



City of Seagoville

Policy and Procedures Manual

Adopted May 1, 2003

Revised October 1, 2003

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101 Nature of Employment

Effective Date: 05/01/2003

Revision Date:

Employment with the City is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the City's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without consensus of the City Council.

103 Equal Employment Opportunity

Effective Date: 05/01/2003

Revision Date:

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

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104 Contact with the Media, Public and Council

Effective Date: 05/01/2003

Revision Date:

The City Manager is responsible for the efficient operation and implementation of Council mandates. Consequently, the staff must coordinate disclosures to the media. The City Manager is charged with the function of spokesperson for the City Staff. If reporters or news crews approach an employee, he/she should be courteous, professional and considerate. Any queries should be referred to the City Manager unless authorized to answer those questions. Responses should be factual, accurate and truthful. Avoid responding with opinions.

The daily operations require numerous contacts with the citizens. All communications with the Public shall be honest and respectful and must avoid inflammatory words, phrases or gestures. If the conversation starts to deteriorate, the employee should excuse him/herself and refer the matter to the next supervisory level.

The City Charter states that the Council and its members, except for purposes of inquiry, shall deal through the City Manager. When an employee is queried by Council Members, all answers shall be factual and truthful. Unless specifically requested, opinions should be avoided. An approach by a Council Member shall not become a forum for personal grievances. The City Manager may provide instructions to facilitate timely reporting of Council interests and concerns.

105 Personal Relationships in the Workplace

Effective Date: 05/01/2003

Revision Date:

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. The City also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship or dating relationship is established after employment between

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employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

106 Employee Medical Examinations

Effective Date: 05/01/2003

Revision Date:

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After an offer has been made to an applicant entering a designated job category, a health professional of the City's choice will perform a medical examination at the City's expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

108 Conflicts of Interest

Effective Date: 05/01/2003

Revision Date:

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Human Resources Department for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the City's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

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No "presumption of guilt" is created by the mere existence of a relationship with outside companies. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their supervisor as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a company with which the City does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

110 Outside Employment

Effective Date: 05/01/2003

Revision Date:

Employees may hold outside jobs as long as they meet the performance standards of their job with the City. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their jobs.

114 Disability Accommodation

Effective Date: 05/01/2003

Revision Date:

The City is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. They are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

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Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

The City is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The City will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

116 Job Posting

Effective Date: 05/01/2003

Revision Date:

The City provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although the City reserves its discretionary right to not post a particular opening.

Job openings will be posted on the employee bulletin board at City Hall and normally remain open for five days. Each job posting notice will include job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

Employees who have a written warning on file or are on probation or suspension, (refer to Section 716 Progressive Discipline), are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a letter to the Human Resources Department listing job-related skills and accomplishments. It should also describe how their current experience with the City and prior work experience and/or education qualifies them for the position.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the organization.

201 Employment Categories

Effective Date: 05/01/2003

Revision Date:

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the City.

REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule, but at least 20 hours per week. Regular part-time employees are eligible for some benefits sponsored by the City, subject to the terms, conditions, and limitations of each benefit program. For benefit purposes, the standard hours per week must be established at hiring and that standard or minimum must be adhered to until if and when a status change is filed changing such hours.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 20 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the City's other benefit programs.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration, (usually 6 months or less). Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the City's other benefit programs.

CASUAL employees are those who have established an employment relationship with the City but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the City's other benefit programs.

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202 Access to Personnel Files

Effective Date: 05/01/2003

Revision Date:

The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the City. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so.

The Open Records Act provides that generally, Personnel files are made accessible to the public except to the extent they are deemed confidential by law. Information considered confidential by law would be that information that, if revealed, would constitute an invasion of the employee's privacy by making public highly embarrassing or intimate personal facts, or information that is confidential by law.

Queries by outside agencies/individuals shall be accompanied by a waiver signed by the employee and shall be submitted to Human Resources prior to dissemination.

Nothing herein will prevent the release of impersonal statistical data.

Employees who wish to review their own file should contact the Human Resources Department. With reasonable advance notice, employees may review their own personnel files in the City's offices and in the presence of an individual appointed by the City to maintain the files.

203 Reinstatement

Effective Date: 05/01/2003

Revision Date:

Utilizing experience and expertise of prior employment is a fundamental management precept. To restore an employee to a formerly held position has a number of benefits to the City. Reinstatement does not necessarily eliminate the Introductory Period nor the loss of their previous "hire date". Reinstatement will normally be at the salary of the position immediately before the vacancy or the employee's former salary whichever is less.

Any employee who resigned in good standing may be reinstated to his/her former position within six (6) months following resignation provided a vacancy exists and all qualifications are still met. Reinstatement must be in the best interest of the City. They will not receive their original hire date and they will have an Introductory period.

Any person who has been laid off may be recalled to work at any time, provided he/she is qualified for the vacant position. This provision also applies to temporary employees. If the

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employee returns within six (6) months, they will have an Introductory Period, but will receive their original hire date back for longevity purposes only.

If the reason for separation was incapacity, and the incapacity has been removed, any person so discharged may be reinstated to their former position within six (6) months with an Introductory period. They will receive their original hire date for longevity purposes only.

204 Personnel Data Changes

Effective Date: 05/01/2003

Revision Date:

It is the responsibility of each employee to promptly notify the City of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Human Resources Department.

205 Introductory Period

Effective Date: 05/01/2003

Revision Date:

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first six months after their date of hire. Employees who are promoted or transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

In cases of promotions or transfers within the City, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.

Upon satisfactory completion of the initial introductory period, employees enter the "regular"

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employment classification.

During the initial introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. After becoming regular employees, they may also be eligible for other City-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Benefits eligibility and employment status are not changed during the secondary introductory period that results from a promotion or transfer within the City.

208 Employment Applications

Effective Date: 05/01/2003

Revision Date:

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Every effort should be made to solicit as many qualified job applicants as possible. However, a minimum of three (3) applicants should demonstrate a sufficient canvassing of the community to ensure an adequate selection base.

The City will only accept applications for open positions. All applicants must be at least 18 years of age and possess a high-school diploma or G.E.D.

209 Performance Evaluation

Effective Date: 05/01/2003

Revision Date:

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Performance evaluations are scheduled approximately every 12 months, coinciding generally with the anniversary of their last evaluation.

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The City awards merit-based pay adjustments in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process.

The pay adjustments are based on the following scale:

	<u>Score</u>	<u>Merit Increase</u>
<i>Tier I employees:</i>	96.0 or higher	6%
	91.0 - 95.9	5%
	86.1 - 90.9	4%
	81.0 - 85.9	3%
	76.0 - 80.9	2%
	70.0 - 75.9	1%
	69.9 or less	none
<i>Tier II employees:</i>	93.0 or higher	4%
	87.0 - 92.9	3%
	81.0 - 86.9	2%
	75.0 - 80.9	1%
	69.9 or less	none

210 Job Descriptions

Effective Date: 05/01/2003
Revision Date:

The City makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, and a work environment section.

The City maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

The Human Resources Department and the hiring manager prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty

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that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the Human Resources Department if you have any questions or concerns about your job description.

If an employee is unable to fulfill the duties as outlined in his/her job description, he or she may be demoted or repositioned within the City, as the City Manager deems necessary in an effort to retain the employee.

212 Salary Administration

Effective Date: 05/01/2003
Revision Date:

The salary administration program at the City was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, the City strives to pay its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other cities in the area.

Compensation for every position is determined by several factors, including the essential duties and responsibilities of the job, and salary survey data on pay practices of other cities. The City periodically reviews its salary administration program and restructures it as necessary. Merit-based pay adjustments are awarded in conjunction with the performance evaluation process.

The classification and pay plan is normally approved annually as part of the budget adoption process by the City Council. Thus, the Council prior to implementation shall approve a modification. Each position is classified into a pay grade that has two pay scales, Tier I and Tier II. Once an employee tops out of Tier I, due to merit increases or raises, they move into Tier II. Public Safety has its own set of pay scales that work in the same manner.

When an employee is promoted, the entry level would normally apply. However, this will not always result in an increase. Therefore, the increase in compensation shall be a minimum increase of five (5%) percent in order to place the employee in the proper pay grade scale.

When an employee is transferred, (within the same pay grade classification), the compensation shall remain the same.

A voluntary demotion to a lower pay grade may not result in a decrease in the employee's hourly rate of pay.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices. The Human Resources Department is also available to answer specific questions about the salary administration program.

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280 Personnel Freezes

Effective Date: 05/01/2003

Revision Date:

Due to budget constraints or other reasons, a freeze on personnel costs may be imposed. A freeze may take two (2) forms. The first form is a freeze on hiring. That is, a position vacancy that may occur will not be filled for the duration of the freeze. The second form is a freeze on merit increases. When the freeze is lifted, all employees qualifying for a merit increase will be granted it at the beginning of the first pay period following the date of the freeze cessation. This will normally require an evaluation for the period through the cessation date. The time period for the next evaluation will start with this date.

301 Employee Benefits

Effective Date: 05/01/2003

Revision Date:

Eligible employees at the City are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

- Bereavement Leave
- Cafeteria
- Credit Union
- Health Insurance
- Holidays
- Jury Duty Leave
- Life Insurance
- Major Medical Insurance
- Medical Insurance
- Texas Municipal Retirement System
- Pharmacy
- Short-Term Disability
- Sick Leave Benefits
- Supplemental Medical Coverage
- Vacation Benefits

Some benefit programs require contributions from the employee, but most are fully paid by the City.

