S. D.
- Big Brothers/Big Sisters Lone Star – Tarrant County
- New Direction Mentorship Initiative
- Christ's Haven

## **6.00 Disciplinary Procedures**

The City of Keller is an at-will employer. The City reserves the right to dismiss an employee without progressing through earlier steps at any time the City determines that continued employment of an employee is not in the City's best interest.

In every situation where disciplinary 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.

### **6.01 Documentation**

Every disciplinary action taken shall be recorded to provide documentation that rules are enforced equitably and in accordance with stated policy, without regard to race, sex, color, national origin, age, disability, religion, veteran's status, or genetics. Prior to the dismissal, demotion, or suspension without pay of a regular employee, (not a probationary employee) the employee shall be provided with written documentation stating:

- The reasons for the discipline in sufficient detail to enable the employee to respond;
- The type of action to be taken;
- The employee's right to appeal to the City Manager within a specified period of time;
- The finality of the action if the employee fails to appeal within the specified time period.

The written disciplinary action, along with the documentation/information listed above, will be presented to the employee. The employee will then be given an opportunity to appeal the disciplinary action and respond to the allegations. From the date of the disciplinary action is presented to the employee; the employee will be given five (5) working days to notify, in writing, the Human Resources Director of their desire to appeal. The Human Resources Director will then schedule an appeal meeting to include the employee, City Manager, and the Human Resources Director or a HR Representative.

Any disciplinary action involving time off, reduction in pay, or termination must be addressed through Human Resources prior to taking action. The Human Resources Director will review the documentation and make final approval of any such disciplinary actions. An employee may appeal the decision to the City Manager.

## **6.02 Disciplinary Actions**

The following are examples of the various types of disciplinary actions that can be taken. The list is non-inclusive and is not mandatory.

**Verbal Reprimand** Best suited for a minor rule infraction or incident of substandard performance. Supervisor should explain exactly what the employee did wrong and why it is important that the behavior not be repeated.

**Written Reprimand** The written reprimand is used as a formal warning of suspension, termination, or other disciplinary action should the violation reoccur. Both the employee and the supervisor should sign the form. Included in the written reprimand should be a statement of what violation occurred, what changes in behavior are expected, when the next evaluation will be held, and exactly what penalty will occur if no changes are made. All written reprimands shall be submitted to the Human Resources Director for review before being given to the employee.

**Denial of a Merit Increase** A department head may authorize denial of any scheduled merit increase as a disciplinary measure, providing the incident requires such extreme measures. The employee should be given written counseling or a performance evaluation explaining the reasons for the denial and outlining procedures for correction of the problem.

The form should also include a date upon which the employee will be re-evaluated to determine if the employee will be retained as a City employee. The time frame should not be less than ninety (90) days nor more than one-hundred eighty (180) days. The Director of Human Resources should be notified of this action.

**Suspension Without Pay** To ensure consistency throughout the City in regard to City policies, suspension recommendations shall be submitted to the Human Resources Director. An employee may be suspended without pay as disciplinary action or during the pendency of disciplinary action. Employees should be given a written notice of the reasons for the suspension, the seriousness of the offense, and informed that the alternatives upon return to work are either immediate improvement or termination. All suspensions shall be documented and signed by all parties involved: the employee, supervisor, and department head.

**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. A statement of the problem, indication of necessary improvement, length of the probation period, and information concerning further disciplinary action that could result from failure to show improvement must be particularly emphasized. Disciplinary probation is not appropriate for newly hired employees still in the probation period. Disciplinary probation shall not exceed one hundred and eighty (180) calendar days in duration. No merit increases, transfers, or promotions will be authorized during a disciplinary probation period, and raises, transfers, or promotions will not be paid retroactive once the probationary period has ended. Once the probationary period has ended the employee will not be eligible for a merit increase until the next annual performance evaluation and an acceptable evaluation.

**Suspension During Civil or Criminal Proceedings** During an investigation, hearing, or trial of an employee on any civil case or criminal charge, the employee may be suspended either with or without pay for the duration of the proceedings whenever the suspension would be in the best interest of the City. The suspension shall terminate either by resignation or dismissal of the employee, or by reinstatement with full recovery of all pay and other benefits lost during the period of suspension, or by other appropriate action.

