

**City of La Porte**

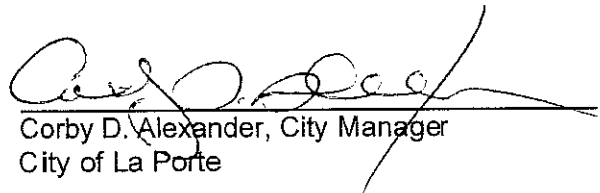
**EMPLOYEE POLICIES HANDBOOK**

Effective March 30, 2009  
Revised January 1, 2013


SEVERABILITY  
CLAUSE

In the event any section or provision of these personnel policies is found to be unconstitutional, void, or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of those policies, and such remaining sections or provisions shall remain in full force and effect.

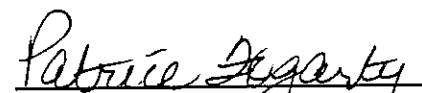
Issued this 14<sup>th</sup> day of January, 2013

  
Corby D. Alexander, City Manager  
City of La Porte

Approved by the City Council of the City of La Porte, Texas this 14<sup>th</sup> day of January, 2013

  
Louis Rigby, Mayor  
City of La Porte

ATTEST:

  
Patrice Fogarty, City Secretary  
City of La Porte

## **EMPLOYEE STATEMENT**

I, \_\_\_\_\_ acknowledge that I have received the City of La Porte Personnel Policy Manual effective January 1, 2013 and I agree to read it and to comply with it and any other rules and policies of the City. I understand that violating the policies and rules set out in this handbook may lead to disciplinary action up to and including termination.

I understand that these policies and/or any other policies or manuals used by the City of La Porte are guidelines for use by employees and are not intended nor do they create an employment contract for any specified length of time, or any other type of obligation binding on the City.

Additionally, I understand that neither the contents of these policies nor any statements made to me now or in the future constitute an employment contract. I further understand that the final interpretation and application of these policies is within the sole and exclusive discretion of the City.

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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## **CHAPTER ONE**

### **GENERAL PROVISIONS**

#### **1.01 Introduction**

This Employee Policies Handbook is intended provide information about the main features of the City of La Porte's employment policies, benefits and their application to individuals employed with the City.

This policy manual is a guide, and not a binding legal document. The City of La Porte reserves the rights to modify, revoke, suspend, terminate, or change any or all such policies and practices, in whole or in part, at any time, with or without notice.

The City Manager is vested with the general authority and responsibility for the conduct and administration of municipal affairs. This authority does not supersede matters of appointment reserved to the City Council by City Charter provisions. The City Manager, or designated appointee, is responsible for appointments to all positions and the establishment and maintenance of standards of efficiency. Final authority in the form of review, approval and interpretation is reserved by the City Manager with regard to all matters of subjects covered by these policies.

These personnel policies shall apply to all City employees except where these policies may be in conflict with federal, state, or local legislation. Supplemental rules for all City departments may be developed within the respective departments so long as these departmental policies do not conflict with City personnel policies and procedures. These policies relate only to matters of personnel management and do not include any departmental procedures, standard practices, standing orders or other technical matters.

The City of La Porte Civil Service Commission regulates all classified Civil Service personnel in the Police Department and shall apply in case of any conflict with the *City of La Porte Employee Policies Handbook*. Where Civil Service policies are silent, the City of La Porte Personnel Policies shall apply.

All City employees upon employment will be provided with a copy of these policies. City employees will sign a form acknowledging receipt of these policies and such form will become a part of the employee's official employment record.

This policy manual supersedes any and all previous personnel policy manuals approved or utilized by the City of La Porte and becomes effective January 1, 2013.



## **1.02 Purpose of Personnel Policy Handbook**

The City of La Porte's personnel policies are designed to bring to the City's service a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of personnel policies and practices. The principal objectives of the City's personnel management system include the following:

The objectives of the personnel policies are as follows:

- To promote good and uniform and effective personnel practices as well as uniform administration in the management of the City's human resources.
- To attract and retain qualified employees, and to provide such employees opportunities for professional growth so that they may serve the citizens of the city to the best of their ability.
- To provide equitable and adequate compensation based upon individual merit and the relative duties and responsibilities of positions in the service of the City.
- To promote high morale by the consistent administration of this chapter, and to protect the rights and interests of all employees.

## **1.03 At-Will Employment**

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. The policies contained in the Employee Policies are not intended to create, nor are they to be construed to constitute, a contract between the City of La Porte and its employees. Nothing contained in these policies shall create an entitlement to, or property interest in, continued employment with the City. In that regard, both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause.

## CHAPTER TWO

### EMPLOYMENT AND APPOINTMENTS

#### **2.01 Equal Employment Opportunity**

The City of La Porte maintains policies and practices of Equal Employment Opportunities for all applicants and employees. The City does not discriminate on the basis of race, color, religion, sex, national origin, ancestry, age, disability, or veteran status.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, retention, compensation, benefits, transfer, and discipline. Any incident of discrimination should be reported to the employee's supervisor, division manager, department director, or human resources. Human Resources is responsible for investigating the matter.

#### **2.02 Americans with Disabilities Act**

To ensure compliance with the Americans with Disabilities Act, the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide a reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the City, or constitute a threat to the safety of the disabled person or other persons.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint by following the chain of command.

#### **2.03 Application Process**

The City hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, or any other characteristic protected by law.

#### **Recruitment Requirements**

The recruitment process is initiated by a Department Director or their designee by submitting an **Employee Requisition Form** to Human Resources. Job vacancies will be posted at the requested sites as well as on the City's website and other sites throughout the City.

After making a decision to hire, the hiring department must submit the **Prospective Employee Form** to Human Resources. Offers for City employment will be communicated by Human Resources upon receipt of the hiring recommendation from the applicable department and all related paperwork.

## **Applications**

Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the Department Director or their designee.

## **Hiring Process**

Applicants will be required to submit to an oral interview, a post-offer physical examination, drug and alcohol screening, as well as a background investigation. A written exam may also be required for certain positions. A credit check may be required for positions involving financial transactions. A driving record check may also be required for employees whose position requires driving a city vehicle.

## **Disqualification**

Applicants may be disqualified from consideration for one or more of the following reasons:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If the applicant previously worked for the City and was terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure;
- If their employment will result in a violation of the City's Nepotism Policy;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant failed to meet the posted deadline for filing an application
- The applicant has been convicted of a crime which could result in that applicant's employment being detrimental to the integrity of the City's service
- The applicant applied for a position which requires operation of a motor vehicle and has an unsatisfactory driving record or an invalid driver's license, or the applicant lacks the required type of driver's license for the position sought.
- Any other reason deemed to be in the best interest of the City

## **2.04 Promotions**

It is the City's goal to encourage professional growth among its employees through promotional opportunities when available. City employees that meet the qualifications of the posted position may be given preference in the application and selection process.

The following procedures apply to promotions:

1. Departments notify Human Resources of all existing and anticipated vacancies by filling out the Employee Requisition Form.
2. Human Resources posts the vacancies by sending job announcements to posting sites located throughout the City
3. All applications must be received and processed through Human Resources in order to be considered

When, in the course of the normal budget process, a currently filled position will no longer exist, but will be replaced with a position having a higher classification, the employee in the former position may be promoted to the new grade level without the formal hiring process.

### **Temporary Promotions**

The City Manager may authorize a temporary promotion if a position is vacant or its regular incumbent is absent. Temporary promotions are for a specific period of time as determined by the City Manager. Employees temporarily promoted may be additionally compensated for the duration of their temporary assignments according to the promotional grade temporary supervisory pay. Employees temporarily promoted shall not acquire any status or rights in the class to which they are temporarily assigned.

## **2.05 Transfers**

The City will attempt to honor employees' transfer requests when it does not adversely affect the interests of the City or its employees.

### **Administrative Transfers**

An administrative transfer is an assignment of an employee from one position to another not involving promotion or demotion. A transfer may be for administrative convenience or upon request of the employee, provided the employee is qualified for the position. Transfers between grade levels or between departments shall become effective following recommendation by Human Resources and approval by the Department Director and the City Manager.

#### **Lateral Transfers – Inter Departmental**

A lateral transfer is the transfer of an employee between two departments and within the same grade level, provided the employee is qualified for the position.

#### **Lateral Transfers – Intra Departmental**

Nothing within this section shall prevent a Department Director from transferring an employee within the department to another position within the same department, provided the new position is a lateral move (comparable job description and pay grade level).

Administrative, Interdepartmental, and intradepartmental lateral transfers shall abide by the same terms as above, and do not require a posting of the job opportunity announcement.

## **2.06 Demotions**

### **Voluntary Demotion**

Voluntary demotions require the approval of the Department Director, and the City Manager, and will be considered only if they are in the best interest of the City. All documentation must be reviewed by the Human Resources Manager. If approved, employees may be administratively demoted at their own request, or as an alternative to layoff. Such demotions shall not be considered disciplinary actions or disqualify the employee involved from consideration for future advancement. Demotions resulting from alternatives to layoffs may be fully or partially rescinded at any time. Demoted employees will not be eligible for a salary adjustment until one year from date of demotion.

### **Involuntary Demotions**

Involuntary Demotions require the approval of the Department Director and the City Manager. All documentation must be reviewed by the Human Resources Manager. This action may be taken for disciplinary purposes or any other purpose deemed necessary. An employee involuntarily demoted shall not be disqualified from consideration for future advancement.

## **2.07 Appointments**

The purpose of categorizing positions within the City service is to designate the nature of the position's work routine as well as to clarify the eligibility of benefits provided to the particular type of position.

There are two types of appointments: Regular and Temporary. Regular appointments are further divided into:

### **Regular Employees**

1. Regular full-time employees are those who work a minimum of 40 hours per week, or 53 hours per week for 24-hour shift personnel, but are not employed for only a specific period of time or for a special job task or project.
2. Regular part-time employees are those who work less than 40 hours per week on a regular basis. Regular part-time employees in the 24-hour shift job class may work over 40 hours per week but less than 53 hours per week.

### **Temporary Employees**

1. Temporary/seasonal full-time employees are those who work a minimum of 40 hours per week, or 53 hours per week for 24-hour shift personnel, but are employed only for a specific period of time or for a special job task or project.
2. Temporary/seasonal part-time employees are those who work less than 40 hours per week, or less than 53 hours per week for 24-hour shift personnel, for a specified period of time or for a special job task or project.

## **Emergency Temporary Appointments**

During an emergency, if City employees are unable to provide the necessary services, the City Manager may immediately fill positions without regard to normal selection and appointment methods. Such appointments shall be for periods not to exceed 30 working days. Persons receiving emergency temporary appointments are not eligible for benefits other than workers compensation coverage.

## **2.08 Introductory Employment Period**

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an introductory employment period of 6 months (1 year for licensed peace officers, 18 months for unlicensed peace officers Civil Service). Additionally, all current, non-civil service employees who are transferred, promoted, appointed, demoted, or reclassified within the City service shall be required to successfully complete an introductory period of six (6) months as well as former City employees who are rehired. The introductory period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their introductory period will be retained as employees. An extended orientation and/or training time may be added to the introductory period. Employees are considered introductory employees until they have actually performed their regular job duties for at least 6 complete months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

**Seasonal/Temporary Employees** – Seasonal/temporary full and part-time employees do not serve an introductory employment period and have no right of appeal when terminated at any time.

**Absences During Introductory Employment Period** - During the introductory employment period, an employee is eligible to use sick leave for qualifying absences, but may use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted and if authorized by the employee's Department Director. Transferred or promoted employees serving introductory periods retain their eligibility for all types of leave established by City policy.

**Extensions to Introductory Employment Period** - An introductory employee's employment period may be extended up to an additional 60 days. Any introductory employment extensions must have the City Manager's approval prior to any action being taken.

**Successful Completion of Introductory Period**- An employee is granted "regular" status in the new position if the employee satisfactorily completes the performance introductory period.

**Failure of Introductory Period** - An employee is considered to have failed the introductory period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of the introductory period may occur at any time within the introductory period. An employee who fails their introductory period will be terminated from the City's employment. A transferred or promoted employee who fails probation may, at the sole discretion of the City, be reinstated to his/her former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the introductory period, including counseling, training, and other efforts to help employees during their introductory period. All such documentation must be reviewed by the Human Resources Manager before the employee can be terminated.

**Termination of Introductory Employment-** Introductory employees are at-will employees and may be terminated at any time during the introductory period, with or without notice or cause. An introductory employee who is terminated has no right of appeal.

## **2.09 Nepotism**

### **Purpose**

The purpose of this policy is to prevent conflicts of interest, to avoid biases conduct, and to maintain the confidentiality of restricted information.

### **City Manager and City Council**

No person related, within the second degree affinity, or within the third degree by consanguinity, to the Mayor or any Councilperson or to the City Manager shall be employed or appointed to any office, position, or clerkship of the City.

