



CITY OF BURNET, TEXAS

Personnel Policy Manual

with revisions through February 22, 2022

This manual is designed as a guide to employees of the City of Burnet. Policies and procedures are subject to change without prior notice. Employees are responsible for the contents of all updates and additions. Updates and revisions will be made available to employees as they occur.

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**PART 1.00
GENERAL POLICIES**

1.01 GENERAL

These policies are established by the City Council of the City of Burnet. Amended, revised, or new policies must be approved by the City Council in accordance with the Home Rule Charter.

In addition to these personnel policies, Department Directors may establish departmental rules and regulations that relate specifically to their department. Departmental rules and regulations shall not conflict with the City Policies and Procedures and must be approved by the City Manager.

1.02 PURPOSE

These policies set forth the primary rules governing employment with the City of Burnet. The policies contained herein inform employees of the benefits and obligations of employment with the City of Burnet. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors that will result in the highest quality of service.

1.03 STATEMENT OF POLICY

These personnel policies are designed to bring the City service to a high degree of understanding, cooperation, efficiency, and unity through the systematic and uniform administration of personnel policies and practices. The following are specific objectives:

- Promoting and increasing efficiency, responsiveness to the public, and economy in City services.
- Providing fair and equal opportunity for qualified persons to enter and progress in the City service based on merit and fitness determined through fair and practical personnel management methods.
- Maintain recruiting, advancement and tenure practices to enhance the attractiveness of City employment and to encourage each employee to give their best effort to the City and the public.
- Promoting high morale among the City employees by fostering good working relationships and by providing uniform policies, opportunities for advancement, and consideration of employees needs and desires.

All employees are hired for an indefinite period of time and may terminate employment at any time. The City of Burnet is an at-will employer and all employees are subject to termination without cause. However, employees shall have the right to administratively appeal and file grievances with respect to disciplinary decisions and actions affecting their

employment pursuant to the policies set forth in this Manual. See Section 15 for the Grievance Policy.

1.04 RESPONSIBILITY FOR IMPLEMENTATION

The City Manager is responsible for the administration of the personnel policies and procedures. The City Manager may delegate authority to appropriate staff members to act in his/her behalf in the administration of these procedures. With the exception of matters of appointments and other personnel actions reserved to the City Council by statute or Charter, final authority on personnel decisions is reserved to the City Manager.

1.05 CHANGES TO THESE POLICIES

These personnel policies may be amended or revised, or new policies may be added at any time without notice, upon the approval of the City Manager and the City Council. In addition, the City Manager, or his/her designee, shall conduct a periodic review of the policies contained in this manual.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to make a personnel policy change recommendation should submit his/her suggestions in writing along with the rationale for making the change to the City Manager by using the proper chain of command.

All suggestions will be considered as they occur.

1.06 APPLICABILITY

The personnel policies apply to all employees of the City of Burnet unless a class of employees is specifically exempted. In cases where federal or state law or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these policies only insofar as necessary to comply.

1.07 DISSEMINATION OF PERSONNEL POLICIES

The Human Resources Department shall maintain complete sets of the personnel policies with all revisions for reference by employees and shall distribute copies or summaries of revisions to employees. Employees may contact the Human Resources Department for copies of policies.

1.08 AMERICANS WITH DISABILITIES ACT (Revised 5-25-2021 Resolution 2021-22)

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

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The City will provide 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. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall advise the Human Resources Department in writing or verbally. The City will engage in the interactive process to assess the essential functions of the position and reasonable accommodation under this policy.

Employees who have a complaint involving potential violations of the ADA or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the Human Resources Department.

**PART 2.00
EMPLOYEE RESPONSIBILITIES**

2.01 GENERAL

The City of Burnet is a public tax-supported and service-based organization. Its employees must adhere to high standards of public service that emphasize courtesy, professionalism, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with the public, other government employees, officials, their supervisors, and fellow employees.

In an effort to maintain a good public image, employees are expected to present a neat, clean personal appearance and be courteous to the public.

It is the responsibility of each employee to maintain a current knowledge of the personnel policies of the City. Current copies of the Personnel Policy Manual are available in each department. Each Department Director is responsible for maintaining a current copy and making a copy of the manual available to his/her employees.

Employees are required to sign an acknowledgement of receipt of the personnel policies for inclusion in each individual employee personnel file.

2.02 TIMELINESS

Punctuality and attendance according to the work schedule as well as keeping appointments and meeting schedules is essential and mandatory for the completion of required work. All absences from work must be approved.

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An employee who expects to be absent from work must report the expected absence to his/her supervisor at least fifteen (15) minutes prior to their regularly scheduled reporting time, unless emergency conditions exist, in which case the supervisor shall be notified as soon as reasonably practical. Sufficient documentation may be required to verify an emergency condition. The employee must report directly to their supervisor, or his/her designee, as to the reason for their absence. Failure to timely report or failure to provide sufficient evidence of an emergency condition causing a failure to report shall be considered a tardy even if the leave is later approved.