**Demotion** A department head may demote an employee for disregarding or a violation of personnel rules or policies, or for repeated refusal or inability to improve performance. Demotions may be either permanent or for a predetermined specific period of time and may be used in conjunction with a disciplinary probation. Disciplinary demotions will be accompanied by a reduction in salary, if appropriate. Employees shall be given written notice of the reason(s) for, and duration of, the demotion; and in the case of a temporary demotion, the action required for the employee to be reinstated in his/her former position. Documentation will be signed and retained by both parties. Any demotion must be processed through Human Resources for final approval by the City Manager.

**Dismissal** To ensure consistency throughout the City in regard to City policies, dismissals shall be submitted to the Human Resources Director. Prior to termination, the department head initiating the termination should give an employee, who has completed his/her probation period, written notice of the reason(s) for termination. The written notice should state the reason(s) for the termination in sufficient detail to enable the employee to respond. The notice should include the statement that the employee has a right to appeal to the City Manager, by submitting a response in writing to the Director of Human Resources, within five (5) days of termination.

### **6.03 Acts Constituting Disciplinary Action**

Disciplinary 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:

- Insubordination
- Unsatisfactory performance/inability to fulfill duties and responsibilities of the position
- Failure to meet the City of Keller's Core Values; Excellence, Integrity, Service, Creativity and Communication
- Absence without leave, job abandonment, including failure to notify a supervisor of sick leave
- Repeated tardiness or early departure
- Endangering the safety of other persons through negligent or willful acts
- Intoxication or drug abuse while on duty
- Unauthorized use of public funds or property
- Conviction of a felony
- Falsification of documents or records
- Unauthorized use of official information or unauthorized disclosure of confidential information
- Conviction of official misconduct
- Unauthorized or abusive use of official authority
- Incompetence or neglect of duty
- Engaging in outside employment that interferes with the performance of duties for the City
- Any other action that impairs the performance of others

- Possession of a firearm/illegal weapon on City premises
- Threatening/fighting with fellow employees
- Fraudulent timekeeping
- Gross safety rules/practices violations
- Positive drug test
- Theft
- Unauthorized use of telephones, mail system, or other City-owned equipment
- Smoking in prohibited areas
- Sexual or other unlawful harassment or unlawful discrimination
- Violation of any of the provisions of this Handbook

#### **6.04 Complaints and Grievances**

The City of Keller shall treat all employees equitably and fairly in matters affecting employment.

**Open Door Policy** As a matter of policy, employees are encouraged to first discuss any problem or concern about work with the immediate supervisor. If the problem is not resolved to the employee's satisfaction, the employee may discuss the problem with the supervisor's manager, Department Head, or Human Resources Director. If the problem or concern is not resolved through these channels, the employee may file a formal grievance in writing for the following reasons:

1. Dissatisfaction with specific working conditions and/or safety issues;
2. Dissatisfaction with job classification;
3. Allegation of discrimination or unfair, inequitable treatment;
4. Unfair applications, interpretation, or violation of City or departmental rules or regulations;
5. Disciplinary action taken against the employee, including written reprimands, suspensions and terminations.

In regards to harassment and/or discrimination concerns, any and all complaints/grievances may be brought directly to Human Resources and/or the City Manager's office without going up the chain of command.

#### **Non-Grievable Issues**

1. Performance evaluations and/or denial of associated merit increases;
2. Matters that are not subject to the control of City management.
3. Verbal warnings and coaching sessions.

**Freedom From Reprisal** No employee acting in an official capacity shall take, infer, knowingly permit another employee or threaten to take any act of reprisal against an employee because they exercised or expressed an intent to exercise their right to pursue a grievance.

#### **Limitations and Conditions for Filing a Grievance**

1. A grievant must be a City of Keller employee.
2. A grievance must be filed within five (5) working days from the date the incident arose, unless it is a discrimination complaint where Federal law sets the time limit.

## Filing Process

1. **Oral Presentation** All complaints and grievances should be initially presented orally to the employee's immediate supervisor. If the complaint or grievance is against the employee's immediate supervisor, the complaint or grievance may be presented initially to the employee's Department Head. If the complaint or grievance is against the employee's Department Head, the complaint or grievance may be presented to the Director of Human Resources and a hearing with the City Manager will be arranged.