This prohibition shall not apply, however, to any person who shall have been employed for thirty (30) days or more, in the case of persons related to the City Manager, or two (2) years or more, in the case of persons related to the Mayor or a Councilperson, at the time of the election or appointment of the officer to whom he or she is related.

### **Applicants and Employees**

An applicant may not be hired as a full-time or part-time regular employee in any department if that department already employs a person who is within the second degree of affinity or third degree of consanguinity of the applicant unless approved by the City Manager.

If an employee becomes within the second degree of affinity or third degree of consanguinity of another employee who works in the same department, neither employee may be promoted to any position that has any supervision or authority over the other either directly or through the chain of command.

No employee may supervise or be supervised by a person who is within the second degree of affinity or third degree of consanguinity. Two or more employees within the second degree of affinity or third degree of consanguinity may not report to the same supervisor.

### **Reorganization**

In the event of reorganization, promotion, or any other situation giving rise to a relationship between two City employees that is rule in violation of the nepotism policy, both employees shall be consulted and the two employees, jointly, shall make the decision as to which one shall leave City employment, unless an open position exists for which they are qualified and does not violate this or any other policy. In such cases where the two employees cannot reach an agreement within 10 days of written notice, the City Manager shall make the decision to which one shall leave City employment, which decision shall be binding and final.

| <b>First Degree</b>     |   |
|-------------------------|---|
| <b>By Consanguinity</b> | <b>By Affinity</b>                              |
|                         | Spouse  |
| Parents                 | Spouses of relatives listed under consanguinity |
| Children                | Parents of Spouse                               |
|                         | Children of Spouse                              |
|                         | Stepparents                                     |
|                         | Stepchildren                                    |

| <b>Second Degree</b>    |   |
|-------------------------|---|
| <b>By Consanguinity</b> | <b>By Affinity</b>                              |
| Grandparents            | Spouses of relatives listed under consanguinity |
| Grandchildren           | Grandparents of Spouse                          |
| Brothers and Sisters    | Grandchildren of Spouse                         |
|                         | Brothers and Sisters of Spouse                  |

| <b>Third Degree</b>     |                    |
|-------------------------|--------------------|
| <b>By Consanguinity</b> | <b>By Affinity</b> |
| Great Grandparents      | No Prohibition     |
| Great Grandchildren     |                    |
| Nieces and Nephews      |                    |
| Aunts and Uncles        |                    |



## **2.10 Eligibility for Rehire**

Former employees may be eligible for rehire with the City at the discretion of the City Manager; however, they shall not receive preference over other applicants on the basis that they were formerly employed by the City. If a former employee is rehired, he/she will be subject to all introductory periods as set forth in the policy handbook.

## **2.11 Performance Evaluations**

The City uses a thorough performance evaluation system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance evaluation system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation system as outlined herein is to achieve optimum employee performance resulting in outstanding customer service.

**Schedule** - Regular full and part-time employees are eligible for:

- A performance review after completing their introductory period; and
- Annual performance evaluation on their anniversary date

The Human Resources Department will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Human Resources Department is responsible for maintaining original evaluation documents in official personnel files.

## **2.12 Residence**

There shall be no absolute requirement of residence for City employment except as may be required by law or City Charter. Employees who may be subject to emergency call and/or periodic service in a stand by status may be required to establish residency within a reasonable distance from the principle work site, to assure a timely response, as determined by the Vehicle Policy. However, in no event shall any residency requirement contravene applicable law.

## **CHAPTER THREE**

### **STANDARDS OF CONDUCT**

#### **3.01 Introduction**

Employees are expected to observe certain standards of job performance and good conduct. Specific rules included in this policy are intended to provide employees with notice of what is expected of them, but cannot reasonably include every type of unacceptable conduct and performance. Conduct and performance not specifically prohibited in this policy that adversely affects or is otherwise detrimental to the interests of the City, other employees, or citizens, may result in disciplinary action up to and including termination.

#### **3.02 Personal Appearance**

The City of La Porte recognizes the necessity for each department to set their own dress standards. All employees regardless of work location and degree of public contact shall dress in a professional manner.

#### **3.03 Ethics**

Personal conduct of employees should be such that it is a credit to themselves and the City. In matters of general conduct, within the scope of these policies, employees will be governed by the precepts of good moral behavior observed by law-abiding citizens.

#### **3.04 Violations of Policies/Acts of Misconduct**

Employees may be disciplined or terminated for misconduct dependent on the severity, including but not limited to:

1. Violation of any City or department rule, regulation, policy, or procedure
2. Insubordination, indifference toward work, neglect of duties, disruptive behavior, or any conduct that interferes with or prevents effective performance of the duties of the position, the department, or the City
3. Dishonesty
4. Waste, damage to, theft of, abuse of, or unauthorized use of City property
5. The violation of any federal or state law, rule, regulation, or City ordinance while on or off duty including a criminal act that may have an adverse impact upon the City or on the public confidence in the integrity of City government, or on the relationship of the employee and other employees, or acts which reflect poorly upon the City's image
6. Violation of the City's Harassment Policy
7. Violation of the City's Drug and Alcohol Policy
8. Excessive distribution of non-work related literature during working hours and/or on city property
9. Gambling in any form during working hours and/or on City Property

10. Violation of City's Weapons Policy
11. Failure to report an on the job injury within twenty-four hours.
12. Failure to report an incident within twenty-four hours.

### **3.05 Financial Responsibility of Employees**

All employees are required to manage their personal financial affairs separately from their careers with the City. If or when personal financial affairs interfere with an employee's ability to perform their job duties, disciplinary action may be taken.

### **3.06 Suspected Misconduct and Dishonesty Policy**

#### **Introduction**

Like all organizations, The City of La Porte is faced with risks from wrongdoing, misconduct, dishonesty and fraud. As with all Municipal business exposures, we must be prepared to manage these risks and their potential impact in a professional manner.

The impact of misconduct and dishonesty may include:

- The actual financial loss incurred
- Damage to the reputation of our organization and our employees
- Negative publicity
- The cost of investigation
- Loss of employees
- Loss of customers
- Damaged relationships with our contractors and suppliers
- Litigation
- Damaged employees morale

Our goal is to establish and maintain an environment of fairness, ethics and honesty for our employees, our citizens, our suppliers and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.

The City of La Porte is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

#### **Purpose**

The purpose of this document is to communicate city policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employee and others, to provide specific instructions regarding appropriate action in case of suspected violations.

## **Definition of Misconduct and Dishonesty**

For purpose of this policy, misconduct and dishonesty include but are not limited to:

- Violations of the City of La Porte Employee Policies handbook.
- Theft or other misappropriation of assets, including assets of the city, our citizens, suppliers or others with whom we have a business relationship
- Misstatement and other irregularities in the City of La Porte records, including the intentional misstatement of the results of operations
- Wrongdoing
- Forgery or other alteration of documents with the intent to defraud.
- Fraud and other unlawful acts
- Any similar acts
- This Policy does not supersede other policies (i.e. credit card policy, travel policy etc.)

The City of La Porte specifically prohibits these and any other illegal activities in the actions of its employees, managers, executives and others responsible for carrying out the organization's activities.

## **Policy and Responsibilities**

### **Reporting**

It is the responsibility of every employee, supervisor, manager and executive to immediately report **suspected** misconduct or dishonesty to their supervisor. Supervisors, when made aware of such potential acts by subordinates, must immediately report such acts to their supervisor. Any reprisal against any employee or other reporting individual because the individual, in good faith, reported a violation is strictly forbidden.

### **Additional responsibilities of Supervisors**

All employees have a responsibility to report suspected violations. However, employees with supervisory and review responsibilities at any level have additional deterrence and detection duties. Specifically, personnel with supervisory or review authority have three additional responsibilities

First, you must become aware of what can go wrong in your area of authority.

Second, you must put into place and maintain effective monitoring, review and control procedures that will prevent acts of wrongdoing.

Third, you must put into place and maintain effective monitoring, review and control procedures that will detect acts of wrongdoing promptly should prevention efforts fail.

Authority to carry out these three additional responsibilities is often delegated to subordinates. However, accountability for their effectiveness cannot be delegated and will remain with supervisors and managers.

Assistance in effectively carrying out these responsibilities is available upon request through the City Manager's Office.

## **Responsibility and Authority for Follow Up and Investigation**

The City Manager, Human Resources, Finance and Police have the primary responsibility for all investigations involving all acts of fraud by a city employee. The assistance of the Police Department may be required in any investigation.

Properly designated members of the investigators will have free and unrestricted access to all city records.

All investigations of alleged wrongdoing will be conducted in accordance with applicable City of La Porte practice of administrative and police notifications and investigations.

## **Reported Incident Follow Up Procedure**

Care must be taken in the follow up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that follow up and investigation is underway, and to avoid making statements which could adversely affect the city, an employee, or other parties.

Accordingly, the general procedures for follow up and investigation of reported incidents are as follows:

1. Employees and others must immediately report all factual details as indicated through this Policy.
2. The City Manager, Human Resources, Finance (fraud related), and Police have the responsibility for follow up and, if appropriate, investigate all reported incidents.
3. All records related to the reported incidents will be retained wherever they reside.
4. Do not communicate with the suspected individuals or organizations about the matter under investigation.
5. In appropriate circumstances and at the appropriate time, Human Resources Department will notify the employee's Director.
6. The Director of Finance or Human Resources will notify the City Manager of all reported incidents so that it may be determined whether this matter should be brought to the attention of the Fiscal Affairs Committee.
7. City Manager, Human Resources, and the Director of Finance may also obtain the advice of Legal at any time throughout the course of an investigation or other follow up activity on any matter related to the report, investigation steps, proposed disciplinary or any anticipated litigation.
8. Neither the existence nor the results of investigations or other follow up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively.

9. All inquiries from an attorney or any other contacts from outside of the company, including those from law enforcement agencies or from the employee under investigation, should be referred to Legal.

Investigative or other follow up activity will be carried out without regard to the suspected individual's position, level or relationship with the City of La Porte.

### **Questions or Clarifications related to This Policy**

All questions or other clarifications of this policy and its related responsibilities should be addressed to the Finance Department, who shall be responsible for the administration, revision, interpretation, and application of this policy.

### **3.07 Conflict of Interest**

Employees shall conduct their affairs and actions so that there will be no conflict of interest with their employment by the City of La Porte.

Conflict of Interest shall include, but not be limited to:

- Soliciting, accepting, or agreeing to accept a financial benefit, other than from the City that might tend to influence the employee's performance of duties for the City, of that which the employee knows or should know is offered with intent to influence the employee's performance.
- Accepting employment or compensation that might reasonably induce the employee to disclose confidential information acquired in the performance of official duties.
- Accepting outside employment or compensation that might reasonable tend to impair independence of judgment in performance of the duties for the employee.
- Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City.
- Soliciting, accepting or agreeing to accept a financial benefit from another person in exchange for having performed duties as a City employee as a favor to that person.

### **3.08 Gifts**

An employee may not receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his or her job with the City. Individual City employees are prohibited from soliciting, accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following will not be in violation of this policy:

- an award publicly presented in recognition of public service
- tee-shirts, caps and other similar promotional material
- any gift which would have been offered or given to the employee even if the employee were not a City employee

### **3.09 Outside Employment**

An employee of the City of La Porte is not permitted to engage in outside employment where such employment would bring the City into disrepute, reflect discredit upon the employee as an employee of the City, interfere with the performance of the employee's City duties, present a conflict of interest, result in misuse of City property or funds, or result in the use of the City position for personal gain.

Outside employment, which does not constitute a conflict of interest, interfere in the performance of their normal duties may be permitted with the written approval of the City Manager or designee. An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment as defined in this policy.

### **3.10 Political Activity**

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office while on City time.
- Use his/her position or office to coerce political support from employees or citizens.
- Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.

### **3.11 Solicitation**

Active solicitation for sale of items or donations and distribution of literature of any kind for any purpose without the City Manager's approval is prohibited by the public or City employees on City property during working hours.

### **3.12 Personnel Records Access**

Human Resources maintains the official personnel files for all City employees. Unless otherwise provided by law, personnel files shall be kept confidential and may not be used or divulged for purposes unconnected with the City's personnel management system except with the permission of the employee involved.

It is important that accurate, current records be maintained for benefits and employment purposes. Therefore, all employees are required to notify human resources immediately if there is any change in relevant personal or employment information such as changes in address, phone numbers, emergency contact information, beneficiaries, number of dependents or legal name.

Nothing herein shall prevent the dissemination of non-personal statistical information. All information contained in the personnel file is the property of the City of La Porte and is not available for review by anyone other than the employee, his or her Director, the City Manager and the Human Resources Department, except through the Public Information Act. Employees may examine their personnel file after contacting the Human Resources Department in advance to schedule an appointment. Employees may request and receive a copy of their personnel file or any portion thereof under procedures prescribed by the Human Resources.