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303 Vacation Benefits

Effective Date: 05/01/2003

Revision Date:

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Regular full-time employees
- Regular part-time employees

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

REGULAR FULL-TIME

- Upon initial eligibility the employee is entitled to 10 vacation days each year, accrued monthly at the rate of 6.67 hours.
- After **5** years of eligible service the employee is entitled to 12.5 vacation days each year, accrued monthly at the rate of 8.34 hours.
- After **10** years of eligible service the employee is entitled to 15 vacation days each year, accrued monthly at the rate of 10 hours.
- After **15** years of eligible service the employee is entitled to 17.5 vacation days each year, accrued monthly at the rate of 11.67 hours.
- After **20** years of eligible service the employee is entitled to 20 vacation days each year, accrued monthly at the rate of 13.34 hours.

FIREFIGHTERS (SHIFT)

- Upon initial eligibility the employee is entitled to 5 vacation shifts each year, accrued monthly at the rate of 10 hours.
- After **5** years of eligible service the employee is entitled to 6.25 vacation shifts each year, accrued monthly at the rate of 12.5 hours.
- After **10** years of eligible service the employee is entitled to 7.5 vacation shifts each year, accrued monthly at the rate of 15 hours.
- After **15** years of eligible service the employee is entitled to 8.75 vacation shifts each year, accrued monthly at the rate of 17.5 hours.
- After **20** years of eligible service the employee is entitled to 10 vacation shifts each year, accrued monthly at the rate of 20 hours.

REGULAR PART-TIME

- Upon initial eligibility the employee is entitled to vacation time in relation to the set hours to be worked per week, accrued monthly using the following formula: Set hours worked per week multiplied by 2 and divided by twelve months per year. For example: If an employee is hired to work 32 hours per week, he or she will accrue by the following rate: $(32 \times 2) / 12 = 5.33$ per month.

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The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. However, before vacation time can be used, a waiting period of 180 calendar days must be completed. After that time, employees can request use of earned vacation time including that accrued during the waiting period.

To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. If the total amount of unused vacation time reaches a "cap" equal to two times the annual vacation amount, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

305 Holidays

Effective Date: 05/01/2003

Revision Date:

The City will grant holiday time off to all employees on the holidays listed below:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday & Friday in November)
- Christmas (December 25)
- One Floating Holiday
- Other days as may be declared by the City Manager

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The City will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees
- Part-time employees
- Introductory employees

To be eligible for a paid holiday, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday. Only the City Manager may grant exceptions, on condition that the employee can provide documentation justifying the absence.

If a recognized holiday falls during an eligible employee's pre-scheduled paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

Police Department employees, working on a recognized holiday, will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday.

Fire Department employees, (working 24-hour shifts), that work on a recognized holiday will receive their straight-time rate for the twenty-four (24) hours worked on the holiday plus accrue twelve (12) hours of holiday time. This time must be used by September 30th of the fiscal year in which it is earned or the employee will be paid for the time at the end of said fiscal year. Any holiday time accrued prior to fiscal year 2002-2003 must be used by the end of fiscal year 2004-2005 or it will be forfeited.

Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

306 Workers' Compensation Insurance

Effective Date: 05/01/2003
Revision Date:

The City provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

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Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

See Workers Compensation Handbook

307 Sick Leave Benefits

Effective Date: 05/01/2003
Revision Date:

The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees

Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts regular employment.

REGULAR FULL-TIME employees accrue 10 sick days per year, accrued monthly at the rate of 6.67 hours.

REGULAR PART-TIME employees accrue sick time in relation to the set hours worked per week using the following formula: Set hours worked weekly multiplied by 2 and divided by twelve months. For example: If an employee's set hours are 30 hours per week, he or she will accrue by the following rate: $(30 \times 2) / 12 = 5.0$ per month.

FIREFIGHTERS (SHIFT) accrue 5 sick shifts per year, accrued monthly at the rate of 10 hours.

Employees can request use of paid sick leave after completing a waiting period of 180 calendar days from the date they become eligible to accrue sick leave benefits. Paid sick leave can be used in minimum increments of one-half hour. An eligible employee may use sick leave benefits for an absence due to his or her own illness or injury, or that of a child, parent, or spouse of the employee.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be required verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of 5 or more calendar days or after

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any surgery, an employee must provide a physician's verification that he or she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of nine (9) times their annual accrual.

If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

Also See Sick Leave Pool

309 Bereavement Leave

Effective Date: 05/01/2003

Revision Date:

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to three days of paid bereavement leave will be provided to eligible employees in the following classification(s):

- Regular full-time employees
- Regular part-time employees

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

The City defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

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311 Civil Leave

Effective Date: 05/01/2003

Revision Date:

The City encourages employees to fulfill their civic responsibilities by serving jury duty or serving as a witness when required. Employees in an eligible classification may request up to 2 weeks of paid jury duty leave over any 2-year period. This does not include the employee's personal court proceedings.

Civil leave will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid civil leave are:

- Regular full-time employees
- Regular part-time employees
- Part-time employees

If employees are required to serve jury duty beyond the period of paid civil leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid civil leave of absence.

Employees must show the jury duty summons or subpoena to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

The City will continue to provide health insurance benefits for the full term of the jury duty absence.

Vacation, sick leave, and holiday benefits will continue to accrue during unpaid civil leave.

313 Benefits Continuation (COBRA)

Effective Date: 05/01/2003

Revision Date:

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

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Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

316 Health Insurance

Effective Date: 05/01/2003
Revision Date:

The City's health insurance plan provides employees and their dependents access to medical insurance benefits.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Human Resources Department for more information about health insurance benefits.

317 Life Insurance

Effective Date: 05/01/2003
Revision Date:

Life insurance offers you and your family important financial protection. The City provides a basic life insurance plan for eligible employees.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about life insurance benefits.

330 Longevity Pay

Effective Date: 05/01/2003
Revision Date:

Longevity pay is defined as an extra pay for satisfactory, continuous employment. It recognizes the value of accumulated experience, encourages continued employment, and rewards satisfactory service. Longevity pay is applicable only to the current period of employment; that

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is, it is based on the most recent hire date. Normally, no credit for prior service is allowed. However, reinstatement following a layoff will resume the longevity pay accrual without loss of time, (See section on reinstatement). No longevity shall be paid for current employment of less than one year. Longevity pay will be paid on or about the end of the first full pay period of each December. All regular employees who are considered actively employed by the City on December 1 each year and who have or will have completed one year of continuous active employment prior to December 31 of that year may be entitled to longevity pay. Employees in the following employment classifications are eligible for longevity pay:

- REGULAR FULL-TIME
- REGULAR PART-TIME

Inactive employees, those not on the payroll, may be entitled to longevity pay up to the date of ceasing "active" employment. The City Manager shall make the final determination based on the principle of "constructive employment". Should an employee leave the service of the City for any reason prior to December 1, no longevity pay shall be paid. Longevity pay shall be computed at the following rates:

REGULAR FULL-TIME	\$4.00 per month of service
REGULAR PART-TIME (30 - 39 hours)	\$3.00 per month of service
REGULAR PART-TIME (20 - 29 hours)	\$2.00 per month of service

Should an employee disagree with the longevity pay received, the facts or reasons for the disagreement must be submitted in writing to the City Manager no later than December 31, following payment.

332 Incentive Pay

Deleted from Policy by Council Action effective 10/01/03

401 Timekeeping

Effective Date: 05/01/2003

Revision Date:

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

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Nonexempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing.

403 Pay Periods and Paydays

Effective Date: 05/01/2003
Revision Date:

All employees are paid biweekly on every other Friday. In 1987, the consensus of the firefighters was to level or average pay to avoid drastic "ups" and "downs" with the number of shifts in the two-week pay period. The City accommodated this desire and established that 112.3 hours would be paid each pay period. (365 days x 24 hours / 3 shifts / 26 pay periods) - *See Overtime section for Firefighter Overtime Provisions.*

Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation. Checks will not be advanced.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the City. Employees will receive an itemized statement of wages when the City makes direct deposits. Employees wishing to participate in Direct Deposit should contact the Payroll Department for more information.

405 Employment Termination

Effective Date: 05/01/2003
Revision Date:

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for

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non-disciplinary reasons.

- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.
- Incapacity - involuntary employment termination initiated by the organization for medical reasons arising when an employee is no longer able to meet the physical standards required of his position.

Human Resources or a Department Head will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City, or return of City-owned property, (See Section 706 - Return of Property). Suggestions, complaints, and questions can also be voiced.

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time.

408 Pay Advances

Effective Date: 05/01/2003
Revision Date:

The City does not provide pay advances on unearned wages to employees.

409 Administrative Pay Corrections

Effective Date: 05/01/2003
Revision Date:

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll Department so that corrections can be made as quickly as possible.

410 Pay Deductions and Setoffs

Effective Date: 05/01/2003
Revision Date:

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The City deducts Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City matches the amount of Social Security taxes paid by each employee. In addition, the City deducts 5% from FULL-TIME REGULAR employees' salaries for

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contribution to the Texas Municipal Retirement System, which the City matches at 1.5:1.