The complaint or grievance should be thoroughly discussed by the parties in order that every effort is made to resolve the matter to the mutual satisfaction of employee and supervisor. If the complaint or grievance is resolved at the time of the oral presentation, the complaint or grievance must be reduced to writing by either the complainant or the immediate supervisor, and must be signed by both parties. Should the oral presentation be considered unsatisfactory, the recommendations for resolution should be reduced to writing and the employee may pursue further resolution by preparing a formal written complaint or grievance. The original signed written response shall be forwarded to the Director of Human Resources upon completion for filing or furthering the complaint process.

2. **Written Presentation** If the oral presentation with the employee's immediate supervisor fails to resolve the matter, the employee shall have the right to file a formal written complaint or grievance within five (5) working days to the Department Head through the Director of Human Resources.

The written complaint or grievance must be presented clearly and include the following information:

- The nature of the matter stating the specific wrongful act or harm done;
- The charge of the discrimination or harassment (if applicable);
- The act or acts of commission or omission out of which the dispute arose;
- The exact date (if uncertain, the approximate date) of the act or acts of commission or omission;
- The identity of the employee who claims to be harmed;
- The identity of the party or parties alleged to have caused the complaint or grievance;
- The remedy or adjustments sought.

The Department Head and the employee's immediate supervisor shall meet with the employee within five (5) working days of receipt of the written complaint or grievance to discuss the matter. In an effort to resolve the matter, the complaint or grievance shall be thoroughly discussed by all parties involved. The decision by the Department Head shall be presented in writing to the employee within five (5) working days after the meeting.

3. **Appeal to the City Manager** Should the resolution of the Department Head be unsatisfactory to the employee, the employee may appeal the decision to the City Manager through the Human Resources Director. The Human Resources Director shall arrange a hearing with the City Manager within a reasonable period of time. The City Manager shall determine whether further investigation into the matter is necessary or a hearing shall be arranged with the employee through the Director of Human Resources.

4. **Investigation** If, at any time during the filing of a complaint or grievance, the City Manager deems that due to the nature of the complaint or grievance an investigation is warranted, the procedures of an investigation shall follow. The City Manager shall instruct the Human Resources Director, or another designee, to investigate the complaint or grievance on behalf of the City and provide a written document to the City Manager of the findings in the investigation.
5. **City Manager Resolution** Upon review of the findings of the investigation, and reviewing all documents prepared during the original meetings, the City Manager shall meet with the complainant within a reasonable period of time to discuss the issues presented. After the hearing, the City Manager shall prepare a written response to the complainant within ten (10) working days of the meeting unless an extension is requested.
6. **Final Appeal** After appeal to the City Manager there is no other source for appeal. The City Manager's decision will remain the final decision.

**Time Limits** Any time limit specified in the procedural steps of the complaint or grievance process may be extended by mutual agreement of both parties through the Director of Human Resources.

**Department Head and Supervisor Responsibilities** Department Heads and supervisors must treat all complaints and grievances seriously and confidentially. Each case shall be promptly and thoroughly investigated to determine whether the complaint or grievance occurred. All complaints and grievances shall be handled in accordance with the procedural steps as outlined previously. All reports or suspicions of harassment, sexual or otherwise that come to a supervisor's attention must be referred immediately to the Director of Human Resources for investigation.

The original documents of all grievance or complaint documentation must be forwarded to Human Resources for purposes of retention and examination.

**Grievance and Complaint Records** The Director of Human Resources will review complaint and grievance records annually to observe trends in the filed complaints and grievances so that steps may be taken to minimize the causes of such grievance and complaints in the future. To the extent practicable and allowed by the Texas Public Information Act, the City will keep complaints and the terms of resolution confidential. The Director of Human Resources is responsible for the coordination of grievance and complaint procedures and the maintenance and control of complaint and grievance records. Records are retained for the period of time stated in accordance with Texas State law. Only the specific pages upheld relating to employee disciplinary matters shall be retained in an employee's personnel file.

**General Provision** The right of a person to prompt an equitable resolution of the grievance filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an Equal Employment Opportunity Commission (EEOC) complaint with the appropriate governmental department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

**Affect of Procedure** The existence of and access to this procedure shall not constitute any limitation on the rights of the City of Keller 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.