If an employee believes that information in their personnel file is incorrect, they must submit a written request to change the information to the Human Resources Department. If such a request is granted by the City Manager, the Human Resources Department will make the change and notify the employee of such change. If the request is denied, an employee can ask to place a statement of disagreement in the file. This statement of disagreement will become a permanent part of the employee's file.

Non-employees who wish to inspect a current or former employee's personnel file shall either make a formal written request through Human Resources under the Open Records Act or subpoena the desired records through a court order.

### **3.13 Confidential Information**

All City files and information regarded as confidential by federal, state or local regulations shall be maintained and appropriated according to those regulations.

#### Medical Information

The City of La Porte strives to protect the privacy of its employees' medical information to the greatest possible extent. To that end, we provide the following guidelines regarding the confidentiality of medical information.

- Any medical information concerning employees will be maintained in separate, confidential medical files apart from regular personnel records. Only authorized employees shall have access to such files.
- Employees are hereby notified that medical information concerning employees is absolutely confidential under state and federal laws and may not be discussed at any time with any person under any circumstances.



- Any employee who is found to have discussed medical information about another employee with anyone else is in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to immediate termination.

### **3.14 Tobacco Use Policy**

Smoking or the use of smokeless tobacco on City property should be confined to designated areas as determined by the respective Department Director.

All tobacco use is prohibited in any City vehicle or City building and while addressing the public.

### **3.15 Gambling**

An employee shall not engage or participate in gambling activities of any form while on duty, in a City uniform, or on City property.

### **3.16 Harassment in the Work Place**

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

**Sexual Harassment.** One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

**Other Prohibited Harassment** - In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of

any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

**Mandatory Reporting** - The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who believes that he or she has been subjected to conduct prohibited by this policy must report it immediately to his or her supervisor.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director and /or the Human Resources Manager.

**Investigation** - All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

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

**Responsive Action** — Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situation where claims of prohibited conduct were fabricated.

### **3.17 Workplace Violence**

The City of La Porte has a zero tolerance policy for violence in the workplace. Workplace Violence is defined to include, but not limited by:

- Physically aggressive, violent or threatening behavior, such as attempts to instill fear in others or intimidation.
- Verbal or physical threats of any sort.
- Any other conduct that suggests a tendency toward violent behavior. Such behavior includes, but is not limited to, excessive arguing, profanity, threats of sabotage to City property, belligerent speech or a demonstrated pattern of insubordination, and refusal to follow policies and procedures.
- Causing physical damage to City facilities or defacing City property.
- With the exception of Police Officers, carrying firearms or weapons of any type or kind onto City premises, parking lots, or while conducting business.

If an employee becomes aware of or observes any of the above referenced behavior or actions by a co-worker, contractor, customer, third party vendor, visitor, or any other party, he or she should notify his/her supervisor immediately.

All reports of violence in the City of La Porte workplace will be taken seriously and will be investigated thoroughly and promptly. The City of La Porte will not tolerate retaliation in any form against an employee who makes a report of workplace violence.

### **3.18 Weapons Policy**

The City of La Porte does not allow any job applicant, employee, contractor, subcontractor, vendor, agent or representative to possess, use, conceal, carry or maintain a weapon or handgun in City vehicles (except for Commissioned Peace Officers and/or those approved to carry a weapon as part of their official duties.)

### **3.19 Searches**

The City may conduct inspections or searches of the work site, including but not limited to City property used by employees whether secured or unsecured or secured by a lock provided by the employee with or without prior notice. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots. The City's authority to conduct unannounced searches is not limited to situations involving reasonable suspicion of possession and/or use of drugs/alcohol.

Examples of City property include, but are not limited to City owned:

1. Vehicles
2. Workspaces
3. Desks
4. Lockers
5. Machinery
6. Computers
7. File Cabinets

All searches must be authorized and conducted under the direction of the Human Resources Manager with the approval of the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

### **3.20 Use of City Owned Vehicles**

City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives his/her own, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.

- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
- **Tobacco Use Prohibited** - The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City owned vehicles and/or equipment.
- Employees involved in an accident while operating a city vehicle, or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency and the appropriate supervisor and/or Department Director as well as submit to a drug/alcohol test. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Human Resources Manager.

Any employee whose driver's license is suspended for any reason shall notify his/her supervisor and Human Resources immediately. The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Refer to the point system in the City of La Porte Safety Manual to identify serious infractions. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose.

Employees who are issued take-home vehicles must comply with the City's Take-Home Vehicle Policy.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, or improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

### **3.21 Use of City Equipment/Property**

Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees will be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of loss, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

The City recognizes that under certain circumstances the employee's occasional use of city telephones, computers, facsimile, e-mail, copiers, Internet, and similar resources for personal use may be necessary or beneficial to the City. The City may establish separate policies governing the use of specific equipment. The City will discipline an employee for inappropriate

or excessive use of City equipment for personal use. Any personal use of City property should meet the following guidelines:

1. It should be infrequent and of short duration (A short telephone conversation)
2. It should be for a compelling reason and not for mere convenience (A telephone call to arrange with a spouse to pick-up a child after school)
3. It should not interfere with the employee's performance of job duties (The use did not prevent the employee from completing the job duties)
4. It should not result in any additional charge to the City (Long distance telephone charge)
5. It must not be used for personal monetary gain or the employee's personal business (Selling products over the phone or internet)

### **3.22 Cell Phone Usage**

The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. Employees are not permitted to use cell phones while driving a City owned/leased vehicle. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including discharge.

### **3.23 Internet Usage**

The City provides Internet access, email, telephones, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems" or "systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communications systems. The City's electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner. All correspondence is subject to the Public Information Act.

**Internet. Instant Message and email access** - Users desiring email access must obtain written permission from their Department Director. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

**Unacceptable Uses of Electronic Communications Systems include:**

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
- Transmitting or sharing information regarding a coworker's health status without his/her permission
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

**Filtering.** The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

**Responsibility** - The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

**No Right of Privacy/Monitoring** - Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance

notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

**Covariant Restriction.** Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the Director of MIS is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

### **3.24 Social Networking Sites**

An employee is in violation of this policy if they publish any personal information about themselves, other employees of the City of La Porte or a customer in any public medium (print, broadcast, digital or online) that includes, but is not limited to the following:

- Has the potential or effect of involving the employee, their co workers, or the City of La Porte in any kind of dispute or conflict with other employees or third parties;
- Reveals the unauthorized use of City uniforms or City equipment;
- Interferes with the work of any employee;
- Creates a harassing, demeaning or hostile working environment for any employee or third party;
- Disrupts the smooth orderly flow of work within the office, or the delivery of services to citizens;
- Harms the goodwill and reputation of the City of La Porte;
- Places doubt in the reliability, trustworthiness, or sound judgment of the person who is the subject of the information; or
- Reveals confidential information of the City of La Porte.

## CHAPTER FOUR

### **CITY OF LA PORTE DRUG AND ALCOHOL ABUSE POLICY**

#### **4.01 Purpose**

This policy outlines the goals and objectives of the City's drug and alcohol testing program and provides guidance to supervisors and employees concerning their responsibilities for carrying out the program.

Under this policy, employees as well as contractors who provide employee services to the City will be required to provide employees who are free of the influences of drugs and alcohol. Contractors must have a policy designed to eliminate drug and alcohol abuse and its effects in the workplace.

#### **4.02 Scope**

- This policy applies to all City officials and employees, including part-time and seasonal employees, in all departments, including the police department; contract employees in designated positions; reserve police and fire volunteers; and all job applicants for public safety, safety-sensitive, and security sensitive positions.
- All employees who hold a commercial driver's license and are required to operate commercial motor vehicles for the City as part of their employment, including applicants for positions requiring the operation of commercial motor vehicles (as the term commercial motor vehicle is defined under Title 49 C.F.R. Part 382) are subject to the U.S. Department of Transportation substance abuse testing procedures promulgated under Title 49 C.F.R. Part 40, Title 49 C.F.R. Part 382, and the City of La Porte Commercial Motor Vehicle Substance Abuse Policy.

#### **4.03 Policy**

The City of La Porte (the City) has a vital interest in maintaining a safe, healthful, and efficient working environment. Being under the influence of a drug and/or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer, or possession of an illegal drug in the workplace, and the use, possession, or being under the influence of alcohol also poses unacceptable risks for the safe, healthful, and efficient operations of the City.

- The City believes it has the right and obligation to maintain a safe, healthful, and efficient workplace for all of its employees, and to protect the City's property, information, equipment, operations and reputation.
- The City recognizes its obligations to its citizens for the provision of services that are free of the influence of illegal drugs and alcohol and will endeavor through this policy to provide drug and alcohol-free services.



- The City further expresses its intent through this policy to comply with Federal and State rules, regulations, or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.
- The City recognizes that its employees are a valuable resource and wants to assist any employee who voluntarily comes forward and requests assistance with chemical dependency or alcoholism.
- The City strongly urges employees affected by drug and/or alcohol use or dependency to voluntarily seek confidential assistance through the City's Employee Assistance Program. The City supports employees using a City-approved assistance program (per contract arrangements), and other City-approved rehabilitation services, which may be at the employee's expense, to achieve restoration of health.

The City will assist employees who voluntarily seek help, but will be firm in disciplining employees who violate this policy.

Manufacturing, distributing, dispensing, possessing or using drugs and/or alcohol will not be tolerated on City premises or while performing City business.

#### **4.04 Education**

Supervisors and other management personnel are to be trained in:

- a) Detecting the signs and behavior of employees who may be using drugs and/or alcohol in violation of this policy.
- b) Intervening in situations that may involve violations of this policy.
- c) Recognizing the above activities as a direct job responsibility.

Employees and designated contract employees are to be informed of:

- a) The health and safety dangers associated with drug and alcohol use.
- b) The provisions of this policy.

#### **4.05 Prohibited Activities**

Illegal Drugs and Alcohol

- a) The use, sale, purchase, transfer, or possession of an illegal drug and/or alcohol by any employee during the course and scope of employment is prohibited, provided however; this does not prohibit consumption of alcohol on City premises by off-duty employees when served under permit.

## Legal Drugs

- a) It will be the responsibility of any employee using a potentially impairing legal drug, required for medical treatment or therapy, to inquire of their physician as to the effect that such a drug may have upon the employee's ability to perform his or her job functions.

Prior to the performance of City business, the employee must report to their supervisor the use of any legal drug that has been determined by the employee's physician to be potentially impairing. The supervisor who is so informed will contact the City's Human Resources Manager for guidance.

- b) The undisclosed use of any potentially impairing legal drug by any employee while performing City business or while on City premises is prohibited.

However, an employee may continue to work, even though using a potentially impairing legal drug if City management has determined, after consulting with the City's contracted health officials, that such use does not pose a threat to safety and that the using employee's job performance will not be significantly affected. Otherwise, the employee may be required to utilize the Family Medical Leave Act (FMLA), take a leave of absence, or comply with other appropriate action as determined by City management.

- c) The City at all times reserves the right to judge the effect that a potentially impairing legal drug may have upon work performance and to restrict the using employee's work activity or presence at the workplace accordingly.

## 4.06 Discipline

- Any employee who possesses or uses illegal drugs on City premises or while on City business will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace. The City also reserves the right to report any violation of this policy to applicable law enforcement agencies.
- Any employee who is found to be in possession of drug paraphernalia or other contraband items in violation of this policy will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace. The City also reserves the right to report any violation of this policy to applicable law enforcement agencies.
- Any employee who distributes, sells, attempts to sell, attempts to purchase, or transfers illegal drugs on City premises or while on City business will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace. The City also reserves the right to report any violation of this policy to applicable law enforcement agencies.
- Any employee who is found through drug testing to have in his or her body system a detectable amount of an illegal drug will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the

workplace. The City also reserves the right to report any violation of this policy to applicable law enforcement agencies.

- Any employee who is convicted of a drug-related felony crime, whether committed on or off duty, will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace.
- Any employee who is found to be in possession of or under the influence of alcohol in violation of this policy will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace. The City also reserves the right to report any violation of this policy to applicable law enforcement agencies.
- Any employee who is found through alcohol testing by the designated City drug and alcohol administration & testing vendor, to have in his or her body system a volume of alcohol which indicates a .02 breath alcohol concentration or greater will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace. The City also reserves the right to report any violation of this policy to applicable law enforcement agencies.

#### **4.07 Drug and Alcohol Testing of Job Applicants**

- All applicants who are offered employment in public safety, safety-sensitive, or security sensitive positions will be subject to the requirement to pass a drug and/ or alcohol test as part of the City's post-job offer screening process.
- An applicant for employment in a public safety, safety-sensitive, or security sensitive position will be notified of the City's drug and alcohol testing policy prior to being tested; will be informed in writing of their right to refuse to undergo such testing; will be informed that the consequence of refusal is termination of the post-job offer screening process, and will be informed that they will not be considered for employment.
- If an applicant who has been extended a conditional offer of employment in a public safety, safety-sensitive or security sensitive position refuses to take a drug and/or alcohol test, or if evidence of the use of illegal drugs and/or alcohol by an applicant is discovered, either through testing or other means, the post-job offer screening process will be terminated, and the applicant will not be considered for employment.