The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by the City, usually to help pay off a debt or obligation to the City or others.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, your supervisor can assist in having your questions answered.

504 Use of Phone and Mail Systems

Effective Date: 05/01/2003

Revision Date:

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse the City for any charges resulting from their personal use of the telephone.

The use of City-paid postage for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

506 Rest and Meal Periods

Effective Date: 05/01/2003

Revision Date:

Each workday, full-time nonexempt employees are provided with 2 rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time. Rest periods should not interfere with the proper, timely performance of work responsibilities, and shall not be used for the purposes of fulfilling the prescribed workday, (such as, taking off early in lieu of taking a break).

All full-time REGULAR FULL-TIME employees are provided with one meal period of 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

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507 Overtime

Effective Date: 05/01/2003

Revision Date:

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

In accordance with FLSA, the City may provide compensatory time off in lieu of monetary overtime compensation at a rate of not less than one and a half hours of compensatory time for each hour in excess of forty (40) hours worked per week. Any accrued compensatory time may be used within a reasonable time after the employee requests such use, provided that it does not unduly disrupt the operations of the department or City as determined by the department head and/or the City Manager.

Provisions for Firefighters:

For the pay period following the end of a work period, (Firefighters' work period is 204 hours), the actual shifts worked are counted and any overtime hours determined. The regular pay amount (112.3 hours x hourly rate) is augmented by any overtime accrued. If all nine (9) shifts are worked (no time off), then twelve (216 less 204) hours are owed at the overtime rate, or 12 x 1/2 the hourly rate, since the straight time was paid through the averaging technique discussed above. All time worked over 216 hours per work period will be paid at the overtime rate (1.5 times hourly rate).

508 Use of Equipment and Vehicles

Effective Date: 05/01/2003

Revision Date:

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need

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for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

510 Emergency Closings

Effective Date: 05/01/2003

Revision Date:

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt company operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused vacation benefits.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay plus administrative pay for hours worked until an eight (8) hour shift is reached.

This section does not apply to Public Safety.

512 Business Travel Expenses

Effective Date: 05/01/2003

Revision Date:

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including

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termination of employment.

See Travel Authorization & Expense Handbook

514 Municipal Court Time

Effective Date: 05/01/2003

Revision Date:

Those officers not on duty at the commencement of a Municipal Court session shall be entitled to Municipal Court Time. This time shall be a minimum of two (2) hours regardless of the actual length of the court session. Whether this time is at regular or overtime rates shall be determined by the amount of total time worked for the week. All time over forty (40) hours, including Court attendance, will be at the overtime rate. Those officers on scheduled duty on court nights shall not normally be entitled to added compensation. However, if the length of court requires that they remain in a duty status beyond the scheduled eight (8) hours, then the actual time on duty shall be paid. This provision does not apply to exempt personnel or bailiffs.

516 Computer and E-mail Usage

Effective Date: 05/01/2003

Revision Date:

Computers, computer files, the e-mail system, and software furnished to employees are the City property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization.

The City strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

Employees should notify their immediate supervisor, the Human Resources Department or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

517 Internet Usage

Effective Date: 05/01/2003

Revision Date:

Internet access to global electronic information resources on the World Wide Web is provided

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by the City to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the City and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the City in violation of law or City policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Violating copyright law
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business

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- purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Passing off personal views as representing those of the organization
- Sending anonymous e-mail messages
- Engaging in any other illegal activities

522 Workplace Violence Prevention

Effective Date: 05/01/2003

Revision Date:

The City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of The City without proper authorization from the City Manager.

It is prohibited for any City employee, (excluding Law Enforcement Officers), whether licensed to carry a concealed handgun or not, to have on or about their person a concealed handgun while acting in his official capacity as a City employee. Further, it is prohibited for any City employee, (excluding Law Enforcement Officers), whether licensed to carry a concealed handgun or not, to possess a concealed handgun on or about any property owned by the City, including but not limited to, City buildings, vehicles, lockers and desks. Violation of this policy shall result in severe disciplinary action, up to and including termination.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near

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your workstation, do not try to intercede or see what is happening.

The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

524 Physical Fitness

Effective Date: 05/01/2003

Revision Date:

It shall be the responsibility of each employee to maintain the standards of physical fitness required for efficiently performing the job. When a department head suspects that the condition of an employee constitutes a hazard, the department head with the concurrence of the City Manager may require the employee to submit to a medical examination by a doctor selected by the City. The examination at the City's expense shall be for the sole purpose of determining the condition relative to employment and shall comply with provisions of the Americans with Disabilities Act of 1990 (ADA). Some departments, e.g., Fire and Police, may adopt specific standards for fitness and test their employees periodically. The criteria for the department standards shall be approved by the City Manager prior to implementation. These standards shall be reviewed annually and shall comply with the provisions of ADA.

526 Cell Phone Usage

Effective Date: 05/01/2003

Revision Date:

The City provides cellular telephones to some employees as a business tool. They are provided to assist employees in communicating with management and other employees, associates, and others with whom they may conduct business. Cell phone use is primarily intended for business-related calls. Cell phone invoices may be regularly monitored.

Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are

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encouraged to use caution when using cell phones to conduct business while driving and it is recommended to safely pull off the road and come to a complete stop before dialing or talking on the phone.

As a City representative, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.

601 Medical Leave

Effective Date: 05/01/2003

Revision Date:

The City provides medical leaves of absence without pay to eligible employees who are temporarily unable to work due to a serious health condition or disability. For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

Employees in the following employment classifications are eligible to request medical leave as described in this policy:

- Regular full-time employees
- Regular part-time employees

Eligible employees may request medical leave only after having completed at least one year of service and 1,250 hours for the previous twelve months. Exceptions to the service requirement will be considered to accommodate disabilities.

Eligible employees should make requests for medical leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for medical leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the City. Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

Eligible employees are normally granted leave for the period of the disability, up to a maximum of 12 weeks within any 12-month period. Any combination of medical leave and family leave may not exceed this maximum limit. Employees will be required to first use any accrued paid leave time before taking unpaid medical leave.

Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to

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provide health insurance benefits for the full period of the approved medical leave.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on medical leave is requested to provide the City with at least two weeks advance notice of the date the employee intends to return to work. When a medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, the City will assume that the employee has resigned.

602 Family Leave

Effective Date: 05/01/2003

Revision Date:

The City provides family leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Employees in the following employment classifications are eligible to request family leave as described in this policy:

- Regular full-time employees
- Regular part-time employees

Eligible employees may request family leave only after having completed at least one year of service and 1,250 hours for the previous twelve months. Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

Eligible employees may request up to a maximum of 12 weeks of family leave within any 12-month period. Any combination of family leave and medical leave may not exceed this maximum limit. Employees will be required to first use any accrued paid leave time before

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taking unpaid family leave. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12-month period for childbirth, adoption, or placement of a foster child, or to care for a parent with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the approved family leave.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the City with at least two weeks advance notice of the date the employee intends to return to work. When a family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, the City will assume that the employee has resigned.

603 Personal Leave

Effective Date: 05/01/2003

Revision Date:

The City provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

- Regular full-time employees
- Regular part-time employees
- Part-time employees

Eligible employees may request personal leave only after having completed at least one year of service. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor, who will then get final approval from the City Manager.

Personal leave may be granted for a period of up to 45 calendar days every 2 years. An employee must take any available vacation, compensatory or holiday leave before an approved period of leave.

Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the City will provide

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health insurance benefits until the end of the month in which the approved personal leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from personal leave, benefits will again be provided by the City according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

604 Administrative Leave

Effective Date: 05/01/2003

Revision Date:

The City Manager may authorize administrative leave for conferences, training periods, conventions, and other professional activities when requested in writing from the appropriate Department Head. In addition, the City Manager may grant Administrative leave, as he/she deems necessary.

The City Manager is authorized to grant administrative leave for inclement weather and civil disasters. The Manager's decision will be guided by rules of fairness and consistency. Should weather or disaster only impact on certain departments, a liberal policy of vacation time should apply to those departments.

605 Military Leave

Effective Date: 05/01/2003

Revision Date:

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for

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which the employee is otherwise eligible.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Human Resources Department for more information or questions about military leave.

701 Employee Conduct and Work Rules

Effective Date: 05/01/2003

Revision Date:

To ensure orderly operations and provide the best possible work environment, The City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in

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- the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized absence from workstation during the workday
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Violation of personnel policies
- Unsatisfactory performance or conduct

Employment with the City is at the mutual consent of the City and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

702 Drug and Alcohol Use

Effective Date: 05/01/2003

Revision Date:

It is the City's desire to provide a 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 manner.

While on City premises and while conducting business-related activities off City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Human Resources Department without fear of reprisal.

See Drug & Alcohol Testing Handbook

703 Sexual and Other Unlawful Harassment

Effective Date: 05/01/2003

Revision Date:

The City is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not

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be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
 - * Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Human Resources Department or any other member of management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources Department or any member of management so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

704 Attendance and Punctuality

Effective Date: 05/01/2003

Revision Date:

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence, or no later than one hour after their normal reporting time.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

705 Personal Appearance

Effective Date: 05/01/2003

Revision Date:

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to customers and visitors.