## **7.00 TERMINATION OF EMPLOYMENT**

### **7.01 Resignations**

Under Texas law, all employees are employees-at-will and, as such, are free to resign at any time with or without reason or notice, for any reason or no reason.

If an employee is resigning, a two-week notice in writing is recommended so the department can make plans regarding the employee's job tasks in the absence of the employee. The use of vacation, sick leave, and comp time may not be used during the last two weeks of employment.

The employee's department head may accept the two-week notice, but dismiss the employee immediately if it is in the best interest of the City to do so. The Director of Human Resources shall be consulted by the department head prior to immediate dismissal.

### **7.02 Terminations**

The City of Keller is an at-will employer and full-time and/or part-time employees may be terminated at any time, with or without cause or notice, at the option of the City or the employee. An employee who has completed his/her probationary period may be terminated by the department head for any reason, and shall be provided a letter outlining the reason for termination. After receiving said notice, the former employee shall have five (5) working days to file a grievance.

An employee who is within their probationary period (six months for regular employees and 12 months for Firefighters and Police Officers) may be terminated by the department head for any reason, and shall be provided a letter stating the termination will be listed as "No Fault Separation During Probationary Period" and shall include specific reasons, if any, for the termination. An employee that is terminated during their probationary period may not file a grievance for their termination.

All terminations shall be discussed with the Human Resources Director prior to termination, at which time the Human Resources Director shall review the employee's employment record with the City Manager to determine if the termination is in the best interest of the City.

### **7.03 Reduction in Force/Layoff**

Reductions in force may be required from time to time resulting from changes in operations, budgetary constraints or similar situations. If a reduction in the workforce is necessary, the City will utilize the procedures outlined in this policy to facilitate the layoff process and to guard against unfair or discriminatory acts. Any reduction in force must be approved in writing by the City Manager.

A reduction in force will be limited to the absolute minimum number of employees.

#### **A. Process for Reduction in Force**

1. The City Manager will meet with Department Heads to establish the level of reduction necessary. Department Heads should not discuss a possible reduction in force or elimination of activities with employees until after the Department Heads have received written approval from the City Manager.

2. The primary focus of the City Manager and the Department Heads in a reduction in force is to maintain the greatest productivity and operational efficiency possible in the department with the remaining personnel.
3. Department Heads, on request of the City Manager, will provide a written recommendation to the Director of Human Resources and the City Manager regarding which positions will be eliminated. The recommendation will articulate what activities may be impacted by the reduction.
4. The City Manager will articulate, in writing, the number and type of position(s) to be eliminated.

B. Selection of Affected Employees:

1. The Director of Human Resources will contact each affected Department Head and notify him/her of the City Manager's decision regarding position(s) to be eliminated.
2. The Department Head will identify individual employee(s) within the Department to meet the City Manager's direction. The Department Head will use the following factors to determine which employee(s) will be affected.
  - a) Employees with performance/productivity issues
  - b) Employee unique skills, knowledge and abilities
  - c) Employee seniority
3. Upon selection of affected employees, the Department Head will submit the names of the employees and supporting documentation to the Director of Human Resources. The names of the affected employees will not be disclosed pending final approval by the City Manager.
4. The Director of Human Resources will review and forward to the City Manager recommendations regarding selection of affected employee(s) according to the standards provided above as well as applicable laws and regulations.
5. The City Manager will review the list of selected affected employee(s) with the Department Head and also the City Council during an Executive Session of an official Council meeting.
6. The City Manager will make a final, written determination regarding positions to be eliminated and employees to be separated under the Reduction in Force Policy.
7. After final written approval by the City Manager, the Department Head and the Human Resource Director will contact each affected employee to explain the necessity for the reduction in force and why the employee's position was selected. Assurances should **never** be made to employees regarding future employment.
8. The employee will be instructed to contact the Human Resources Department for explanation of benefits and to complete necessary paperwork.



9. The Department Head with assistance from the Human Resources Department will meet with his/her department employees to explain the process that was utilized and the necessity for the reduction in force.

C. Assistance:

1. Severance benefits in addition to normal termination benefits will be considered by the City of Keller as the budget allows.
2. At the meeting when Human Resources provide the affected employee their benefit information; the Human Resources Department will provide outplacement information.
3. All employment verification/reference inquiries will be directed to and provided by the Human Resources Department for separated employees.
4. The Human Resources Department will assist affected employees who wish to apply for retirement and who meet the eligibility requirements for retirement.