#### **4.08 Testing of Employees and Contract Employees**

- The City will notify employees and designated contract employees of this policy by providing to each employee / individual a copy of the policy, announcing the policy in various written communications and making presentations at employee meetings and other suitable forums

The City may perform drug and/or alcohol testing:

- a) Of any employee who manifests behavior giving probable cause to City officials to believe that the employee is unable to satisfactorily perform his or her job functions due to drug or alcohol induced impairment.
  - b) Of any employee who is directly involved in an accident which results in property damage or personal injury. An employee who is directly involved in an accident is any employee whose order, action, or failure to act gives probable cause to City officials to believe that such order, action or failure to act was the result of drug or alcohol induced impairment.
  - c) Of any employee employed in a position that requires a Commercial Drivers License, public safety, safety sensitive, or security sensitive position on a random basis. Random selection will be performed through an unbiased computer-generated process operated by a third-party contractor.
  - d) Of any employee who is enrolled in or who has completed a City approved rehabilitation program. The frequency of such rehabilitation testing will not be less than once per month and the length of the testing program for the employee may extend up to sixty (60) months, based on a decision by a SAP (Substance Abuse Professional).
- The City will conduct random drug and alcohol testing of a designated percentage of all employees employed in public safety, safety-sensitive, and security sensitive positions at a frequency determined by City management.
  - An employee's consent to submit to drug or alcohol testing for public safety, safety-sensitive and security sensitive positions is required as a condition of continued employment and the employee's refusal to consent may result in disciplinary action, up to and including discharge without benefit of re-hire, or disbarment from the workplace
  - An employee who is tested based on the manifestation of behavior giving City officials probable cause to believe that he or she is unable to satisfactorily perform his or her job functions due to drug or alcohol induced impairment may be suspended pending receipt of written test results and whatever inquiries may be required.

#### **4.09 Appeal of a Drug or Alcohol Test Result**

- An employee whose drug or alcohol test is reported positive will be offered the opportunity of a meeting with the Medical Review Officer provided by the City drug and alcohol administration & testing vendor, to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug and/or alcohol use. The City will require an MRO (Medical Review Officer) to determine a final decision.

- An employee whose drug and/or alcohol test is confirmed as positive will be offered the opportunity to obtain an independent test, at the employee's expense, of the non-tested split sample portion of the original urine specimen that yielded the positive result, at an alternative SAMSHA certified lab (Substance Abuse and Mental Health Services Administration, under the Department of Health and Human Services).
- During the period of an appeal and any resulting inquiries, the employment status of an individual may be suspended. An employee who is suspended pending appeal will be suspended without regular pay but will be permitted to use any available sick or vacation leave in order to remain in an active pay status. If the employee has no available sick or vacation leave or chooses not to use it, the suspension will be without pay.
- If an employee's appeal is upheld, the employee will be reinstated with back pay and will be reimbursed for any independent drug testing costs that may have been incurred incident to the appeal. No results or reference to the test or appeal will be maintained in the employee's personnel file.

#### **4.10 Employee Assistance**

Rehabilitative assistance may be granted to an employee who requests such assistance provided that the employee:

- a) has not received notification to report for drug and/or alcohol testing authorized by this policy, prior to the request;
- b) has not been identified as a violator nor is under investigation for a violation of this policy; and
- c) has agreed to enter and complete a City-approved rehabilitation program.

Rehabilitative assistance may also be granted in lieu of discharge to an employee who has been found to be in violation of this policy provided that the:

- a) The policy violation does not involve selling or distributing drugs or serious misconduct related to drugs; and
  - b) The employee has agreed to enter and complete a City-approved rehabilitation program.
- An employee who has met the qualifications for rehabilitative assistance will be given the opportunity to enter into a City-approved rehabilitation program. Failure to enter the rehabilitation program or to complete the program according to the prescribed program schedule is grounds for discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace.
  - Participation in the rehabilitation program will be during times that will not conflict with the employee's work time, except that the employee shall be required to use any available sick leave or annual leave to be absent from the job with pay. The

City may place the employee on FMLA (Family Medical Leave Act) during any absences from the job.

Assistance given by the City will be limited to:

- a) medical benefits that may be available in the employee's medical benefits plan.
- b) rehabilitation programs that have been pre-approved by the City.
- c) the City will provide to any employee, upon request and at no cost to the Employee, information concerning local resources that are available for the diagnosis and treatment of drug and/or alcohol related problems.

#### **4.11 Inspections and Searches**

- The City may conduct unannounced general inspections and searches for drugs and/or alcohol on City premises or in City vehicles or equipment wherever located. Employees are expected to cooperate.
- A search of an employee and his or her personal property may be made when there is probable cause to conclude that the employee suffers from drug or alcohol induced impairment or is otherwise in violation of this policy. A search of an employee's personal property may include the examination of personal vehicles on City property, lockers, purses, lunch boxes, clothing and other items in the personal control of the employee. The searching technique may be aided by drug detection dogs.
- An employee's consent to a search based on probable cause, made of that individual's personal property, is required as a condition of continued employment and the employee's refusal to consent may be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace.
- Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on City property will be turned over to appropriate law enforcement authorities and full cooperation given to any subsequent investigation. Substances which cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.
- Other forms of contraband, such as firearms, explosives, and lethal weapons will be subject to seizure during an inspection or search. An employee who is found to possess contraband on City property or while on City business will be subject to discipline up to and including discharge without benefit of re-hire, or disbarment from the workplace.
- If an employee is the subject of a drug-related investigation by the City or by a law enforcement agency, the employee may be suspended without pay pending completion of the investigation.

#### 4.12 Confidentiality

- All information relating to drug or alcohol testing or the identification of persons as users of drugs and/or alcohol will be protected by the City as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the persons in question.

#### 4.13 Definitions

**Alcohol** means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

**City premises or City facilities** means all property of the City including, but not limited to, the offices, facilities and surrounding areas on City-owned or leased property, parking lots, and storage areas. The term also includes City-owned or leased vehicles and equipment wherever located.

**Contraband** means any article, the possession of which on City premises or while on City business, causes an employee / individual to be in violation of a City work rule or law. Contraband includes illegal drugs, drug paraphernalia, alcoholic beverages, firearms, explosives, lethal weapons.

**Contract employee in a designated position** means a person who performs public safety, safety-sensitive, and security sensitive duties.

**Drug testing** means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting the presence of an illegal drug.

**Alcohol testing** means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

**Employee Assistance Program (EAP)** means any program provided by the City to assist employees in dealing with personal problems that, among other things, may involve drug abuse and/or alcohol misuse that affect job performance.

**Illegal drug** means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs include but are not limited to: inhalants (per TML-IRP), cannabis substances, such as marijuana and hashish, cocaine, heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

**Intoxication** means having a blood alcohol concentration of 0.08 or more; or, not having the normal use of one's mental or physical faculties, resulting from the voluntary introduction into the body of an alcoholic beverage, a controlled substance, a dangerous drug, an abuse able glue or aerosol paint or similar substance, the use of which is regulated under the law.

**Legal drug** means any prescribed drug or over-the counter drug, which has been legally obtained, and is being used for the purpose for which prescribed or manufactured.

**Probable cause** means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job functions due to drug and/or alcohol impairment. Such inability to perform job functions may include, but is not limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior.

**Public safety position** means a position in the police and fire departments (including emergency medical services personnel) having a substantially significant degree of responsibility for the safety of the public where the unsafe performance of an employee could result in the death or injury to self or others, including but not limited to all sworn personnel, emergency communication clerks, police clerks working within the dispatch section, supervisory positions, firefighter/paramedic, dispatchers, mechanics, fire apparatus engineers, fire investigators and fire inspectors.

**Safety-sensitive position** means a position having a substantially significant degree of responsibility for the safe operation of motor vehicles, motor carrier service, or heavy equipment and machinery, where the unsafe performance of an incumbent could result in death or injury to self or others. Safety-sensitive positions requiring the operation of commercial motor vehicles, as defined under 49 C.F.R.: Part 382, are subject to the City of La Porte Commercial Motor Vehicle Substance Abuse Policy.

**Security-sensitive duties** means a position handling or having access to money, negotiable instruments, sensitive information and similar assets that require a high degree of protection.

**Under the influence means** a condition in which a person is affected by the use of a drug and/or alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, such as, blood, or breath analysis



## **CHAPTER FIVE**

### **DISCIPLINE PROCESS**

#### **5.01 General Provisions**

It is an objective of the City of La Porte to maintain an effective and productive work force in order to deliver quality services. Each employee is responsible for performing their job in a safe, productive and effective way and within the instructions and standards established by their supervisor. In addition, employees are expected to maintain acceptable standards of conduct in their employment. Supervisors are charged with assisting employees in correcting unsatisfactory performance and unsatisfactory conduct through disciplinary procedures up to and including termination.

When taking disciplinary action, the City will adhere to the following general guidelines:

- Employees will be treated fairly and equitably. Action will be taken in an objective and professional manner and shall not be based on the personal feelings of the individual administering the disciplinary action.
- The decision to take disciplinary action shall be based on a careful assessment of the circumstances of each case. Factors to consider in the assessment are the prior disciplinary record of the employee, and the potential effect of the violation on other personnel and/or the City organization.
- All disciplinary action shall be documented and forwarded to the employee's personnel file.

#### **5.02 Basis for Disciplinary Action**

The City shall consider the following as constituting a basis for disciplinary action up to and including discharge. This list is not all-inclusive and is not intended to be limited to the following:

1. Misconduct
2. Illegal, unethical, abusive, or unsafe acts
3. Violation of any portion of the personnel policies
4. Violation of other City department rules and/or regulations
5. Absenteeism and/or repeated tardiness
6. Insubordination
7. Work performance inefficiency
8. Abuse of leaves provided
9. Falsification of official documents or records
10. Being under the influence or use of drugs or alcohol while on duty
11. Unauthorized use of City records, material, or equipment
12. Moral Turpitude

### 5.03 Types of Disciplinary Actions

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the work history of the employee. The recommended steps of progressive discipline are as follows, but should not be interpreted as a certain chain of events as the City reserves the right to administer any disciplinary action up to and including discharge, depending on the nature, scope, and severity of the offense and totality of the circumstances surrounding such events: oral reprimand, written reprimand, probation, suspension, demotion, and termination.

The City will attempt to follow progressive steps of disciplinary action whenever possible to provide reasonable opportunity for performance correction but ultimately reserves the right to employ any of the aforementioned actions for particular deficiency or infraction depending upon the exact circumstances of the deficiency or infraction. An employee may be formally advised at any time that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct.

One or more of the following disciplinary measures may be taken depending on the particular circumstances surrounding an offense. An employee shall be provided with a warning with time to improve performance, whenever possible, prior to suspension or termination. The recommended steps of progressive discipline are as follows, but should not be interpreted as a certain chain of events as the City reserves the right to administer any disciplinary action depending on the nature, scope, and severity of the offense:

1. **Oral Reprimand** - For the first violation of a particular policy or regulation, an oral reprimand is given identifying any violation(s) and indicating needed improvement. There will be written documentation of the oral reprimand that shall be signed by the employee and the supervisor and placed in the employee's personnel file.
2. **Written Warning** - In the interest of a more formal type of disciplinary action, an employee may receive a written reprimand. This written reprimand shall describe the deficiency or infraction, cite the violated policy or regulation, and state the likely consequences of further unsatisfactory performance or conduct. The written warning shall be signed by the employee and their supervisor and placed in the employee's personnel file.
3. **Disciplinary Probation** - An employee may be placed on disciplinary probation for a specified period of time, not to exceed 90 days, in order to allow the employee enough time to show improvement regarding the problem specified. The written document placing an employee on disciplinary probation must include identification of the problem area, the required necessary improvement, the specific length of disciplinary probation status and the further disciplinary action that could result from failure to show satisfactory improvement. This document shall be signed by the employee and the supervisor and placed in the employee's personnel file.
4. **Suspension** - A supervisor may, with the Department Director's approval, suspend an employee without pay for a maximum of 15 calendar days in one calendar year. The written suspension notice must contain the reason for the suspension, other examples of policy or regulation violations, if any, the consequences of a recurrence of the violation of infraction, the period of suspension, and the review procedure. This document shall be signed by the employee and the supervisor and placed in the employee's personnel file.

When an employee is under investigation for a crime or official misconduct, or is awaiting a hearing or trial in a criminal matter, the employee may be suspended without pay for the duration of the proceedings when such suspension would be in the best interest of the City. If the investigation or proceedings clear the employee, he/she shall be reinstated at the same position.