During business hours or when representing the City, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

706 Return of Property

Effective Date: 05/01/2003

Revision Date:

Employees are responsible for all the City property, materials, or written information issued to them or in their possession or control. Employees must return all the City property immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

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708 Resignation

Effective Date: 05/01/2003

Revision Date:

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two weeks' written resignation notice from all employees.

Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

710 Off Duty Standards

Effective Date: 05/01/2003

Revision Date:

All employees must realize that they are often a principal determinate that citizens use to form an opinion of City government. A negative impression of one employee reflects on all employees. Each employee shall be charged with the responsibility of conducting his/her personal life to portray a positive image of the City.

712 Political Activity

Effective Date: 05/01/2003

Revision Date:

Unless otherwise provided by law, all employees shall refrain from using their positions to influence the outcome of elections for public office. While on duty or in uniform, employees shall not circulate petitions or campaign literature on behalf of candidates neither for municipal office nor in any way be concerned with soliciting any contributions or political service on behalf of any such candidate, nor shall in any manner contribute money, labor or time to any person seeking a municipal elected office. Nothing in this section shall be construed to deny employees the right to express their opinions on issues and to cast their votes. An employee choosing to become a candidate for elective office shall resign his/her position, if elected, unless the office is located in a political entity without jurisdiction within the City.

714 Drug Testing

Effective Date: 05/01/2003

Revision Date:

The City is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees may be asked to provide body substance samples (such as urine and/or blood)

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to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

Copies of the drug testing policy will be provided to all employees. Questions concerning this policy or its administration should be directed to the Human Resources Director.

See Drug & Alcohol Testing Handbook

716 Progressive Discipline

Effective Date: 05/01/2003

Revision Date:

The purpose of this policy is to state the City's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The City's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the City is based on mutual consent and both the employee and the City have the right to terminate employment at will, with or without cause or advance notice, the City may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment. If more than 12 months have passed since the last disciplinary action, the process will normally start over.

The City recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all

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necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the City.

718 Problem Resolution

Effective Date: 05/01/2003
Revision Date:

The City is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from City supervisors and management.

The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the City in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

1. Employee presents problem to immediate supervisor within 14 calendar days, after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to Human Resources Department or any other member of management.
2. Supervisor responds to problem during discussion or within 14 calendar days, after consulting with appropriate management, when necessary. Supervisor documents discussion.
3. Employee presents problem to Human Resources Department within 14 calendar days, if problem is unresolved.
4. Human Resources Department counsels and advises employee, assists in putting problem in writing, visits with employee's manager(s), if necessary, and directs employee to City Manager for review of problem.
5. Employee presents problem to City Manager in writing.

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6. City Manager reviews and considers problem. City Manager informs employee of decision within 14 calendar days, and forwards copy of written response to Human Resources Department for employee's file. The City Manager has full authority to make any adjustment deemed appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

720 Casual Days

Effective Date: 05/01/2003

Revision Date:

The following information is intended to serve as a guide to help define appropriate casual businesswear for office employees during designated casual days at the City. Each Friday will be a designated casual day. Other days, such as certain holidays or days preceding holidays, may be designated as casual days with prior notification from your immediate supervisor.

Our primary objective is to have employees project a professional image while taking advantage of more casual and relaxed fashions. Casual dress offers a welcome alternative to the formality of typical business attire.

However, not all casual clothing is appropriate for the office. Casual businesswear means clean, neat, professional clothing. It is never appropriate to wear stained, wrinkled, frayed, or revealing clothing to the workplace. If you are considering wearing something and you are not sure if it is acceptable, choose something else or inquire first.

Listed below is a general overview of acceptable casual businesswear as well as a listing of some of the more common items that are not appropriate for the office. Obviously, neither group is intended to be all-inclusive. Rather, these items should help set the general parameters for proper casual businesswear and allow you to make intelligent judgments about items that are not specifically addressed.

Examples of acceptable casual businesswear include:

- slacks
- jeans
- casual dresses and skirts
- casual shirts and blouses
- golf shirts
- turtlenecks
- sweaters

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- loafers
- deck shoes
- boots
- flats

Examples of inappropriate clothing items that should not be worn on casual days include:

- sweatpants
- warm-up or jogging suits and pants
- shorts
- spandex or other form fitting pants
- miniskirts
- spaghetti-strap dresses
- T-shirts or sweatshirts with offensive messages or images
- tank tops
- halter tops
- tops with bare shoulders unless worn under a blouse or jacket
- visible undergarments
- slippers

On occasion, we may announce dress-down days where looser, even more informal clothing can be worn in order to allow you to enjoy a special occasion, better tolerate excessive heat conditions, or more comfortably organize your work area.

For some, traditional business attire may simply remain a more favored option on casual days. The choice will be yours. We hope and fully expect that casual days will help make our workplace more enjoyable and productive.

722 Workplace Etiquette

Effective Date: 05/01/2003

Revision Date:

The City strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. The City encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate

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workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact the Human Resources Department if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- Return copy machine and printer settings to their default settings after changing them.
- Replace paper in the copy machine and printer paper trays when they are empty.
- Keep the area around the copy machine and printers orderly and picked up.
 - * Be careful not to take or discard others' print jobs or faxes when collecting your own. * Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
- Try to minimize unscheduled interruptions of other employees while they are working.
- Communicate by e-mail or phone whenever possible, instead of walking unexpectedly into someone's office or workspace.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
- Try not to block walkways while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.

780 Appeal of Adverse Action

Effective Date: 05/01/2003

Revision Date:

There shall be no right of appeal for introductory period employees except for grounds of discrimination prohibited by law or these rules. However, if an employee is terminated during their introductory period, they have the right to request a review by the City Manager. It must be submitted, in writing, within five (5) working days.

The decision of the City Manager shall be final.

800 Workers Compensation Handbook

Effective Date: 05/01/2003

Revision Date:

- I. **PURPOSE AND SCOPE.** To provide a safe and healthy work environment for employees. Employees who sustain injuries or illnesses during their scope of employment shall receive medical treatment as provided by the Texas Workers' Compensation Act.
- II. **POLICY.** It is the objective of the City of Seagoville that all employees receive benefits provided by the Texas Workers' Compensation Act (TWCA) if they suffer a work-related injury or illness, and that covered employees who are entitled to benefits under the TWCA are also eligible for workers' compensation benefit payments as provided by TWCA.

III. DEFINITIONS

Accrued Paid Leave is vacation leave, sick leave, and compensatory time.

Course and Scope of Employment as defined by the Texas Workers' Compensation Act is, "an activity of any kind or character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of affairs or business of the employer." The term includes activities conducted on City premises or at other locations.

Leave of Absence is unpaid leave, of any duration, granted only after exhausting all accrued paid leave and compensatory time. Generally, referred to as, "leave without pay."

On-the-Job Illness/Injury is a disability, injury, illness or medical condition that occurred as the result of the employee performing the assigned duties of his/her occupation within the course and scope of employment.

Texas Workers' Compensation Act provides wage replacement, rehabilitation, and medical benefits for employees who become injured or ill as a result of performing the duties of their occupation, as well as compensation for dependents of an employee who dies as a result of performing the duties of his/her occupation.

IV. GENERAL PROVISIONS

- A. All provisions of this policy apply to a work-related injury or illness.
- B. All accidents/injuries must be reported regardless of the required treatment or nature of the accident/injury.

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- C. For the procedure on how to report a work-related accident/injury, refer to Policy and Procedures Manual Section 306, Workers' Compensation Insurance.

V. OFF-DUTY STATUS

- D. In the event an employee is injured while engaged in the performance of duties and is temporarily incapacitated as a direct result of the injury or illness, the employee may be entitled to benefits as provided by the Texas Workers' Compensation Act.
- E. Weekly workers' compensation benefit payments begin the eighth calendar day of absence from work. Workers' compensation benefit payments are equivalent to 70% of an employee's base pay. However, the City will supplement the employee's workers' compensation benefits by the following scale:
 - First 30 days: up to 100% (70% WC check + 30 % City check)
 - 30 - 60 days: up to 90 %
 - 60 – 90 days: up to 80%After 90 days, pay benefits supplemented by the City shall cease.
- F. The first seven calendar days of absence from work due to a work-related injury or illness is the required waiting period before an employee is eligible to receive workers' compensation benefit payments. During the seven-day waiting period, employees must use accrued paid leave.
- G. An employee receiving weekly workers' compensation benefit payments may not use accrued paid leave in addition to receiving these benefits. Employees will only be entitled to the benefits provided by workers' compensation.
- H. Employees who are absent from work for three (3) consecutive working days due to a work-related injury or illness will have the time off work counted as Family Medical Leave (FMLA), if eligible. Employees will not accrue leave while on unpaid time off.
- I. An employee who is unable to return work and has been off work for 180 calendar days and has exhausted FMLA entitlement (if eligible) can be terminated, (refer to Policy and Procedures Manual Section 601, Medical Leave).
- J. An employee who is terminated due to his or her inability to return to work as the result of a work-related injury/illness shall be paid for accumulated vacation leave and accrued compensatory or holiday time.

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VI. BENEFITS

The employee will be responsible for dependent care coverage, voluntary, and/or mandatory deductions while off work due to a work-related accident/injury.