#### **7.04 Exit Interviews**

Exit interviews shall be conducted with all terminating employees regardless of the reason for leaving City employment, length of service, position, or circumstances of separation. The supervisor shall contact Human Resources as soon as an employee turns in a resignation or prior to terminating the employee to establish an exit interview, which will be held in the Human Resources Department.

The purpose of an exit interview is to provide information regarding termination of benefits, medical continuation options and costs, TMRS retirement benefits and options, and optional retirement plans. The interview will discuss employment within the employee's department and with the City of Keller. The results of the interview shall be shared with the department head, the supervisor, and the City Manager as deemed necessary.

### **8.00 SAFETY IN THE WORKPLACE**

#### **8.01 Safety Program**

The City has a safety program to emphasize the vital importance of adhering to the City of Keller safety policies and procedures as established in the City Safety Program Manual. The City's primary goal is to prevent accidents, personal injuries, fatalities, and the loss or damage to material resources and facilities that result from work-related accidents. On-the-job injuries and equipment damage can become an exorbitant cost to the City; thereby, affecting the overall budget used to provide compensation and benefits for City employees. An effective safety program and procedures have been implemented Citywide to minimize personnel and property losses that ultimately result in cost savings. Management at all levels support the safety program and procedures, and all employees are expected to comply with all safety policies and procedures.

All municipal employees must constantly be aware of the safety implications of all tasks assigned to them for accomplishment and thereby create safety awareness of the job. It is the objective of this safety program to instill in all City employees the safety awareness that will not only make the employee think safety, but will prompt the employee to act safely whether on or off the job.

## **8.02 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 areas that require immediate attention such as mandated training on HIPAA, Blood-Borne Pathogens, and any other classes that contribute to the safety of employees.

## **8.03 Accident Prevention**

Department Heads must ensure that managers and supervisors fully comprehend accident prevention as it relates to their specific areas of responsibility. The managers and supervisors shall be held accountable for providing all employees in their area the training required to perform the job duties in a safe manner, encourage employees to consistently use safe work habits, wear all safety equipment provided, and report all accidents, personal injuries, and equipment damage according to City policies and procedures.

## **8.04 Reporting & Investigation of Accidents, Incidents, Safety Deficiencies and Hazards**

Even though, in many instances, reporting and investigating accidents is done after it has already occurred, an investigation with recommended corrective action should be provided to the employees within the department and to the City Safety Board to prevent a recurrence of similar accidents in the future. Prompt reporting and investigation of accidents is imperative to the success of the safety program.

## **8.05 Safety Review Board**

The City has established a Safety Review Board to review all accidents and/or personal injuries that result in a loss of money or time off from work by an employee. The Board is made up of the Director of Human Resources and Risk Management or designee, Chair Person (a non-voting member), and a member from each department (voting members) in the City to review the accidents and injuries that occur each month. The Board generally meets the second week of each month.

The Board does not determine guilt, but rather reviews the incidents to make a determination as to how to avoid a recurrence of the same accident in the future. The Board not only considers how the incident happened, but whether all safety policies were followed, if proper training has been provided, and if the proper equipment and tools were provided. The Board's recommendations are only provided to make the workplace safer and more efficient.

It is the responsibility of every supervisor and department head to ensure that safe work practices are consistently being followed. Each employee, supervisor, and department head shall read the Safety Program Manual and make an honest effort to comply with all safety policies and procedures. All department heads, supervisors, and employees shall be held personally responsible for complying with the safety standards of the City. Those employees who do not comply with the safety policies and procedures shall be subject to disciplinary action up to and including termination.

## **8.06 Prescription Safety Glasses or Goggles**

Safety prescription glasses or goggles shall be provided to employees based on the following conditions:

1. The City shall pay for one pair of prescription safety glasses or goggles per employee.
2. The cost shall not exceed \$125
3. If a change in prescription is required and a new pair purchased, or if the prescription glasses or goggles are lost or damaged, the employee shall pay for a new pair.