5. **Involuntary Demotion** – An employee may, with Department Director approval, be demoted to a position in a lower salary range. Involuntary demotions shall be made in written form and shall include the reason(s) for the disciplinary action, the likely consequence of further unsatisfactory performance and/or conduct, and the review process. This document shall be signed by the employee and the supervisor and placed in the employee's personnel file. A demoted employee shall not be disqualified from consideration for later advancement.
6. **Termination** - An employee may be terminated from employment with the City as a final step in the progressive discipline process. Excepting those types of policy or regulation violations that warrant immediate termination, this disciplinary step will be employed as a final step that must be approved by the Department Director, reviewed by the Human Resources Manager, and approved by the City Manager. A letter of termination shall be provided to the employee describing the performance deficiency and/or policy or regulation violations.

#### **5.04 Review of Disciplinary Actions**

Following normal chain of command reviews, disciplinary actions are subject to review by the City Manager if the employee so requests in writing within 5 working days following notice of action. This written request must include the disciplinary action taken, the circumstances surrounding the action, and the reason(s) the action is invalid. The City Manager shall have the authority to approve, disapprove, modify, or rescind any disciplinary action taken. The City Manager shall be final and binding arbiter in these matters.

## **CHAPTER SIX**

### **EMPLOYEE COMPLAINTS AND APPEAL PROCESS**

#### **6.01 Right to Appeal**

Any employee of the City of La Porte, who believes they have been improperly or unfairly treated in their work relationship with the City, shall have the right to file an appeal within 5 working days. Employees are encouraged to use the following appeal procedure and will not be discouraged from submitting an appeal.

#### **6.02 Oral Discussion**

The City believes employee concerns are best addressed through open communication. Employees must follow the chain of command with these discussions. Employees are directed to first discuss their work-related concerns with their immediate supervisor. The supervisor addressing the employee's complaint will attempt to resolve the complaint or explain why it cannot be resolved to the employee's satisfaction. The process will continue through the chain of command.

#### **6.03 Appeal Procedure**

Following these discussions, employees remaining dissatisfied may submit a written complaint to their immediate supervisor, with a copy to Human Resources, within 5 working days.

It is the responsibility of the immediate supervisor to study the complaint and attempt to resolve it within 5 working days. The resolution should be in writing and a copy given to the complaining employee and Human Resources. If the complaint cannot be satisfactorily resolved within the 5-day period, or if the complaining employee does not accept the supervisor's resolution, then the supervisor shall refer the matter, with comments and/or recommendations to the next higher level of supervision within 5 working days of the decision. The Department Director shall be the last person in the department to whom an unresolved matter will be taken.

If the work-related complaint remains unresolved, the employee may appeal to the City Manager within 5 working days of the department's final decision. The City Manager may direct Human Resources to investigate the complaint and recommend a decision based upon interviews and supporting written documents. The City Manager shall consider all parties' positions and make the final decision. Within five (5) days of receiving the appeal, the City Manager shall meet with the employee to discuss the grievance and decide what action, if any, to take regarding the appeal and notify the employee in writing of the decision. The decision of the City Manager, regarding any action on the grievance, is final.

Any intimidation, coercion, or threatened reprisals used to violate the intent of this complaint procedure by either the employee or any level of supervision shall constitute a basis for disciplinary action.

#### **6.04 Texas Whistle Blowers Act**

The Texas Whistle Blowers Act provides that the City may not suspend or terminate the employment of, or otherwise discriminate against, a City employee who reports a violation of law to an appropriate law enforcement authority, if the employee report is made in good faith.

## **CHAPTER SEVEN**

### **ATTENDANCE AND LEAVE POLICY**

#### **7.01 Attendance and Work Hours**

##### **Regular Work Hours-**

An employee's normal workweek shall be defined based on their assigned position.

For employees assigned a 9/80 schedule, the workweek will commence at noon on Friday and end on the following Friday at noon. Employees on this schedule will work 7:30am-5:30 pm Monday-Thursday and 8:00 am – 5:00 pm on Friday with alternating Fridays off, and consist of 40 hours per work week.

For employees assigned a standard 40 hour work week, the normal work week shall begin on midnight Sunday and end at midnight on the following Sunday, consisting of 40 hours per workweek. The actual work schedule shall be assigned by the employee's supervisor.

Non exempt Fire personnel work a 24-hour shift based on a 28-day, 212 hour work cycle.

In times of disaster or emergency, working hours shall be determined by the City Manager.

**Adjustment to Work Hours-** In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public.

**Meal Periods-** Full-time employees (excluding most Emergency personnel) are provided a one-hour unpaid meal period near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption.

**Attendance and Punctuality-** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness may lead to disciplinary action, up to and including termination of employment. In the instance an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his/her supervisor as soon as possible of the anticipated tardiness or absence in accordance with Departmental procedures.

#### **7.02 Excused Absence**

In order for the absence to be considered excused, an employee will be required to furnish a doctor or hospital statement to the supervisor verifying an illness or accident and medically releasing the employee from any of the following circumstances:

1. When an illness or accident caused the employee to be hospitalized.
2. When the absence was for more than 3 consecutive workdays. Twenty-four hour shift personnel will be required to submit said medical statement if absence exceeded 2 consecutive workdays.
3. When the employee's return to work will pose a direct threat to the safety or health of

others.

4. When an employee is under the physical report status provision of the sick leave policy. When the absence occurred on a regularly scheduled workday preceding or following a holiday or regularly scheduled vacation day the employee may be required to submit a doctor or hospital statement verifying an illness or accident.

### **7.03 Unexcused Absence**

Unexcused absences are defined as follows. This list is not intended to be all-inclusive:

1. Tardiness
2. Unverified sick time
3. Unauthorized time off
4. Failure to call supervisor within fifteen minutes after the start of the employee's scheduled work time or as determined by departmental policy.
5. Job Abandonment

An employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of three days or more will be presumed to have voluntarily resigned his/her employment.

### **7.04 Repeated Unexcused Absences**

Employees repeatedly incurring unexcused absences shall be subject to disciplinary action up to and including termination.

Unexcused absences from work for a period of 3 full consecutive working days shall be considered as a voluntary resignation. Twenty-four hour shift personnel with unexcused absences of 2 consecutive shifts shall be considered as a voluntary resignation.

### **7.05 Inclement Weather**

Employees should not assume the City Offices or operations are closed during inclement weather. We are a service operation and as such we are obligated to the citizens to perform our duties. In the event of conditions such as freezing, flooding, etc, employee safety will be considered. If an employee believes it is unsafe to drive, that employee must contact their supervisor and notify him/her that they do not feel safe to drive. The employee will not be paid for the day of missed work.

In the event of natural disasters or emergencies that require evacuation (such as hurricanes, chemical releases or other major disasters) employees must refer to their department policy pertaining to emergency procedures and additionally call the Employee Hotline.

## 7.06 Holidays

The following is a list of approved holidays:

|                            |                                      |
|----------------------------|--------------------------------------|
| New Year's Day             | January 1                            |
| Good Friday                | Friday before Easter                 |
| Memorial Day               | Last Monday in May                   |
| Independence Day           | July 4                               |
| Labor Day                  | First Monday in September            |
| Thanksgiving               | Fourth Thursday & Friday in November |
| Christmas Eve              | December 24                          |
| Christmas Day              | December 25                          |
| Employee Discretionary Day | Designated by Employee (2 Days)      |

If an official City holiday occurs on a Saturday, it will be observed on the Friday before. If an official City holiday occurs on a Sunday, it will be observed on the Monday after.

Shift personnel will observe official City holidays on the actual day of observance.

Regular full-time employees will be paid one workday's pay for each holiday. To be eligible for holiday pay, the employee must work the scheduled workdays preceding and following the holiday unless the Department Director approves an excused absence.

Employees scheduled to work on a holiday, and who fail to work as scheduled, without an excused absence, will not be eligible for holiday pay. An employee required to work on a holiday will receive the holiday pay plus their regular rate of pay for hours worked.

Official City holidays shall be considered the same number of hours as an employee's regular workday.

## 7.07 Vacation

An employee may not use any accrued vacation leave until he/she has successfully completed his/her initial employment introductory period, unless all accrued sick leave has been exhausted. Regular part-time, temporary, and seasonal employees do not earn vacation leave.

**Use and Scheduling of Vacation Leave** - Vacation leave is a benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in hourly increments. Employees must schedule their vacation leave in accordance with their Department's guidelines.

**Maximum Accruals** – The maximum accrual for vacation leave is 1.5 times the employee's annual accrual rate.

**Compensation for Vacation Leave**- Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused vacation, except upon separation of employment.

Upon termination, retirement or resignation an employee shall be paid for accrued vacation leave up to a maximum of 1.5 times their annual accrual rate at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed one (1) year of employment with the City are entitled to this payout provision upon separation. Upon the death of an employee, vacation leave will be paid to the estate of the employee.

Vacation leave is accrued as follows:

### Employees whose regularly scheduled workweek is 40 hours:

| Years of Service | Hours Accrued Per Pay Period | Vacation Leave Per Year |
|------------------|------------------------------|-------------------------|
| 0-4              | 3.08                         | 80 hours                |
| 5-9              | 4.62                         | 120 hours               |
| 10-14            | 6.16                         | 160 hours               |
| 15 +             | 7.70                         | 200 hours               |

### Employees whose regularly scheduled workday is 24 Hours and who were hired on or after October 1, 1984:

| Years of Service | Hours Accrued Per Pay Period | Vacation Leave Per Year |
|------------------|------------------------------|-------------------------|
| 0-4              | 4.62                         | 120 hours               |
| 5-9              | 7.39                         | 192 hours               |
| 10-14            | 9.24                         | 240 hours               |
| 15 +             | 12.00                        | 312 hours               |



## 7.08 Sick Leave

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

**Eligibility** – All full-time employees begin accruing paid sick leave on their date of hire. Part-time, temporary and seasonal employees do not accrue sick leave. Eligible employees may use accrued sick leave only if approved by their supervisor and/or Department Director.

### **Accrual Rate:**

#### **Full-Time 8 Hour Employees**

Sick leave for regular full-time employees shall accrue at the rate of **3.70** hours per pay period, which amounts to **1** day for each full month employed in a calendar year, totaling **12** working days to a full-time employee's credit each 12 months.

#### **Full-Time 24 Hour Shift Personnel**

Sick leave for 24-hour shift personnel shall accrue at a rate of **5.91** hours per pay period.

#### **Civil Service Employees**

Civil Service employees shall accrue sick leave at the rate of **15** days per calendar year in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

**Maximum Accrual** -The maximum sick leave time which may be accumulated by any employee shall be 90 days (720 hours) for regular full-time employees. For 24-hour shift personnel, the maximum accrual is 1,152 hours. Civil Service employees may accrue unlimited sick leave.

### **Authorized Use of Sick Leave**

**For the employee** – Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents him/her from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).

**For the employee's immediate family**- Up to twelve (12) days of annual accrued sick leave will be allowed for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured. For purposes of this policy, "immediate family" is defined as a dependent, parent of the employee or parent of the spouse of the employee.

**Physical Report Status** – Sick leave exceeding 40 hours in any 6-month period may cause an employee to be placed on physical report status. Employees under this status are required to submit to their supervisor a medical doctor's statement of fitness for duty upon returning to work from an illness. Failure to submit such medical statement may result in disciplinary action. Physical report status will remain in effect for 6 months from the date of the action.

**Minimum Increments** – Sick leave must be taken in minimum increments of one hour.

**Failure to Report Absence/ Abuse of Sick Leave** – Supervisors are expected to closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

**Documentation** – Employees must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for **3 or more consecutive work days**, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

**Family and Medical Leave Act Leave – Sick leave exceeding 14 days must be in accordance with FMLA leave.** Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.

## **7.09 Family Medical Leave Act**

The City of La Porte offers FMLA leave pursuant to the provisions of the Family and Medical Leave Act of 1993. Under FMLA, eligible employees may take up to 12 weeks of unpaid leave each year for specified family and medical reasons.

### **Employee Eligibility**

To be eligible for FMLA leave, an employee must have worked for the City of La Porte:

- For at least 12, and
- For at least 1,250 hours in the last 12-months preceding the start of the leave.

### **FMLA Leave Runs Concurrently With Other Types of Leave**

If an employee has any available accrued sick leave or vacation leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's sick leave policy. FMLA leave will also run concurrently with any time off from work covered by workers' compensation.

## **Leave Entitlement**

Eligible employees may take FMLA leave for one or more of the following reasons:

1. The birth or placement of a child for adoption or foster care;
2. To care for a spouse, child, or parent with a serious health condition; or
3. Because of your own serious health condition which renders you unable to perform the functions of your position.

To determine eligibility for leave, the City uses a rolling 12-month period measured backward from the date of any FMLA leave

## **Employee's Notice Requirements**

In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both his/her Department Director and the Human Resources Manager with at least 30 days advance notice when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and the Human Resources Manager with as much advance notice as possible or in the case of catastrophic incidents notice is required soon thereafter. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.