Refer to Policy and Procedures Manual Section 601, Medical Leave for all other benefits.

VII. RETURN TO WORK

Refer to the Modified Duty Assignment Handbook when returning to work from a work-related accident/injury if it involves modified work restrictions.

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802 Sick Leave Pool

Effective Date: 05/01/2003

Revision Date:

Purpose

The City has established a Sick Leave Pool Program for the benefit of certain employees who suffer a catastrophic injury or illness. Eligibility for such benefits must, of necessity, be stringent to avoid rapid depletion of the Pool. It is thus necessary to limit a catastrophic injury or illness as being a severe condition or combination of conditions affecting the mental or physical health of an employee or his/her immediate family that requires the services of a licensed practitioner for a prolonged period of time in excess of one continuous month.

Contribution to the Pool

Contribution to the Sick Leave Pool is voluntary. All employees are encouraged to contribute. Unless otherwise eligible as provided herein, days donated by an employee may not be recovered or recaptured.

Employees desiring to contribute to the Sick Leave Pool must submit a request to the Human Resources Office.

An employee may contribute one or more full days of accrued vacation, compensatory or holiday leave earned by the employee to the pool.

Upon receipt of a transfer request, the Payroll department will credit the Sick Leave Pool with the amount of time contributed by the employee. In addition, the Payroll department will deduct the same amount of time from the amount to which the employee is otherwise entitled, as if the employee had used the time for personal purposes.

Employees may not designate the recipient of their donations.

Withdrawal from Pool

An eligible employee is entitled to apply for contributed time from the Sick Pool Leave if because of a catastrophic injury or illness, the employee has exhausted all the sick leave, compensatory, vacation and holiday time to which the employee is otherwise entitled, and has not received nor been eligible to receive, employment pay from the City for a minimum of one week.

Time used from the Sick Leave Pool shall be counted for purposes of the Family Medical Leave Act.

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No employee may use more than 90 calendar days per year from the Sick Leave Pool.

Rules

Requests to the Sick Leave Pool are on a first-come first-serve basis.

An eligible employee, or in the event of the employee's incapacity, a member of the employee's immediate family, must make request to the Human Resources Office for permission to use time in the Sick Leave Pool.

The request will be reviewed by the Sick Leave Pool Committee, which consists of the Police Chief, Fire Chief, Public Works Director, Finance Director and the Human Resources Director. All medical information obtained by the Sick Leave Pool Committee will remain confidential.

Requests for time from the Sick Leave Pool must:

1. Give a statement sufficiently describing the illness or injury to enable the Sick Leave Committee to determine that the illness or injury is catastrophic.
2. Be accompanied by a statement from a licensed practitioner which gives the date of onset of the catastrophic illness or injury, the diagnosis and the prognosis, and the date it is anticipated the employee will be able to return to work.

If the Sick Leave Pool Committee determines that the employee is eligible, the Human Resources Department shall, as soon as practicable, approve the transfer of time from the pool, advise the employee and the employee's department head of the amount of time approved which will be credited to the employee.

An eligible employee may utilize any Sick Leave Pool time credited in the same manner as sick leave earned by the employee in the course of employment.

An eligible employee absent on sick leave assigned from the Sick Leave Pool is treated for all purposes as if the employee were absent on earned sick leave.

Any unused time will be credited back to the Sick Leave Pool.

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804 Travel Authorization & Expense Handbook

Effective Date: 05/01/2003
Revision Date:

1. Purpose of the Regulation
2. Travel Authorization
3. Advance Payments
4. Expenses Approved for Reimbursement
 - A. Transportation
 - B. Lodging
 - C. Meals and Tips
 - D. Telephone
 - E. Registration Fees
 - F. Lodging, Meals & Travel Time When Traveling by Personal Automobile
 - G. Other Methods of Reimbursement
 - H. Incidental Expenses
 - I. Non-Allowable Expenses
 - J. Spouse/Family Travel
5. Travel Expense Report
6. Reimbursement
7. Settlement of Advance Payments

APPENDIX A: Travel Policy Clarifications

- I. Travel Authorization
- II. Expense Report
- III. Benchmark Reimbursement Rate

APPENDIX B: Mileage Reimbursement and Official Mileage Guide

ADMINISTRATIVE REGULATIONS

TRAVEL AUTHORIZATION AND EXPENSE POLICY

3. Purpose of the Regulation

To protect the interest of the City and insure like treatment for all, uniform policies are established to govern expense allowances to be granted City employees and City officials who travel out of the City on City business.

4. Travel Authorization

All out-of-the-City travel at the expense of the City shall be made only on authorization of the department head, with approval of the City Manager. Before making a trip, the City employee must submit a "*Travel Authorization Request*" form on which the nature of the trip, destination, times and dates of the beginning and end of official leave and detailed estimates of the cost must be stated.

5. Advance Payments

Employees will be allowed to request advance payment on estimated expenses to finance contemplated travel on City business. Upon review, the City Manager may authorize advance payment of the estimated amount to the employee. When advance payments for travel expenses are made, the reimbursement procedure, as stated in Section 6, must still be followed. Advancing money for travel expense does not constitute approval for the expenditure of the entire amount so advanced, as all expenditures must be justified and approved.

6. Expenses Approved For Reimbursement

The following list of expense classifications is for information and guidance in determining which expenses are appropriate and reasonable when traveling on City business. The list is intended as a guide and is not necessarily all-inclusive. Discretion remains with the City Manager in approving travel expenses to provide for unusual circumstances.

Items specifically prohibited include the purchase of personal items and alcoholic beverages. Prohibited also are the expenses of the employee's family who accompany him/her on a trip.

Due to budgetary constraints, departments may set more restrictive policies for travel, but in no case can the departmental policy exceed the limitations allowed in the City policy.

Officials and employees are expected to show good judgment about travel expenses

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and have proper regard for economy in conducting business away from Seagoville.

- (a) Transportation: The least expensive air fare (advance purchase, non-refundable tickets) will be considered standard air travel. Other classes of airfare may be used if advance purchase, non-refundable tickets are not available. Air travel is usually more economical in time and money when making a long trip.

Round trip tickets shall be purchased when air, rail or bus transportation is used. Employees should purchase tickets through a travel agency that will bill the City. A "*Transportation Authorization Request*" should be completed and sent to Accounts Payable before tickets are ordered. If the employee pays for the tickets, then receipts for travel expenditures must be obtained and submitted with the Travel Expense Report. No travel allowances will be made over the actual cost of travel.

Use of personal automobiles for travel may be approved when the convenience of the City is served and when the convenience of the employee is served. When personal automobiles are approved for the convenience of the City, reimbursement will be at the rate allowed by the Internal Revenue Service using the most current "*Official State Mileage Guide*" to determine mileage between cities. The same mileage reimbursement rate will be allowed between Seagoville and a Dallas airport for employees (excluding employees who receive a monthly automobile allowance) using personal automobiles to reach the airport. Parking fees will also be allowed if the employee must park his/her car during the duration of his/her official leave of absence (a receipt is necessary).

When personal automobiles are approved for the convenience of the employee, total allowance shall in no case exceed the cost of the standard air travel. If an air travel rate is not available, the allowance shall be determined by the City Manager. When two or more employees are traveling by personal automobile to the same destination on City business, they are encouraged to car pool.

Mileage reimbursement will not be authorized for personal automobiles traveling within the City or Dallas and Kaufman County if the employee is receiving a monthly automobile allowance from the City.

Travel in City vehicles may be approved when circumstances warrant it. When such travel is approved, purchase of gasoline, oil, other routine supplies and emergency repairs for the vehicle will be allowed. The notation "City Vehicle Used" must be written on the Expense Report. All receipts for such payments must be furnished to obtain reimbursements. The City will not reimburse repairs to personal vehicles.

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When air, rail or bus transportation is used, expenses for local transportation, such as taxicab fare, will be allowed whenever such transportation is necessary for conducting City business.

- (b) Lodging: Expenses will be allowed for adequate lodging. Hotel accommodations should be appropriate to the purpose of the trip. Detailed receipts for lodging must be provided to obtain reimbursement. The City uses IRS publication 1542 to verify the reasonableness of the hotel reimbursement allowed. Refer to incidental expenses (Item g) for other charges incurred in addition to lodging costs.
- (c) Meals: Meal expenses will be reimbursed based upon a flat fee depending on when the trip started and ended as per Appendix A. Receipts are required for expenses above the per day allowance and cannot exceed the per diem rates established by the Internal Revenue Service publication 1542 using the high-low rates. Meals included, as part of the registration fee will not be reimbursed. Copies of agendas from the event attended should be included with the expense report. Tips are included in the meal allowance.
- (d) Telephone: Telephone calls will be allowed reimbursement for official calls and messages only.
- (e) Registration Fees: Fees charged for registration at any convention or meeting is allowed for reimbursement. A receipt or some proof of the fee, such as a copy of the conference program setting forth the fee rate, must be provided with the Expense Report.
- (f) Lodging, Meals and Travel Time When Traveling by Personal Automobile: In instances where use of personal automobile for out-of-state travel is allowed for the convenience of the employee, lodging, meals, and other expenses will be allowed on the same basis as if the employee traveled by air.
- (g) Incidental Expenses: Incidental expenses include, but are not limited to fees and tips for services, such as baggage handlers. It does not include expenses for laundry, cleaning and pressing of clothing, movie rental and snacks. Note - Laundry, cleaning and pressing of clothing will be reimbursed if stay is in excess of five (5) working days.
- (h) Non-Allowable Expenses: In-hotel pay television and videos, health clubs, spas, alcoholic beverages - dry cleaning or laundry.
- (i) Spouse/Family Travel: When accompanied by a family member, an employee shall pay all incremental costs related to having the member along on the trip. Examples of incremental costs include the difference in lodging cost between single and double occupancy and all meal and incidental costs of the family.