The employee shall submit a copy or the estimated cost to their department head for approval before purchasing safety glasses or goggles. Each employee shall sign and date a copy of the Prescription Safety Glasses Agreement that shall be submitted to purchasing with a receipt, PAM or purchasing card transmittal. Exceptions to this policy may be approved by the department head based on extenuating circumstances (i.e., more than one pair of prescription safety glasses or goggles due to years of service.) An employee will not be required to turn in these prescription items upon termination of employment.

## **9.0 FAILURE TO COMPLY WITH EMPLOYEE HANDBOOK**

### **9.01 Disciplinary Action**

Any employee who fails to comply or adhere to the Employee Handbook may be subject to disciplinary action up to and including termination.

## **GLOSSARY OF TERMS**

The words and terms used in these policies shall have the meaning indicated as follows unless the context clearly indicates otherwise.

### ***Absence or Absent***

Not present during scheduled working hours (including scheduled overtime).

### ***Address***

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

### ***Anniversary Date***

The month and day 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.

### ***Bank***

To “bank” a holiday is to save it for later use.

### ***Business Day***

Due to a variation in work schedules, business day is defined as Monday through Friday, 8:00 a.m. to 5:00 p.m.; official City holidays are excluded from the definition of business day and from the calculation of business days.

### ***Business Day for City Facilities Closed on Fridays***

Business involving City Facilities Closed on Fridays, will define business day as Monday through Thursday, 7:30 a.m. to 5:30 p.m.; official City holidays are excluded from the definition of business day and from the calculation of business days.

### ***Children***

Includes whole, half, step, foster, and adopted relationships.

### ***City***

The City of Keller, Texas.

### ***City Charter***

The legal document, as adopted and amended by the citizens of the City of Keller, providing for local self-governance, establishing a “home rule” municipal government, providing for the welfare and progress of the City, as provided by the Texas Constitution, Article XI, Section 5 and by the Texas Local Government Code, Chapter 9.

### ***City Manager***

The designated chief executive officer responsible to the City Council for the administration of all the affairs of the City, including the appointment, and when necessary for the welfare of the City, removal of any employee of the City, except as otherwise provided by City Charter; acting city manager, or his or her designated representative.

### ***Classification***

All jobs, regardless of departmental location, that is 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***

Compensatory (Comp) time may be banked and accumulated up to maximum allowed to be used at a later date. Time off in lieu of monetary overtime compensation.

***Date of Hire***

The first day an employee begins any employment with the City in a temporary, part-time, or full-time capacity.

***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***

A major functional unit of City government established as an administrative department by the City, i.e. Police, Finance, Fire, etc.

***Department Head or Director***

A person appointed by the City Manager who is responsible for the administration of a department of the City and/or his or her designated representative.

***Equal Employment Opportunity (EEO)***

The City of Keller is an equal opportunity employer. The City will not discriminate against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or in any other aspect of personnel administration based on race, color, sex, national origin, religious opinions or affiliations, genetics, age, and/or disability.

***Employee***

Any person employed and paid a salary or wages by the City, including a person employed on a temporary or part-time basis, not including an independent contractor or member of the City Council.

***Ethics***

The discipline dealing with what is good or bad, right or wrong, or with moral duty and obligation. The study of standards of conduct.

***Exempt Employee***

Any employee who occupies an executive, administrative, professional, or certain seasonal positions, as defined by the Fair Labor Standards Act (FLSA) and state law who is exempt from overtime pay requirements.

***Fair Labor Standards Act (FLSA)***

A federal law, enacted by the United States Congress, which sets minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are covered by the Act and are not exempt from specific provisions.

***Family Medical Leave Act (FMLA)***

**See Policy 2.07**

***Federal Insurance Commission Agency (FICA)***  
**See Policy 4.01.09**

***Health Insurance Portability and Accountability Act (HIPAA)***  
**See Policy 2.10**

***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 (sick leave, bereavement leave, compensatory time-off and workers’ comp time off) will not be counted as hours worked towards overtime pay. Vacation, holiday/personal holiday, weather, paid military leave, and jury duty count toward “hours worked” in determining overtime pay.

***Human Resources Director***

For the purpose of this policy, shall mean Human Resources Director or his or her designated representative.