All supervisors must immediately notify both their Department Director and the Human Resources Manager if they have reason to believe an employee's absence is due to an FMLA- covered reason.

**Medical Certification and Other Required Documentation** – An employee must provide the City with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. Forms are available from the Human Resources Department. Once FMLA leave is requested, the employee will be required to submit medical certification information later than 15 days after the date the leave is requested. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

If FMLA leave is taken because of the employee's own serious health condition, the employee must:

- Contact the City on the first and third Friday of each month regarding the status of the condition and their intent to return to work
- Upon completion of FMLA, the employee will be required to submit a "fitness-for-duty" certification before the employee can return to work.

The City, at its expense, may require an examination by a second health care provider designated by the City, if it reasonably doubts the medical certification initially provided. If the second health care provider's opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

**Intermittent leave** - An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by the Department Director. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule. When an employee is absent due to intermittent leave, upon their return to work, the employee must provide medical certification so the absence can be recorded as a qualified FMLA absence. The employee will not be allowed to return to work without providing the medical certification.

**Benefits During FMLA Leave** – During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work.

**Job Restoration After FMLA leave** – Upon return from FMLA leave, an employee will be restored to his/ her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

### **7.10 Workers' Compensation**

Personnel injured on the job shall be eligible for leave with pay for up to seven (7) days. These days may not be charged against the employee's sick leave. Employees injured on the job may be eligible for workers' compensation on the eighth (8) day of injury leave upon certification of a physician that the employee is not able to fulfill his/her job duties.

Personnel may return to a position with the City when a physician certifies that the employee is able to fulfill their job duties and return to work.

### **7.11 Administrative Leave**

Employees may be ordered not to return to work and placed on administrative leave with pay when recommended by the Department Director and approved by the City Manager.

### **7.12 Leave Without Pay**

In circumstances not falling within other provisions of these rules, the Department Director may authorize an employee to take leave without pay under such terms and conditions as may be mutually agreeable up to a maximum of 2 calendar weeks. Authorized leave without pay in excess of 2 weeks must be approved by the City Manager.

A Leave of Absence Without Pay will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

**Use of All Other Available Leave-** All paid leave authorized under FMLA must be used prior to authorizing Leave Without Pay to an employee. If the Leave Without Pay is due to the employee's own illness or injury, all sick leave must also be used prior to authorizing Leave Without Pay.

**Documentation** - Requests for leave without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Human Resources Manager. The need for a leave without pay must be supported by documentation acceptable to the City. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on his/her condition or status. Before returning to work from a medical leave without pay, the employee may be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties.

**Revocation** -The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized leave without pay or failure to provide required status reports, physician's statements, or to contact the City per the required schedule will likely result in disciplinary action up to and including termination.

### **7.13 Bereavement Leave**

The City will grant a maximum of 3 days bereavement leave per calendar year for an employee to attend the funeral of a family member including spouse, and the following of either the employee or spouse: child, brother, sister, parents, grandparents, or foster parents. Department Directors may approve the employee's request to take sick and/or vacation leave in addition to the 3 days bereavement leave as follows:

1. The first 3 days will be charged to bereavement leave
2. Days 4 through 6 may be charged to sick leave. Leave exceeding 6 days will be charged to vacation.
3. Employees have the option to use vacation rather than sick leave for days 4 through 6

### **7.14 Jury Duty**

The City provides paid leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with his/her leave request. Employees must submit supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

Employees on jury duty leave should keep up with their job responsibilities if possible. An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

### **7.15 Military Leave**

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

#### **Notice to City of Need for Leave**

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 48 hours after the employee receives the military orders. An employee should provide notice as far in advance as is reasonable under the circumstances. To be eligible for paid military leave, employees must complete and submit the official documents setting forth the purpose of the leave, and if known, its duration.

Military leave may be either military training leave or military duty leave (active duty). Military training leave shall be leave with pay. Active duty shall be leave without pay. An employee of the City and who is a member of the state military forces or a reserve component of the armed forces is entitled to leave absence from their duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority. During a leave of absence, the employee may not be subjected to loss of time, efficiency rating, vacation time, or salary. Leaves of absence under this paragraph may not exceed 15 days in a federal fiscal year. (Texas Government Code, Section 431.005)

Regular employees who present official induction orders (draftee or reserve unit call up) to enter the United States Armed Forces, the Texas National Guard, or the Texas State Guard will be eligible for military duty leave without pay. At the time of military discharge, the employee shall be reinstated at a position comparable to what the employee would have attained had he not been on active duty. This shall include any promotions and/or pay raises for which the employee would have been eligible had the employee been at work instead of active duty. (Per Uniformed Services Employment and Reemployment Rights Act 38 U.S.C. 2021 et. Seq)

#### **Benefits**

The City will continue to provide employees on paid military leave with most City benefits at the employee's cost.

**Medical and Dental** – While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

**Other Benefits** – While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave.

**TMRS** - Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

**Returning from Leave -**

**Reemployment Rights** – Employees who complete their military service will be re-employed in accordance with federal law.

**Deadline to Notify City of Intent to Return to Work-** The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

- A) For service of less than 31 days, employees have 8 hours following their return home from service to report for their next scheduled work period.
- B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.

For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevents him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

**Required Documentation** – To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

## **CHAPTER EIGHT**

### **EMPLOYEE WAGE AND BENEFITS**

#### **8.01 Position Classifications**

All City positions are classified as either exempt or nonexempt, and paid in accordance with the Fair Labor Standards Act

#### **8.02 Salary Administration**

The City may have one or more salary schedules that correspond with the position classification plan. All salary schedules shall be administered in accordance with the City policy Salary Administration of the Personnel Policy approved by Council as subsequently amended.

#### **8.03 Method of Payment**

City of La Porte employees are paid on a bi-weekly basis through direct deposit or pay cards only. Check stubs are issued to Departments on Fridays.

If a payday falls on a holiday, check stubs will be issued the last business day prior to the holiday.

#### **8.04 Benefits Eligibility**

All regular full-time employees are eligible to receive the full scope and level of benefits offered by the City.

Temporary employees, part-time or emergency temporary appointments are not eligible to receive any benefits other than workers' compensation coverage.

#### **8.05 Texas Municipal Retirement System**

All employees will be enrolled as a member of the Texas Municipal Retirement System. Members will deposit by payroll deduction, seven (7%) of their gross salary. The City will match the deposit on a 2 to 1 ratio.

If an employee leaves the service of the City, they may withdraw the deposits they have made, plus interest earned on those deposits. The deposits made by the City cannot be withdrawn unless the employee is eligible for retirement

Members may also be responsible for paying taxes on the amount withdrawn and should communicate with Texas Municipal Retirement System in regards to possible taxation of withdrawn deposits.

Employees will become vested after ten (10) years of employment. Vesting means that employees who terminate their employment with the City after ten (10) years and do not withdraw their deposits, will be entitled to retirement annuities, based on deposits and interest earned at sixty (60) years of age or twenty (20) years of service.

Employees should contact Human Resources for further information on preparing for retirement.



## **8.06 Retiree Medical Benefits**

The following persons are eligible for retiree medical coverage:

- City employees who retire from City of La Porte employment who have a combination of years of service with the City of La Porte, plus age, totaling 80; and
- who retire as a qualified annuitant under the Texas Municipal Retirement System;
- who retire in accordance with the City of La Porte Employee Policies Handbook;
- who complete at least 20 consecutive years of service with the City of La Porte, and are currently employed by the City of La Porte at the time of their retirement.

Retirees re-employed after retirement from the City of La Porte that have employer sponsored health care coverage available through the new employer may not continue health coverage with the City of La Porte, **except for those with 30 years or more tenure with the City of La Porte**. Retirees who delay their retirement annuity shall not be eligible for retiree health coverage from the City. Retirees who are self-employed are eligible for medical coverage, but occupational illnesses or injuries shall not be covered.

### **Retirees with Thirty (30) or More Years of Service**

If an employee works 30 years or more with the City of La Porte they may maintain the City of La Porte sponsored health plan as secondary, while working for a new employer offering a health plan option. All applicable costs of the plan will still apply. In the case of Retirees that are reemployed by a new employer, and who subsequently separate employment from the new employer, a one-time deferral shall be allowed whereby the retiree may rejoin the City of La Porte health plan as a retiree participant, regardless of age. If a qualifying retiree carried a spouse as a dependent at the time of their initial retirement, a retiree who rejoins the City of La Porte health plan as a retiree participant under the one time deferral may include their spouse as a dependent, consistent with allowances made under Federal COBRA law. The Retiree and dependent coverage will be secondary for Retirees with 30 or more years tenure with the City of La Porte, who have employer sponsored health coverage available through their new employer.

City employees meeting the eligibility requirements for

- disability retirement under the Texas Municipal Retirement System Act **and**
- have been declared permanently disabled under the Social Security Act, and have elected to receive Medicare, Parts A and B, shall be eligible for medical benefits, which shall be secondary to Medicare benefits, provided they have worked for the City of La Porte for ten (10) continuous years at the time of disability determination. Costs associated with retirement under this tier shall be 75% of the city cost.

### **Medicare Eligible Retirees**

The coverage will be secondary for those retirees and retirees' dependents who are Medicare eligible.

### **Death of an Employee**

An employee who would have otherwise qualified for Retiree Medical Coverage, but dies prior to their retirement, will be allowed to continue coverage for dependents who were covered at the time of the Retiree's death under this policy until the earlier of the date the surviving spouse remarries, obtains group insurance, or becomes entitled to Medicare, or until any dependent children turn 26 years of age.

Surviving dependents shall pay the appropriate contribution toward dependent coverage as established in this chapter.

**Death of a Retiree**

If a covered retiree dies, dependents may continue coverage until the earlier of the date the surviving spouse remarries, obtains group insurance, or becomes entitled to Medicare, or until any dependent children turn 26 years of age. Surviving dependents shall pay the appropriate contribution toward dependent coverage as established in this chapter.

Eligible dependents include:

- Your lawful spouse who is legally married to and living with you;
- natural children; stepchildren; children who, before reaching the age of 18, are either adopted by you;
- Or other children for whom you have care, custody and control under court decree.
- Grandchildren, if they are listed as dependents on your tax return.

Dependent children remain eligible until age 26. Retirees may not add dependents once retired. There are no qualifying events to add dependents. Dependents may be dropped by written request at any time.

**Premiums**

The City of La Porte utilizes a self-funded medical plan so there are no formal premiums paid for health coverage. Each year, during the budget process, an amount is determined for each employee to cover claims and administration of the medical fund.

The Total Plan Cost, as that term is used in this chapter, is defined as the cost for Employee Only coverage, including the employee and employer contributions, as approved each year by budget, but does not include the dependent coverage portion of employee and employer contributions.

Costs to the retiree shall be based on a cost schedule determined by years of service, outlined below. Under this schedule, a retiree pays a percentage of the total plan cost for Employee Only coverage, based on years of service and the active employee rate for dependent coverage, regardless of years of service.

Retirees shall pay all required contributions to the City by the 15<sup>th</sup> of the month of coverage. One annual statement will be mailed to retirees for selection of payment plan: annual, bi-annual, quarterly or monthly. Failure to pay the required contribution will result in termination of the member’s participation in the City of La Porte sponsored health plan. Payment delayed beyond 60 days will initiate COBRA notification for continuation of health coverage once the member is terminated from the Plan.

| Years of Service | Percentage Retiree Pays  |
|------------------|--|
| 20               | 60% of the Total Plan Cost + active employee rate for dependent coverage |
| 21               | 55% of the Total Plan Cost + active employee rate for dependent coverage |
| 22               | 50% of the Total Plan Cost + active employee rate for dependent coverage |
| 23               | 45% of the Total Plan Cost + active employee rate for                    |

|    |  |
|----|--|
|    | dependent coverage   |
| 24 | 40% of the Total Plan Cost + active employee rate for dependent coverage |
| 25 | 35% of the Total Plan Cost + active employee rate for dependent coverage |
| 26 | 30% of the Total Plan Cost + active employee rate for dependent coverage |
| 27 | 25% of the Total Plan Cost + active employee rate for dependent coverage |
| 28 | 20% of the Total Plan Cost + active employee rate for dependent coverage |
| 29 | 15% of the Total Plan Cost + active employee rate for dependent coverage |
| 30 | Active Employee/Dependent Rate   |

**COBRA Coverage for Retirees**

As mandated by Texas Local Government Code Chapter 175, City employees meeting eligibility requirements under the Texas Municipal Retirement System Act to receive retirement benefits, may, regardless of age or years of service with the City, **purchase at their own expense**, the combined City and employee cost of continued health benefits coverage for the employee and the employee’s dependents, unless the employee is eligible for group health benefits coverage through another employer. To purchase continued health benefits coverage the employee must inform the City of their election not later than the day on which the employee retires from the City. A person who elects to purchase continued coverage who subsequently discontinues coverage, is no longer eligible for coverage; likewise, a dependent for whom coverage is discontinued is no longer eligible for continued coverage. A person who was not covered under the employee’s plan at the time of retirement is not eligible for continued coverage. The City may substitute Medicare supplemental health benefits coverage as the coverage provided to a retiree under this section, including a dependent, after the date the retiree becomes eligible for federal Medicare benefits.