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Spouses may accompany a City employee on official business with such expenses reimbursed by the City only when the spouse has specific duties to perform for the benefit of the City and such expenses are approved in advance by the City Manager. Estimated costs of spouse travel must be clearly identified on the Travel Request Form for approval by the City Manager.

7. Travel Expense Report

Any employee traveling on City business shall complete the "*Travel Expense Report*" in which a detailed record of his/her expenses must be stated. All items must be supported by receipts attached to the report unless specifically exempted by this policy.

6. Reimbursement

To be reimbursed for travel expenditures, the employee must sign and have his/her department head approve his/her "*Travel Expense Report*" and submit it to the Finance Department within five working days after his/her return to Seagoville. No reimbursement will be made or travel account closed until the department head and the Finance Department have approved the "Travel Expense Report". The department head shall check for reasonableness and the Finance Department shall review the expenses and check the accuracy of transportation costs and time covered. Where cause necessitates, the report will be submitted to the City Manager, together with the opinions of the department head and the Finance Department, for review.

7. Settlement of Advance Payments

If an employee has drawn expense money in advance, a settlement must be made on the basis of actual expenses and the unused balance promptly deposited with the Finance Department. If actual expenses exceed the estimate, upon approval of the Finance Department, the City will reimburse the employee. Again, it is emphasized that when advance payments are made, they do not constitute approval to spend this amount. All expenditures must be justified. Expenses not justified by the employee must be reimbursed to the City and can be deducted from the employee's payroll check. Reimbursement should be deposited with the Customer Service Clerk and the receipt should be attached to the Travel Expense Report.

APPENDIX A

TRAVEL POLICY CLARIFICATIONS

Employees do not use the Travel Authorization Request form for same day travel from any location in Dallas or Kaufman counties. Reimbursement can be received either from petty cash or by completing a Travel Expense Report approved by the department head. The miles driven and the mileage reimbursement rate must be shown on the document used for reimbursement. If the employee uses a personal automobile, reimbursement for mileage will be at the "standard mileage rate" allowed by the Internal Revenue Service (IRS). The mileage reimbursement rate will be updated to remain consistent with the IRS reimbursement rate.

TRAVEL AUTHORIZATION REQUEST FORM

This form must be completed before an employee can go on any trip. The travel policy requires that the department head and the City Manager approve any city business trip before the employee can leave. If the trip is not approved, it is possible the employee will not be reimbursed. The template for the Travel Authorization Form contains instructions for completing the form. To complete the Request form, fill in the blanks:

- A. Name - The name of the employee requesting permission to take a trip.
- B. Department - The name of the department to which the employee is assigned.
- C. Destination - The name of the city to which the employee will be traveling.
- D. Date and Time of:
 - 1. Departure - The date and time of departure.
 - 2. Return - The date and time the employee will return to Seagoville.
- E. Purpose of the Trip - The reason the employee is taking the trip (to attend conference, meeting concerning grant, etc.).
- F. Account Number - The department and account number to which the expenses for this trip are to be charged.
- G. Social Security Number.
- H. Others going to the same destination for the same purpose.

The employee must sign the Request form and have his/her department head and City Manager

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sign to indicate their approval of the trip. The employee is to send the completed form to Accounts Payable for check issuance. Several vendors can be paid using the Travel Authorization Request form. Include names and address of vendors for hotel and registration payments on the form.

EXPENSE REPORT

When the employee returns from the trip, the Employee Expense Report is to be completed. Period covered should include the date and time of departure. To complete the Report, fill in the blanks:

SECTION A - Expense: Under the Day of the Week, enter the date (i.e., 01/31/03).

1. Transportation
 - A. Auto (Fuel) - If the employee purchased fuel for a City owned Vehicle, enter the amount of the purchase here. Receipts must be attached to the report for reimbursement.
 - B. Mileage - There are two categories for computing mileage when a personal automobile is used: To destination - Mileage is obtained from the OFFICIAL STATE MILEAGE GUIDE or from the Finance Department. At destination - Mileage driven on City business while at the destination. Record the mileage and corresponding detail in Section C. The total mileage should be multiplied times the current mileage reimbursement rate and recorded in Section A under the appropriate date.
 - C. Taxi & Auto Rental - Enter the amount of fees paid under the appropriate date. Receipts are required for reimbursement for Auto Rental. Receipts are not required for reimbursement for taxi fees; however, they will be reviewed for reasonableness.
 - D. Other Auto - Enter the amount of other automobile related expenses. Provide detail in Section D.
 - E. Commercial Transportation - If the commercial transportation (airline ticket, train ticket, etc.) was prepaid by the City enter the amount that was paid under the appropriate date in Section A and in Section B under "Prepaid". If the employee paid for the commercial transportation, enter the amount in Section A only. For reimbursement, the receipts must be attached to the report.
2. Hotel - if the City prepaid the hotel bill enter the amount that was paid under the

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appropriate date in Section A and under the heading "Prepaid" in Section B. The paid receipt should be sent to Accounts Payable.

If the employee paid the hotel bill, enter the amount under the appropriate date. If parking fees and telephone calls are included on the hotel bill, those costs should be itemized under the appropriate category. Receipts must be attached to the report for reimbursement.

3. Meals - Enter the per diem amount paid for meals under the appropriate date. Refer to the Benchmark Reimbursement Rate Section for clarification. If meals are included in the registration fee, put "N/A" to indicate that there are no expenses claimed for the meal.
4. Telephone - The City will reimburse for telephone expenses that are for official city business. Enter the amount under the appropriate date.
5. Parking Fees - To be utilized for all parking fees, including airport parking and hotel parking. To be reimbursed, receipts must be attached. If the employee parked at a parking meter, write meter parking beside "Parking Fees" and the City will reimburse up to two (\$2.00) dollars per day. No receipts are required for reimbursement. Enter the amount under the heading "Employee Paid".
6. Registration - If the City prepaid the registration fee, enter the amount that was paid under the appropriate date in Section A and under the heading "Prepaid" in Section B. Receipts are not required. If the employee paid the registration fee, enter the amount under Section A only. For reimbursement, the receipts must be attached to the report.
7. Miscellaneous/Incidental Expenses - The City will reimburse for other expenses deemed necessary for official city business (i.e., postage, etc.). List the type of expenses and enter the amount under the appropriate date. Incidental expenses include, but are not limited to, fees and tips for services, such as waiter and baggage handlers. Tips should generally not exceed fifteen percent (15%) of the cost of meals. It does not include expenses for laundry, cleaning and pressing of clothing, movie rental and snacks. Note - Laundry, cleaning and pressing of clothing will be reimbursed if stay is in excess of five (5) working days.

SECTION B - Items Prepaid by or Charged to City

The purpose of this section is to account for costs listed in Section A that should not be reimbursed to the employee since the employee did not pay for the expense. This section would track costs that were paid in advance, paid by City credit card or being directly billed to the City. List expenses in the appropriate category based on type of expenditure and method of payment.

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SECTION C - Mileage

Record actual mileage and the corresponding detail in this section. Total mileage per day will be automatically calculated, multiplied times the current reimbursement rate and recorded in Section A. The mileage rate is reviewed and revised each January to reflect the rate allowed by the Internal Revenue Service. The mileage reimbursement rate can be obtained by contacting the Finance Department. Unless otherwise authorized, the Official State Mileage Guide for Texas should be utilized.

SECTION D – Miscellaneous

Provide detail on miscellaneous expenses in this Section. For reimbursement, the receipts must be attached to the report.

Calculate daily and Section totals. Enter the amount of cash advance received by the employee on the "Travel Advance" line under "Prepaid" in Section B. If the amount on the "Total Section A" line under "Employee Paid" is greater than the amount on the "Total Section B" line, enter the difference on the "Due Employee" line. If the amount on the "Total Section B" line is greater than the amount on the "Total Section A" line, enter the difference on the "Due City" line.

The employee must sign the form as the traveler and have the department head approve the expenses. If money is due to the City, the employee must return the money to the City. The receipt is attached to the report that is submitted to Accounts Payable. Please do not send cash or checks to Accounts Payable.

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APPENDIX B

THE CITY WILL USE THE INTERNAL REVENUE SERVICE MILEAGE REIMBURSEMENT RATE.

OFFICIAL MILEAGE GUIDE

This is a list of cities and the official mileage from Seagoville to that city. This is the mileage that must be used when you use your personal automobile to travel to other cities on City business. If the city to which you are traveling is not on the list, contact the Finance Department to get the official mileage. Official mileage is available for all major cities in the nation.