***Internal Revenue Code (IRC)***  
**See Policy 4.01.10**

***Immediate Family***

The husband, wife, son, daughter, father, mother, father-in-law, mother-in-law, brother, sister, grandfather, grandmother, 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 who has been 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 one person cannot perform it. The term “position” is synonymous with “job” when one person can perform it.

***Layoff***

A separation of service from the City 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.

***Nepotism***

Family relationships to the second degree by affinity (marriage) and third degree by consanguinity (blood) as outlined in the City Charter. **See Policy 1.14**

***Non-exempt***

Any employees who do not occupy an executive, administrative or professional position, as defined by FLSA and are eligible for overtime for work over forty hours in one week.

***Occupational Safety & Health Administration U.S. Department of Labor (OSHA)***

***Old Age Survivor Disability Insurance (OASDI)***  
**See Policy 4.01.09**

**Overtime**

Any authorized time worked by a non-exempt employee which exceeds forty hours in one week. The rate of pay is time and one-half for hours over 40 hours in a work week.

**Part-time Employee**

A budgeted part-time employee with an officially scheduled workweek of 20 or more hours per week. Those employees that work, on average, 20 or more hours per week will receive TMRS and prorated leave accrual benefits. Those employees that work 30 or more hours will also receive all health insurance benefits due to Affordable Care Act (ACA) requirements. A part-time employee who works 19 hours or less is not a benefitted employee. **See Policy 3.04**

**Probation**

A period of time an employee is required to work in a position before the employee acquires 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 who has satisfactorily completed his or her probationary period and is not appointed as a temporary employee. **See Policy 3.04**

**Social Media**

Any form of online publication or presence that allows end users to engage in multi-directional conversations in or around the content on the website using highly accessible and scalable communication techniques. (i.e., Facebook, Twitter, Flickr, etc.)

**Supervisor**

Any person responsible for directing the work of others.

**Suspension**

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

**Temporary/Seasonal Employee**

Any employee appointed or hired for any of the following:

1. An assignment or job scheduled to last less than seven (7) months;
2. A cooperative work-study program with an educational institution;
3. A seasonal position, in an assignment that does not last for more than seven (7) months;
4. A position that, by City policy and practice, is intended as a trainee position as provided under the FLSA.

**Termination**

Cessation of employment with the City. May be a resignation, discharge, death, or retirement.

**Transfer**

A change from one position to another position that does not result in either a promotion or a demotion.

**Volunteer**

A person who voluntarily performs services for the City without compensation.

**Work Day**

Any day in 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 Head.

**Work Time**

All time on the premises other than before and after work hours or at meal periods.

**Work Week**

The number of hours regularly scheduled to be worked during any seven (7) consecutive day period, generally 12:00 midnight Saturday through 11:59 p.m. Friday.

**Workplace**

Any portion of a building, vehicle, or other place where an employee performs a task on behalf of the City of Keller.





## ALPHABETICAL INDEX

<u>A</u>	<u>POLICY #</u>
Accident Prevention	8.03
Acts Constituting Disciplinary Action	6.03
ADAAA (ADA Amendments Act of 2009)	2.01
Administration of Employee Policies	1.02
Administrative Leave (General)	5.01
Administrative Leave Without Pay	5.03
Administrative Leaves	5.00
Advance Pay	4.02.19
Amendments to the Policies and Procedures	4.02.22
Arrests and Confinements	5.06
Assignment Pay	4.02.15
Attendance and Punctuality	5.07
Attendance at Training Sessions and Other Meetings	4.02.13
 <u>B</u>	
Bereavement Leave	5.04
Breaks	4.02.10
Breast-Feeding Employees	2.17
Bridging of Prior Service Credit	4.01.01
Bulletin Boards	1.03
 <u>C</u>	
Car Allowance and Mileage Reimbursement	4.01.02
Certification Pay	4.01.03
Changes in Employee Status	3.05
City Equipment (Use of)	1.19
City Owned Vehicles (Use of)	1.20
City Purchasing Card (Use of)	1.21
Civic Duty	4.01.04
COBRA (Consolidated Omnibus Budget Reconciliation Act)	2.02
Compensatory Time	4.02.14
Complaints and Grievances	6.04
Confidentiality of Information	1.06
Contract Labor	4.02.02
Cost-of-Living Increases	4.02.18
Credit Union Membership	4.01.05