**8.07 Short-Term Disability**

Employees are eligible to participate in short term disability coverage through the City of La Porte. This coverage provides employees compensation of 60% of their pre-disability earnings in the event of an injury or illness lasting up to 90 days. Premiums are paid through payroll deduction.

**8.08 Long-Term Disability**

All employees who have worked at least 6 complete months with the City are covered by a long- term disability insurance policy. This insurance policy provides for 60% of your monthly salary beginning on the 91<sup>st</sup> day of a serious illness or injury up to the age of 65. The premiums for this policy are paid by the City.

## **8.09 Workers' Compensation Insurance Program**

All employees of the City of La Porte are covered by Workers' Compensation Insurance. This insurance may cover any employee who suffers an on-the-job injury; however, the employee must use an approved doctor. For further information, please contact the Human Resources Department.

## **8.10 Uniforms**

At the will of the City, and if financially feasible, the City may furnish uniforms or provide allowances for employees who must wear uniforms in the performance of their duties.

## **8.11 Overtime Pay**

Employees shall work overtime hours only when necessary and not without prior approval of their Department Director. Overtime hours are computed at the rate of one and one-half times the regular hourly rate of pay. This policy is in compliance with the Fair Labor Standards Act (FLSA) in administering overtime pay.

When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work. Non-exempt employees who work overtime without receiving proper authorization may be subject to disciplinary action, up to and including possible termination of employment.

Under the Fair Labor Standards Act and amendments of 1985, the City of La Porte has elected to utilize exception 7(k) and has established a 28-day work cycle for its Firefighters who regularly work 24-hour shifts. The recognized average workweek for these employees is 53 hours. For 24-hour firefighter shift personnel, the workweek shall begin and end at the start of the first work shift after the first Sunday midnight in the 28-day work cycle.

Calculation of scheduled overtime pay for 24-hour Firefighter shift personnel shall be based on the number of hours worked over 212 in a 28-day work cycle. Scheduled overtime pay will be calculated and employees compensated for hours worked over 212 at the conclusion of the 28-day cycle or every other payday. For 24 hour firefighter shift personnel unscheduled overtime shall be calculated on hours worked over the employee's regular scheduled shift in a twenty eight day cycle.

Hours worked is defined for all personnel to mean hours of physical presence at a job site.

When an overtime eligible employee who is on scheduled time off is required to work unscheduled hours during the same work week as the scheduled time off, the scheduled time off will be counted as "hours worked" thereby allowing the employee to be eligible for overtime pay. For purposes of this policy, scheduled time off is:

1. Jury duty
2. Military Leave (as defined in the Military Leave Policy)
3. Vacation Leave

The following leaves shall not be considered as hours worked in the calculation of overtime:

1. Administrative leave with pay
2. Administrative leave without pay

- 3. Sick Leave
- 4. Holiday Leave (see below)

**Holiday Leave**

Calculation of overtime pay for 8 hour personnel will not include Holiday Pay, unless the employee actually works the Holiday Leave day or is called in on scheduled time off during the course of the Holiday week. If the employee is not scheduled to work on the holiday, the employee will only be paid straight time for the Holiday. Any hours that are not considered time worked used during this period will still effect the calculation of overtime within the week (see example #4)

**Examples:**

1.

| M | T | W | Th | F | Sa | Su |   |
|---|---|---|----|---|----|----|---|
| 8 | 8 | 8 | 8  | 8 | 0  | 0  | = 48 hours total; 40 hours straight time and 8 hrs at time on one-half. |
| H |   |   |    |   |    |    |   |

The employee is scheduled to work on the Holiday, and will receive Holiday Pay and time and one-half for working the Holiday.

2

| M | T | W | Th | F | Sa | Su |  |
|---|---|---|----|---|----|----|--|
| H | 8 | 8 | 8  | 8 | 4  | 0  | = 44 hours total; 40 hours straight time and 4 hours at time and one-half. |

The employee was not scheduled to work the Holiday, but worked 4 hours of unscheduled time on Saturday, and will receive time and one-half for working overtime during the Holiday week.

3

| M | T | W | Th | F | Sa | Su |                                 |
|---|---|---|----|---|----|----|---------------------------------|
| H | 8 | 8 | 8  | 8 | 8  | 0  | = 48 hours of all straight time |

The employee was scheduled to work Tuesday through Saturday and was not scheduled to work the Holiday, and will receive 8 hours of Holiday Pay at straight time.

4

| M | T    | w | Th | F | Sa | Su |  |
|---|------|---|----|---|----|----|--|
| 8 | 8    | 8 | 8  | 8 | 8  | 0  | = 52 hours (44 hours straight time + 8 hours time and one-half |
| H | Sick |   |    |   |    |    |  |

The employee was scheduled to work the Holiday, but also had **sick** time within the week. Since the employee worked the holiday, the 8 hours worked on the holiday is overtime, but the unscheduled time worked on Saturday, will be straight time because of the sick time on Tuesday.

## **8.12 Standby Pay**

Employees who are required to be on standby duty shall be compensated at a predetermined rate of pay while on standby status. Employees scheduled for standby duty must be able to be at the work site within 1 hour of the call to work.

Employees who work overtime during their assigned standby duty period shall be paid at one and one-half times their regular basic hourly pay rate in accordance with FLSA, as well as the predetermined standby duty pay rate.

Standby pay shall not be paid to any employee:

1. Who is placed on standby due to emergency situations such as hurricanes and floods
2. Who is placed on standby while awaiting court proceedings

## **8.13 Longevity Pay**

Longevity pay is a benefit provided by the City to regular full time employees. It is based on the length of continuous service of regular full-time employees with the City. On the first of December each year all regular full-time employees who have completed one full year of service with the City, will be paid this benefit. The benefit is calculated based on the number of months of continuous service, not to exceed 300 months, at the rate established by the City Council.

## **8.14 Education Reimbursement**

It is the City's policy to provide education reimbursement in order to help employees develop current and potential future job skills. The Education Reimbursement Policy and Procedures are maintained and administered by Human Resources. Highlights of the policy include, but are not limited to:

- Only regular full-time employees are eligible
- Employees must attend courses during off-duty hours and will not be compensated for their course work as hours worked
- The City will reimburse the employee's cost of tuition, lab fees and building uses fees up to a maximum of 17 semester hours annually at an accredited university. The employee must receive a passing grade of C or above in order to receive reimbursement. The City will not reimburse more than \$3,500 annually per employee under this policy.
- The City will not reimburse courses covered by Veteran or other educational assistance programs, nor does it cover any incidental expenses such as deposits, supplies, or other personal expenses.
- The City may prepay continuing education courses required through established goals and objectives on an employee's evaluation, with approval by the Department Director. A certificate of completion shall be required and shall be turned in to the Human Resources

Division for placement in the employee's file. Any employee who does not complete a prepaid course, or does not submit a certificate of completion, shall be excluded from any future prepaid options.

### **8.15 Certification Pay**

Departments with an approved certification pay program shall administer certification pay. The City Manager has the final authority for approving or disapproving departmental certification programs.

### **8.16 Bilingual Certification Pay**

The City of La Porte provides additional compensation to qualifying employees who demonstrate the required verbal fluency in a foreign language through a testing process.

Eligible Employees – eligible employees are those regular full-time and part-time employees assigned to positions for which a foreign language is desirable in order to better serve citizens.

Excluded Employees – employees excluded are those for which being bilingual is a requirement based on their job description, as it is assumed that the base pay for such positions compensates for that and other required skills. The City Manager, Assistant City Manager and Department Directors are also excluded for bilingual certification pay.

#### **Procedure**

Employees believing they qualify for bilingual pay should request a Bilingual Pay request Form. The form is available in the Human Resources Department.

If an employee receiving bilingual pay is promoted, transferred or demoted to a position where the language skill is not needed, voluntarily withdraws from the bilingual pay program, or fails to pass the required recertification tests, the employee's current department director will be responsible for issuing a Status Change Form to discontinue the bilingual certification pay. Human Resources will notify Department Directors when certification tests are due for participating employees.

#### **Certification Testing**

Human Resources will coordinate all testing procedures with the selected outside vendor agency. Employees must use the City's approved vendor for testing.

The City will pay for one language proficiency test process per eligible employee per year. A year is defined as a rolling 12-month period.

Employees must demonstrate abilities for verbal and/or written language fluency on a certified test conducted by the approved outside vendor agency. Employees who pass language fluency tests will be required to re-test every four (4) years at the city's expense.

Employees who fail to pass the initial requalification test will be provided one additional opportunity to retest within 30 days at the employee's expense to retain the language pay. Employees who fail to pass after the second attempt will forfeit any further monthly incentive pay. Employees who fail to take a test at the scheduled date and time will be required to pay the cost of the missed test.

## **Bilingual Pay**

The city pays \$50 per month for verbal proficiency. An employee proficient in verbal skills can earn an additional \$25 per month by passing the reading and/or writing test. The city will not pay in excess of \$75 per month under this policy.

## **8.17 Emergency Pay Policy**

When emergency conditions exist, there may be a significant impact to City employees' work schedules and status. Emergency conditions may include riots, civil disorders, severe weather or hurricane conditions, other natural disasters, chemical incidents or similar conditions.

When such conditions exist, the Mayor may declare an emergency or disaster. The City Manager may then implement the provisions of this Emergency Pay Policy and may suspend all regular pay practices. During an emergency or disaster, the City will also follow the guidelines established in both the City's Emergency Operations Plan and Continuity of Operations Plan.

### **Scope**

This practice applies to all non-exempt and exempt employees, including civil service personnel.

### **Notification of Emergency/Disaster:**

When an emergency or disaster is imminent or has been declared, the City Manager will notify all employees through Department Directors and/or Supervisors of such declaration.

### **Emergency Periods**

**Pre-Impact Period** - This is the time period prior to the impending emergency/disaster and includes emergency response activities and preventive measures by the City of La Porte's departments in preparing for the impending emergency. This period begins and ends as determined by the City Manager.

**Emergency Period** - This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. This period begins and ends as determined by the City Manager. For hurricane or storm related emergencies; this may include the period immediately prior to and/or following the storm's impact.

**Post Impact** - This is the time period immediately following the emergency/disaster, during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. During this period, some employees may be required to return to work to assist with restoration of critical services, conduct emergency clearance of roadways, provide damage assessments, etc. This period begins and ends as determined by the City Manager.

**Recovery Period** - This period begins when the City Manager determines it is safe for all employees to return to work, although some activities may continue in order to restore City services to normal conditions. The period ends as determined by the City Manager, in consultation with the Department Directors.



## **Emergency Administrative Leave/General Provisions**

No one is excused from work until the City Manager, through the department directors, authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued. There is an exception if the employee is participating in a general public evacuation ordered under an emergency evacuation order; and the employee is not designated as “Emergency Essential” or “Emergency Non-Essential” personnel or if necessary for the safety and well-being of the general public, including a person necessary for the restoration of vital services.

Employees must return to work as soon as they are notified it is safe to do so in order to participate in the Post Impact and/or Recovery Periods.

Employees dismissed from work during an emergency will be on emergency administrative leave for their regular scheduled hours, pursuant to this policy. This leave will start when the employee is dismissed by his/her Department Director and will continue until the City Manager determines it is safe for employees to return to work.

## **Employee Responsibilities**

Once the City Manager determines it is safe for employees to return to work, employees are expected to return to work on their next scheduled day or shift. If an employee fails to show up for work or cannot show up for other reasons then the time lost will be Leave of Absence without Pay, unless other paid leave (vacation, sick, etc.) is approved. During an emergency or disaster, any unauthorized absence from work or assignment may be considered sufficient cause for discharge, unless the employee is participating in a general public evacuation ordered under an emergency evacuation order and the employee is not designated as “Emergency Essential” or “Emergency Non-Essential” personnel or is necessary for the safety and well-being of the general public, including a person necessary for the restoration of vital services.

## **Employee Safety**

The City of La Porte recognizes that all employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state of local emergency. When evacuation of personal residences is required, every effort will be made to allow employees to make arrangements for their families like any other citizen, including the use of authorized shelters. Employees who are not able to return to work due to unavoidable or unsafe conditions related to the emergency (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their department director or designated supervisor as soon as possible and utilize appropriate leave time.

## **Employee Status**

Department Directors and/or Supervisors shall designate “Emergency Essential” and “Emergency Non-Essential” personnel. All personnel shall be advised of their status as of **May 1st** each year. Individual employee status may change, as the needs of the City change during the emergency, or at the discretion of the department director.