<u>CITY</u>	<u>MILEAGE</u>	<u>CITY</u>	<u>MILEAGE</u>
Abilene	200	Marshall	132
Amarillo	375	New Braunfels	246
Austin	198	Odessa	362
Beaumont	256	Pflugerville	187
Brownsville	521	Port Arthur	273
College Station	167	San Angelo	268
Corpus Christi	381	San Antonio	275
Denton	56	South Padre Island	535
El Paso	627	Temple	132
Fort Worth	49	Texarkana	174
Galveston	285	Tyler	76
Huntsville	167	Waco	99
Laredo	429	Wichita Falls	153
Longview	110	Baton Rouge, La.	395
Lubbock	339	New Orleans, La.	470

MEALS

THE MEAL REIMBURSEMENT RATE Meal expenses will be reimbursed based upon a daily allowance of \$36.00 per day, including tips, depending on when the trip started and ended. The following table details the maximum reimbursements allowed based on when the trip starts and ends. Receipts are not required for the daily per diem allowance.

Meal	Travel Start/End Times	Allowance
Breakfast	Begins before 6 a.m. and extends beyond 8 a.m.	\$ 7.00
Lunch	Before 12 noon to after 2 p.m.	10.00
Dinner	Before 6 p.m. to after 8 p.m.	19.00
	Total allowance per day	<u>\$36.00</u>

In the event, a traveler's expenses are above the \$36.00 per day allowance, all receipts for the day must be submitted and cannot exceed the per diem rates established by the Internal Revenue Service publication 1542 using the high-low rates. Any reimbursement for meals in

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excess of the daily allowance is at the discretion of the department head and in no event will exceed the Internal Revenue Service Publication rate for the specific city. If the specific city is not listed in the Internal Revenue Service Publication 1572, then the per day allowance will be used.

Meals included as part of the registration fee will not be reimbursed. Copies of agendas from the event attended should be included with the expense report. Tips are included in the meal allowance.

806 Drug & Alcohol Testing Handbook

Effective Date: 05/01/2003
Revision Date:

PRE-EMPLOYMENT TESTING

Drug tests shall be administered to all prospective employees once an employment offer has been made.

POST ACCIDENT TESTING

An employee involved in an on-the-job accident while operating a City vehicle, a personal vehicle in the course of employment, a commercial motor vehicle, or City equipment will be required to submit to drug and alcohol testing for the following circumstances: 1) collisions that result in a fatality (regardless of who was at fault); 2) an injury treated or transported away from the scene; 3) a citation for a moving traffic violation; or 4) towing the vehicle from the scene.

Drug and alcohol test shall be administered within (2) two hours to eight (8) hours, or the supervisor shall prepare a record stating the reasons the tests were not promptly administered. The employee shall be placed in a non-driving position pending the test results. A driver subject to post-accident testing must refrain from consuming alcohol for (8) eight hours following the accident, or until an alcohol test is conducted, whichever comes first.

All records shall be forwarded to Risk Management.

REASONABLE SUSPICION TESTING

An employee that demonstrates that he/she is unable to perform his/her duties, or has given the city cause to suspect drug and/or alcohol usage may be required to submit to a drug and alcohol test. Reasonable cause should be supported by evidence strong enough to establish that a policy violation may have occurred.

AVAILABLE FOR TESTING

Any employee not reasonably available for testing, who refuses to undergo testing, or otherwise refuses to cooperate with any action deemed appropriate, shall be subject to immediate termination.

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TEST RESULTS

Alcohol and drug testing results/records will be released to appropriate Human Resources personnel and maintained under strict confidentiality. Results and records cannot be released to another party without the written consent of the employee or as required by law. Human Resources shall notify the hiring supervisor if the applicant fails to pass the drug screen and/or alcohol test. Actual results will not be released. An exception to releasing test results exists if the employee initiates a grievance, hearing, lawsuit, or another similar action as a result of a violation of these rules. In such a situation, the City may release relevant information as necessary in order for a decision to be made.

An employee with a positive alcohol test shall be terminated. Upon notification of a positive drug test, the employee shall have 24 hours to provide a valid current prescription for the drug(s) identified on the test. The employee shall continue to be on administrative leave with pay during this 24-hour period. If the employee does not provide acceptable verification as determined by the designated lab, the employee shall be terminated.

EMPLOYEE ASSISTANCE

The City of Seagoville encourages employees to seek early voluntary treatment. Information can be obtained from the Human Resources Department. These matters are kept strictly confidential.

DRUG AND ALCOHOL TESTING FOR COMMERCIAL MOTOR VEHICLE DRIVERS

It is City policy to comply fully with the U.S. Department of Transportation's (DOT) mandatory drug and alcohol testing policy regarding employees who perform safety-sensitive functions. The City will follow the Mandatory Guidelines for Federal Workplace Drug Testing Programs. The purpose for the drug and alcohol testing is to promote and assure a drug and alcohol free work environment and to protect all employees and the general public from harm or injury.

Safety-sensitive employees who are covered by this policy include:

- All positions of employment that require a CDL license to perform the essential job functions;
- Any employee that has obtained a CDL license and is training to become a driver or drives on occasions; **and/or**
- Any supervisor or foreman that has obtained a CDL license for the purpose of driver training or emergency relief.

A safety sensitive function is one in which a driver on-duty is waiting to be dispatched; inspecting, servicing, loading, unloading or driving a commercial motor vehicle;

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remaining in attendance upon a disabled vehicle; or supervising or assisting in any of these activities.

ALCOHOL TESTING

Breath testing will be performed using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). Two breath tests are required to determine if an employee has a prohibited alcohol concentration. If an employee cannot blow the required volume of air, a blood test will be required. A screening test will be conducted first. Any result less than 0.02 alcohol concentrations will be considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted. The employee and the technician conducting the breath test will complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, will be conducted using an EBT that prints out the results, date, time, sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. Between the two tests, an "air blank" will be performed on the instrument. The confirmation test shall be performed within 20 minutes of the first test.

"Alcohol" is defined as ethyl alcohol. Alcohol, used herein, includes any beverage, mixture or preparation containing ethyl alcohol.

"Alcohol" is defined as ethyl alcohol. Alcohol, as used herein, includes any beverage, mixture or preparation containing ethyl alcohol.

If the test result is between 0.02 and 0.04, the employee shall be relieved of duties without pay for the remainder of the shift.

Upon receiving notification of a positive test, the employee will be terminated.

DRUG TESTING

Drug testing will be conducted by analyzing an employee's urine specimen. The analysis will be performed at a laboratory certified and monitored by the Department of Health and Human Services (DHHS).

Each urine specimen is subdivided into two specimens ("primary" and a "split"). Only the primary specimen will be initially used for the urinalysis. The split specimen remains sealed and is stored under controlled conditions at the laboratory. If the analysis of the primary specimens confirms the presence of illegal, controlled substances, the laboratory will conduct a confirmation test for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medication or preparations are not reported as positive results.

All urine specimens for safety-sensitive testing will be analyzed for the following drug groups: marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP).

Upon notification of a positive drug test, the employee will be suspended without pay for

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twenty-four (24) hours, during which time he/she is to provide a valid current prescription for the drug(s) identified on the drug screen to the laboratory. If the employee does not provide acceptable verification, the employee will be terminated.

RANDOM TESTING

Safety-sensitive employees will be subject to random drug and alcohol testing, conducted on an annual basis. The time and date for testing will be unannounced and will be conducted with unpredictable frequency throughout the calendar year. Upon notification, all selected employees shall immediately proceed to the testing site. Random alcohol testing will be conducted prior to, during or right after performing a safety-sensitive function. The number of random alcohol test must equal at least 10% of all CDL driving positions per year. Random drug testing does not have to be conducted to immediate time proximity to performing a safety-sensitive function. The number of random drug test conducted each year must equal at least 50% of all CDL driving positions.

A driver does not have to be notified immediately after being selected. The City may notify and test the selected driver the first available time after the selection of the driver's name is made, up to the time before the next selection is made. The fact a driver has been selected shall remain confidential until notification. Each time a driver is selected and tested, that driver is placed back in the pool for the next selection and the driver may be selected and tested again (more than once in any year).

An employee who is on vacation, sick leave, official business, extended leave of absence, or absent for other justifiable reasons, may be excused employee from the drug and alcohol screening procedure. The City may require an excused employee to submit to a drug and alcohol screening immediately upon such employee's return to work. An excused employee need not be notified of the selection or excuse from screening.

MEDICAL REVIEW OFFICER

A medical Review Officer (MRO) is a licensed physician responsible for receiving laboratory results generated by the City's drug and alcohol testing program. The MRO will review all laboratory test results prior to transmitting the information to the City. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an employee's confirmed positive test result, together with the employee's medical history and any other relevant biomedical information.

The MRO shall maintain all dated records and notifications for verified positive controlled substances test results, identified, for a period of five (5) years. The MRO shall maintain all dated records, and notifications for negative and canceled controlled substances test results, identified, for a period of one (1) one year.

808 Modified Duty Assignment Handbook

Effective Date: 05/01/2003

Revision Date:

MODIFIED DUTY ASSIGNMENT

- I. **PURPOSE AND SCOPE.** It is the goal of the City, with the cooperation of all departments, to locate and assign restricted work assignments when necessary and feasible, to employees who are temporarily restricted from performing the essential functions of his/her job as a result of a work related or non-work related injury or illness.
- II. **POLICY.** The City will make every possible effort to assign modified duty assignments to those employees on restricted or modified work status. Assignment to modified work duty is at the discretion of the Department Head subject to approval by the Director of Human Resources and the City Manager.