## **D**

Deferred Compensation	4.01.06
Dental, Medical and Life Insurance	4.01.12
Department Policies (Individual)	1.13
Direct Deposit	4.01.07
Disciplinary Action	9.01
Disciplinary Actions	6.02
Disciplinary Action (Acts Constituting)	6.03
Disciplinary Procedures	6.00
Documentation	6.01
Dress Code	1.07
Drug-Free Workplace	2.03

## **E**

Electronic Communications	1.09
Emergency Call Back Pay	4.01.16
Employee Assistance Program (EAP)	4.01.08
Employee Responsibility	1.08
Equal Opportunity Employer	2.04
Ethics (Code of)	1.05
Exit Interviews	7.04

## **F**

Fair Credit Reporting Act (FCRA)	2.05
Fair Labor Standards Act (FLSA)	2.06
Fair Labor Standards Act (FLSA)	4.02.01
Family Medical Leave Act (FMLA)	2.07
FICA and OASDI Deductions (Social Security Taxes)	4.01.09
Flexible Work Schedules	2.09
Flower Policy	1.10

## **G**

Gift Policy	1.11
Grievance Policy	6.04

## **H**

Harassment	2.14
Health Insurance Portability and Accountability Act of 1996 (HIPAA)	2.10
Holiday Pay	4.01.11
Hours Not Worked	4.02.08

**I**

Immigration Reform Act	2.11
Immunizations (Preventive)	2.13
Inclement Weather	1.12
Insurance (Dental, Medical and Life)	4.01.12
Internal Revenue Code (IRC), Section 125	4.01.10
Investigation of Accidents, Incidents, Safety Deficiencies and Hazards	8.04

**J**

Job Classifications	3.04
Job (Class) Descriptions (Development of)	4.02.21
Job Related Tests	3.02
Jury Duty	4.01.04

**K**

Keller Pointe (The)	4.01.26
---------------------	---------

**L**

Layoffs	7.03
Library Cards	4.01.13
Life Insurance	4.01.12
Life-Threatening Illness Policy	2.12
Light Duty	4.01.27
Long-Term Disability	4.01.14
Longevity Pay	4.01.15

**M**

Maternity Leave	5.08
Meal Time	4.02.11
Medical Insurance	4.01.12
Merit Increases	4.02.17
Mileage Reimbursement	4.01.02
Military Leave	5.09
Mobile Communication Devices	1.04
Modified/Light Duty	4.01.27

**N**

Nepotism	1.14
----------	------

## O

Objectives and Policy Statements (City of Keller)	1.01
On-Call Pay	4.01.16
Out-of-Class Pay	4.01.17
Outside Employment	3.08
Overtime Hours	4.02.07

## P

Paid Leaves (Additional)	5.02
Pay Periods	4.02
Pay Plan	4.02.16
Payroll Deductions	1.15
Performance Evaluations	3.06
Pointe (The Keller)	4.01.26
Political Activities	1.16
Prescription Safety Glasses or Goggles	8.06
Probation	3.03
Prohibited Behaviors	3.07
Purchasing Card (Use of City)	1.21

## Q

Quality Achievement Awards	4.01.18
----------------------------	---------

## R

Recruitment	3.01
Reduction in Force	7.03
Reporting of Accidents, Incidents, Safety Deficiencies and Hazards	8.04
Resignations	7.01
Retirement Benefits	4.01.19
Retirement Gifts	4.01.20

## S

Safety Glasses or Goggles (Prescription)	8.06
Safety Program	8.01
Safety Review Board	8.05
Safety Training	8.02
Section 125 (IRC)	4.01.10
Short-Term Disability	4.01.14
Sick Leave	4.01.21
Smoke-Free Workplace	1.17
Social Security Taxes	4.01.09

## **I**

Terminations	7.02
Timesheets	4.02.20
Training and Development	4.01.22
Transfers	3.05
Travel Policy	1.18
Travel Time	4.02.12
Tuition Reimbursement	4.01.23

## **U**

Unpaid Leave	5.03
--------------	------

## **V**

Vacation	4.01.24
Violence in the Workplace	2.15
Volunteer	4.02.04

## **W**

Waiting Time	4.02.09
Weather	1.12
Whistleblower Act	2.16
Work Standards/Work Ethics	3.09
Workers' Compensation	4.01.25