## **Emergency Essential**

Each Department Director and/or Supervisor is responsible for identifying those employees who will be designated as “Emergency Essential.” “Emergency Essential” employees (the “Ride-Out Team”) may be required to be available immediately before (Pre-Impact), during (Emergency) and/or after the

disaster or emergency condition (Post-Impact and Recovery) to perform duties directly related to the emergency conditions, as determined by the City.

### **Emergency Non-Essential**

Each Department Director and/or Supervisor is responsible for identifying employees who are considered "Emergency Non-Essential". "Emergency Non-Essential" employees may be required to perform emergency related duties prior to an incident and immediately following the incident, as directed by their supervisor. However, these employees are not on the City's Ride-Out Team for a hurricane or other storm-related event. These employees may be temporarily dismissed from work, concurrently or successively, as determined by the emergency need and the department or function. If these employees are dismissed from work due to emergency conditions, they will be placed on Emergency Administrative Leave pursuant to this policy.

### **Emergency Duty Assignment**

In the event of an emergency or disaster, the City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

### **Compensation for Hours Worked During a Declared Emergency or Disaster**

1. During the Emergency Period, employees released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall count as "time worked" for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.
2. **Non-Exempt Personnel:** During the Pre-Impact and Post-Impact Periods, non-exempt emergency personnel will be compensated at one and one half times their normal hourly rate for hours worked. During the Emergency Period, non-exempt emergency personnel will be compensated at 2 times their normal hourly rate for the duration of this period.
3. **Exempt Personnel:** Exempt employees will earn an hour of "Emergency Vacation" time for each hour worked up to a maximum of 40 hours. This time may be earned during Pre-Impact, Emergency or Post-Impact periods. After the first 40 hours worked, exempt employees will earn additional pay on top of their regular salary. During the Pre-Impact and Post-Impact periods, the additional pay will be one-half times their normal pay, converted to an hourly rate, for the first 40 hours worked and one and a half times for any hours worked over 40. During the Emergency Period, the additional pay will be one times their normal pay, converted to an hourly rate, for the first 40 hours worked and two times for any hours worked over 40.

The Emergency Vacation time earned will be available for use for one year after it is earned. If it is not used in that time period, any remaining balance will be forfeited. If the employee separates from service prior to using the Emergency Vacation and prior to the end of the one year period, the remaining balance will be paid to the employee in the same manner as normal accrued vacation.

4. During the Recovery Period, regular pay practices will apply to all employees, exempt and non-exempt.
5. All emergency pay for Pre-Impact, Emergency and Post-Impact Periods must be approved by the City Manager. Employees will be paid their regular rates of pay until the appropriate approvals are received.

6. Employees who are out on prior-approved leave or who called in sick during any of the three periods will continue to be charged for such leave. All other policies concerning remuneration shall comply with the City of La Porte’s Employee Policies Handbook and the Fair Labor Standard Act.
7. Nothing herein shall be construed to affect the non-exempt or exempt status of the impacted employees.

At the director’s discretion, previously approved leave may be cancelled when an emergency or disaster is imminent or declared.

The following table applies to all emergency essential and emergency non-essential personnel who perform emergency-related work during any of the emergency pay periods.

**Summary of Emergency Pay Provisions**

|  | <b>Pre-Impact Period</b>  | <b>Emergency Period</b>   | <b>Post-Impact Period</b>   | <b>Recovery Period</b>   |
|--|---|---|---|--|
| <b>Period Description</b>              | This is the time period prior to the impending disaster. This period includes emergency preparation activities and preventive measures by the City of La Porte departments preparing for the impending emergency.   | This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. | This is the time period during which activities are conducted to restore the City’s infrastructure and services to pre-disaster conditions. During this period, some employees may be required to return to work to provide damage assessments, emergency clearance of roadways, etc. | This is the time period when normal City services may resume. Recovery efforts will be ongoing; however, all employees will be required to return to work. |
| <b>Period Begins:</b>                  | The Mayor declares an emergency or disaster is imminent and the City Manager implements this policy.  | As determined by the City Manager.  | As determined by the City Manager.  | City Manager determines it is safe for employees to return to work.  |
| <b>Period Ends:</b>                    | As determined by the City Manager.  | As determined by the City Manager.  | City Manager determines it is safe for employees to return to work.   | As determined by the City Manager, in consultation with the Department Directors.  |
| <b>How do you pay for each period?</b> | <b>Non-Exempt:</b><br>1.5x for all hours worked   | <b>Non-Exempt:</b><br>2x for all hours worked   | <b>Non-Exempt:</b><br>1.5x for all hours worked   | <b>Non-Exempt:</b><br>Regular pay practices apply  |
|  | <b>Exempt:</b> Once the policy has been implemented, exempt emergency personnel will receive one hour of emergency vacation time for each hour worked, up to the first 40 hours, regardless of the period. Thereafter, the following compensation will apply. |   |   |  |
|  | <b>Exempt:</b><br>Regular Salary<br><br>plus  | <b>Exempt:</b><br>Regular Salary<br><br>plus  | <b>Exempt:</b><br>Regular Salary<br><br>plus  | <b>Exempt:</b><br>Regular pay practices apply  |

|   |   |   |   |                          |
|---|---|---|---|--------------------------|
|   | 0.5x for the first 40 hours worked<br><br>plus<br><br>1.5x for hours worked over 40 | 1x for the first 40 hours worked<br><br>plus<br><br>2x for all hours worked over 40 | 0.5x for the first 40 hours worked<br><br>plus<br><br>1.5x for hours worked over 40 |                          |
| <b>How do you pay if on pre-approved leave?</b> | Continue to charge leave  | Continue to charge leave  | Continue to charge leave  | Continue to charge leave |

**CHAPTER NINE**  
**EMPLOYEE SAFETY**

### **9.01 General Safety**

The City of La Porte desires to provide a safe working environment for its employees. To accomplish this, the City will provide all reasonable safeguards to ensure safe working conditions. The City recognizes the need to follow good safety principles, and therefore, believes that no job is so important and no order is so urgent that we cannot take time to perform our work safely. The cooperation of all City employees in observing safety rules and procedures will provide safe working conditions and accident free performance, which will benefit both the employees and the citizens of La Porte.

### **9.02 Job Injuries**

An employee must immediately notify his/her supervisor of any on the job injury. Failure to notify the supervisor is grounds for disciplinary action. The supervisor shall notify the Human Resources Manager immediately.

The supervisor shall complete an Incident Report and submit it to the Human Resources Office within two (2) days of the incident.

### **9.03 Hazard Reporting**

It is the responsibility of each employee to identify dangerous and hazardous conditions in and around their work area and report them to their supervisor, so that corrective action can be taken.

### **9.04 Incidents and Claims**

Employees must immediately notify his/her supervisor of any incident or claim involving the City of La Porte. The supervisor shall notify the Department Director and the Human Resources Manager immediately.

The supervisor shall complete an Incident Report and submit it to the Human Resources Department within two (2) days.

## CHAPTER TEN

### TERMINATION OF EMPLOYMENT

#### 10.01 Voluntary Terminations

##### Resignation

Employees voluntarily terminate their employment with the City when they:

- Resign either verbally or in writing
- Fail to report to work without notice to the City for 3 consecutive workdays unless the employee's absence is excused.

##### Inability to Perform Job

It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.

- **Serious Health Condition/Disabilities** - The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as the employee is able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.
- **Medical Exams for Current Employees** - With the approval of the City Manager, a Department Director may require that a current employee undergo a medical and/or psychological examination, at the City's expense, to fitness for continued employment; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act.

Employees may be separated from City employment because of incapacity for medical reasons, either physical or mental, when the employee is no longer capable of performing the essential job functions of the position, with or without reasonable accommodation.

##### Termination Due to Reorganization or Economics

The City may need to terminate employees due to reorganization, job elimination, budget constraints, or lack of work. The City will attempt to provide advance notice of such terminations.

Terminations due to reorganization, job elimination, budget constraints, or lack of work are not disciplinary terminations and are not subject to procedures applicable to disciplinary terminations.

## **10.02 Exit Interview**

The Human Resources Department will conduct an exit interview for all employees terminating employment with the City. The purpose of the exit interview is to complete the employee's file by listing the reason for separation and ensure that all issued equipment owned by the City is returned. All final paychecks may be picked up at the Human Resources Department.

## **10.03 Separation Pay**

Employees who terminate employment with the City in addition to receiving pay for hours worked will also receive payment for accrued benefits in accordance with Article 5155 of the Revised Civil Statutes of Texas. The employee will be paid at a rate based upon their final hourly pay rate.

### **Non-Civil Service Employees**

#### **Vacation**

Regular full-time employees who have at least one year of service with City are eligible to receive their accumulated vacation leave, not to exceed the maximum accrual of 1.5 times their annual rate.

#### **Sick**

Regular full-time employees hired prior to February 1, 2008 employed at least 10 years with the City will be eligible to receive unused sick leave, not to exceed 480 hours from Sick Bank 1.

### **Non-Civil Service 24 Hour Employees**

#### **Vacation**

Regular full-time employees who have at least one year of service with the City are eligible to receive their accumulated vacation leave, not to exceed the maximum accrual of 1.5 times their annual rate.

#### **Sick**

Regular full-time employees hired prior to February 1, 2008 employed at least 10 years with the City will be eligible to receive unused sick leave, not to exceed 768 hours from Sick Bank 1.

### **Civil Service Employees**

#### **Vacation**

Regular full-time civil service employees who have at least one year of service with the City are eligible to receive their accumulated vacation leave, not to exceed the maximum accrual of 1.5 times their annual rate.

#### **Sick**

Regular full-time civil service employees will be eligible to receive unused sick, not to exceed 720 hours.

### **Longevity**

A regular full-time employee employed at least 1 year, will receive on their final check a longevity accrual equal to the completed months of service with the City for the year.

### **Retirement Deduction**

All final checks *must* have the TMRS deduction in accordance with TMRS regulations.

### **City Property**

Any employee who does not return City issued property, or owes a balance for other items on a re-payment plan to the City, will have the cost/balance deducted from their final paycheck.



## GLOSSARY

The words and terms used in this Employee Policies Handbook shall cover the following meanings, unless the context clearly indicates otherwise.

**ABSENCE** – Not at the assigned workstation during a scheduled time

**ABSENTEEISM** – The frequent or periodic practice of not being present for work

**ANNIVERSARY DATE** - The employee's date of hire or most recent promotion date

**CERTIFICATION PAY** - Additional compensation for acquired skills in accordance with approved departmental certification programs

**CHAIN OF COMMAND** – the line of authority for which directions are given and for which complaints should be filed.

**CONFIDENTIAL EMPLOYEE INFORMATION** – Employee records, documents, pay documents, etc. that are maintained by the City that will not be released without proper required documentation

**CONTRACT EMPLOYEE** – Employees, who are not employees of the City, but work for the City through a signed agreement.

**DEMOTION** – A demotion is the assignment of employees from their current grade level to a grade level having a lower maximum salary

**DISCIPLINARY ACTION** – Any process taken to correct inappropriate employee behavior ranging from verbal reprimand up to and including termination

**FULL TIME EMPLOYEE** - An employee who regularly works 40 hours per week and is eligible for a full benefits package.

**HOLIDAY PAY**- A set number of paid holidays each year, approved by the City Manager

**IMMEDIATE FAMILY**- is defined as a dependent of the employee

**INCENTIVE PAY**- Payment provided to employees as motivation to complete a task.

**MORAL TURPITUDE** - conduct that is considered contrary to reasonable standards of justice, honesty, or good morals.

**NEPOTISM** - Family relationships to the employee based upon consanguinity (blood relatives) or affinity (relatives through marriage)

**PART TIME EMPLOYEE** – is an employee who works less than 40 hours during a work week and is not eligible to receive the full scope and level of benefits.

**PAY FOR PERFORMANCE (PFP) DATE** – The date employees are eligible for Pay for Performance Increases.

**PHYSICAL REPORT STATUS** – The status an employee is placed on following the use of 5 sick days or the equivalent number of hours within a 6-month period.

**INTRODUCTORY EMPLOYMENT PERIOD** - A designated period of time following an appointment, reinstatement, promotion, demotion, or transfer in a City position, during which time an employee is not eligible to dispute termination

**PROMOTION** – The assignment of an employee from one grade level to another grade level having a higher maximum salary. Temporary promotions can occur for business necessity

**QUALIFIED** – Having the minimum education, experience, and skills required to hold a certain position

**SUPERVISORY PAY-** Pay provided to an employee who is temporarily acting as a supervisor in the absence of a supervisor.

**SUSPENSION** – A disciplinary action in which the employee is restricted from working and receiving pay for a specified period of time

**TEMPORARY/SEASONAL EMPLOYEE** – Non-permanent employees hired for a specified period of time

**UNEXCUSED ABSENCE** - When an employee fails to report for work or to remain at work without proper notification, authorization, or excuse

**VOLUNTARY RESIGNATION** – takes place when an employee of his or her own accord chooses to cease his or her employment with the City.