III. **DEFINITIONS**

Accrued Paid Leave is vacation leave, sick leave, and compensatory time.

Course and Scope of Employment as defined by the Texas Workers' Compensation Act is, "an activity of any kind or character that has to do with and originates in the work, business, trade or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employer." The term includes activities conducted on City premises or at other locations.

Leave of absence is unpaid leave, of any duration, granted only after exhausting all accrued vacation leave, sick leave and compensatory time. Generally, referred to as, "leave without pay."

Maximum Medical Improvement as defined by the Texas Workers' Compensation Act means the earliest date after which, based on reasonable medical probability, further medical recovery from an injury or lasting improvement of an injury can no longer reasonably be anticipated.

Modified Duty Assignment means a temporary reassignment of an employee with an illness, injury, or medical condition to duties that can be performed within the limitations of the employee's medical condition.

On-the-job Illness/Injury is a disability, injury, illness or medical condition that occurred as the result of the employee performing the assigned duties of his/her occupation within the course and scope of employment.

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Reasonable Accommodation is a modification of the work environment and/or work process that enables a person with a disability to perform the essential functions of a job. The determination of what accommodations are reasonable shall be the sole determination of the City.

Texas Workers' Compensation Act provides wage replacement, rehabilitation, and medical benefits for employees who become injured or ill as a result of performing the duties of their occupation, as well as compensation for dependents of an employee who dies as a result of performing the duties of his/her occupation.

IV. GENERAL PROVISIONS

- A. All provisions of this policy apply to work related injuries/illnesses unless specifically noted otherwise within this policy. Non-work related injuries/illnesses will be handled on a case-by-case basis at the request of the employee and at the discretion of the City Manager.
- B. While on a modified duty assignment, the employee and eligible dependents remain qualified for medical benefits coverage through the City's group health plan as long as:
 - 1. The employee pays the premium for dependent coverage under the City's plan on a timely basis either through payroll deduction or personal payment; and
 - 2. The employee is cooperating with the Human Resources Director and his/her Department Head with regard to documentation, communication, rehabilitation, and modified duty.
- C. The City will continue to provide Group Term Life Insurance coverage on the employee only.
- D. The City will maintain the employment of an individual who is temporarily restricted from performing the essential functions of his/her job as a result of a work-related injury or illness for a maximum of 180 calendar days. The 180-day period begins on the first day of medical certification.
- E. For purposes of this policy, a workday consists of eight (8) hours, with a standard of five (5) days per week, (This includes Public Safety).
- F. When an employee returns to work on a modified duty status for less than a regular work shift, accrued paid leave can be used to offset the difference in hours if the employee is not receiving workers' compensation benefits. (If the employee returns to work and earns less than 80% of his/her average gross base pay and the injury/illness is work related, he/she is entitled to supplemental income benefits as provided by workers' compensation and will not be allowed to use accrued paid leave in addition to receiving these benefits.)

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V. MODIFIED DUTY ASSIGNMENTS

- A. An employee will be considered for a modified duty assignment when physical restrictions placed on him/her by their treating physician do not allow the employee to perform the essential functions of his/her job.
- B. The employee must provide to Human Resources a written release or work status report from the treating physician stipulating the following:
 - 1. Specific restrictions;
 - 2. Period of time during which the restrictions apply;
 - 3. Expected date on which the employee may return to work for restricted duty;
 - 4. Date of the employee's next physician appointment; and
 - 5. Specific date on which the employee may be expected to be fully recovered and able to perform the essential functions of his/her job without restrictions.
- C. Each department/division is responsible for identifying specific modified duty assignments available within his/her department based upon the recommendations by the treating physician as outlined in the work status report.
- D. A modified duty assignment will be made within the department/division in which the injured employee works if one is available which is within the scope of the restrictions.
- E. If placement is unavailable within the Department, the Director of Human Resources will facilitate the placement of the individual in another department, based on the skills and abilities of the employee. (See sample letter at back of handbook)
- F. The salary of an employee placed on modified duty shall be paid by the department/division to which the employee is normally assigned at his/her regular rate of base pay and incentives pay.
- G. An employee on modified duty may be assigned several types of work at various locations and times, necessitated by changing medical restrictions or by completion of all available work of a particular type at a particular location.
- H. Employees on workers' compensation who are released to modified duty will be sent a bona fide offer of employment letter from Human Resources indicating available modified work duty assignment. The employee has the option to accept or reject the offer of modified work assignment.
- I. If the employee rejects the modified work assignment the employee will not be eligible to use accrued leave in order to receive any type of salary, and may be

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placed on leave without pay. In addition, if his/her injury is work related, he/she will not be eligible for workers' compensation supplemental income benefits.

- J. Modified duty assignments shall not exceed a total of 180 calendar days, for the original injury/illness or any subsequent reinjury or aggravation.
- K. Modified duty assignments are temporary and not intended to create permanent jobs. Modified duty assignments may be eliminated at the City's sole discretion.
- L. Should an employee fail to adhere to the City's policy or the treating physician's work restrictions, the employee may be subject to disciplinary action, up to and including dismissal.

VI. RETURNING TO FULL DUTY STATUS

- A. Prior to returning to full duty, an employee must present to Human Resources an acceptable medical release from his/her treating physician.
- B. The City will make every possible effort to restore the employee to the position held by the employee prior to being placed on modified duty, or to a position with equivalent pay and benefits for which he/she is qualified to perform.
- C. The City reserves the right to require an independent physical/mental assessment, at the City's expense, upon the return to work of an employee from a work related or non-work related disability, illness, injury or medical condition.
- D. An employee who is unable to return to work, and/or cannot perform the essential functions of his/her job with or without reasonable accommodations at the end of 180 calendar days will be dismissed.
- E. This policy is not an employment contract and does not alter an employee's at-will employment status. The City or the employee may terminate its working relationship at any time, for any reason.

VII. TERMINATION

Employees who are restricted from performing the essential functions of his/her job as a result of a work related or non-work related injury/illness can be terminated based upon one or more of the following:

- A. Evidence that the employee will not be able to perform the essential functions of his/her job with or without reasonable accommodations within 180 calendar days
- B. An employee's refusal to participate in a rehabilitation program or failure to cooperate with rehabilitative efforts as directed by the treating physician;

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- C. An employee's refusal of placement in a modified duty assignment for which the employee is qualified;
- D. The employee's refusal of a modified duty assignment that is within the physical parameters provided by the treating physician;
- E. The conclusion of the 180-day period as specified in Section IV, D above;
- F. The employee's failure to follow established safety rules and regulations and/or City work rules and regulations;
- G. The failure of the employee to present satisfactory medical certification of his/her inability to return to work, either in a limited duty capacity or to regular duty according to the timetable established in this policy, or upon request by the City;
- H. Falsification or misrepresentations made by the employee concerning his/her physical condition or capacity;
- I. The failure or refusal of the employee to return to regular duty on the date specified by the treating physician;
- J. The employee's failure to provide work status reports timely from the treating physician;
- K. The employee becomes disabled, ill, injured or acquires a medical condition as a result of his/her own willful misconduct or gross negligence as determined by the City Manager, after consultation with the Director of Human Resources and the City Attorney;
- L. The employee is found to be participating in any activity, including outside employment and/or self-employment that violates the medical restrictions; or
- M. The employee fails to report his/her participation in any other employment, including self-employment, while on medical leave and/or while on modified duty.

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Employee Name
Address
Any Town, USA 12345

Dear **[Employee Name]**:

The City of Seagoville is in receipt of a work status report dated **[date]** from **[Doctor]** relating to your current medical condition and your ability to work. A copy of that report is enclosed with this letter. The City of Seagoville will set guidelines as outlined by **[Doctor]** to identify an appropriate modified position for you. The City of Seagoville is offering you a modified duty assignment, which has duties within your work abilities as determined by **[Doctor]** and pursuant to Texas Workers' Compensation Commission Rule §129.6 (Bona Fide Offers of Employment).

You will be expected to return to work on **[date]** in the **[Department]** located at **[address]**. Your work schedule will be **[days and hours]**. Your salary will remain the same at **[amount]**. Unless otherwise modified by **[Doctor]**, your restricted work status will end on **[date]**.

Your physical limitations and time requirements as specified by **[Doctor]** are as follows:
[list restrictions]

The City will only assign you tasks consistent with your physical abilities, knowledge and skills and will provide you training if necessary.

A copy of the City's policy on Modified Duty Assignment is attached. It is your responsibility to read, understand and comply with this policy. Should you fail to adhere to the City's policy or **[Doctor]** work restrictions, you may be subject to disciplinary action, up to and including termination.

This modified duty assignment is not an employment contract nor does it alter your at-will employment status. The City or you may terminate your employment at any time, for any reason.

Please sign below either accepting or rejecting this offer and return to Human Resources within three (3) work days.

If you have any questions regarding your light duty assignment or this offer, please contact **[Coordinator]** in Human Resources at (972) 287-2050.

Sincerely,

Human Resources Department

-
- I have **read, understand** and **accept** the offer of modified duty assignment.
 - I have **read, understand** and **decline** the offer of modified duty assignment.

Employee Signature

Date