In some departments, more advanced notice may be required. Department Directors will notify employees of their department if more than fifteen (15) minutes is required to provide adequate staffing. Repeated tardiness and excessive absenteeism will be subject to disciplinary action.

Simply because an employee timely provides notice of an expected or unexpected absence, does not mean the absence is automatically approved. In order to provide adequate staffing and citizen support, the City Manager or his designee may require the employee to come to work even if the employee provided timely notice of the absence. Upon a demand to return to work, the City Manager or his designee should take into consideration the employee's reason for the absence, whether the employee is capable of returning to work and the City's need for the employee to return to work on the specific day/time. If the City Manager determines it is in the City's best interest that the employee comes to work, the employee shall return to work as directed. Failure of the employee to return to work within a reasonable time upon demand may be grounds for disciplinary action.

2.03 OUTSIDE EMPLOYMENT, VOLUNTEER ACTIVITY OR ENTERPRISE

Employees may not engage in any outside employment activity, volunteer activity or enterprise determined by the City Manager to be inconsistent or incompatible with employment with the City of Burnet or that could adversely affect the employee's job performance.

All employees must have the advance approval of his/her Department Director to engage in any outside employment, including self-employment. A request for outside employment form must be filed with the Human Resources Department prior to beginning outside activities.

Wearing of city uniforms during outside employment is strictly prohibited. Wearing of city uniforms for public relations purposes must be approved by the Department Director and/or City Manager.

All Police Officers must provide the Chief of Police with a complete job description for any outside employment. Outside employment forms can be obtained from the Human Resources Department or Department Supervisor.

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All employees are prohibited by federal law from volunteering for another department within the City. Any employee desiring to work additional hours for another department must receive prior authorization from their supervisor(s) and the City Manager. The total hours worked must be recorded on the timesheet for each pay period and are subject to FLSA overtime regulations. Employees failing to record additional hours worked in another department may be subject to disciplinary action.

2.04 GIFTS

Employees shall not accept gifts from contractors, vendors, or other persons who have business dealings with the City as prescribed by state law (Penal Code §36.07). Gifts of nominal value (\$25 or less) may be accepted if such items are unsolicited and not offered or accepted in exchange for any action or inaction on the part of the employee. Violation of this law is a Class A Misdemeanor. If it is determined that the employee has violated this section, he/she will be subject to disciplinary action.

2.05 CONFLICT

An officer of the City shall comply with Local Government Code 171. If it is determined that the employee has violated this section, he/she will be subject to disciplinary action.

An officer or employee may not:

- Solicit, accept, or agree to accept a financial benefit, other than from the City, that might reasonably tend to influence his or her performance of duties for the City, or, that he/she knows or should know is offered with intent to influence the employee's performance.
- Accept outside employment or compensation that might reasonably induce him/her to disclose confidential information acquired in the performance of official duties.
- Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the City.
- Make any personal investment that might reasonably be expected to create a substantial conflict between the employees' private interest and duties for the City.
- Solicit, accept, or agree to accept a financial or personal benefit from another person in exchange for having performed duties as a City employee in favor for that person.
- Purchasing products or services for the City in exchange for personal gifts or other gain regardless of value.

2.06 POLITICAL ACTIVITIES

Employees of the City of Burnet are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

An employee may not:

- A. Use his/her official authority or influence to interfere with or affect the result of the election or nomination for office directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.
- B. Be a candidate for elective office in a partisan election if prohibited by the Federal Hatch Act. A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.
- C. Remain an employee after announcing for council position or Mayor. Announcing or filing for a City of Burnet office shall constitute an immediate resignation of employment.

An employee's political activity, not in violation of this section, shall not be considered in determination of his/her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

2.07 CHAIN OF COMMAND

In order for the City to function properly as an organization, it is necessary that employees adhere to the City's chain of command. Employees are to follow the chain of command in seeking administrative or operational decisions. Employees may directly contact the Human Resources Director on routine personnel matters.

The City Manager has established a staff organizational structure to assist employees in utilizing the Chain of Command. The staff is composed of Department Directors, special staff members, City Secretary, administrative assistants and clerks.

This system of administrative control provides the City Manager and staff an opportunity to stay current on laws or ordinances of the City about which they may not otherwise know and anticipate action necessary to preclude future problems. Internal staffing permits the City Manager to maximize the effectiveness of his resources in terms of manpower, time, money, and productivity. The intent of this procedure is to protect the staff from being diverted from their primary job unnecessarily and to build confidence in the quality and accuracy of information received by the citizenry from the City staff representing their elected officials.

2.08 COMMUNICATIONS

Matters that involve City policy, operations, and organization are brought before the City Council by the City Manager or by a person designated to do so by the City Manager. See the Grievance procedure set out in Section 15.00.

Communication with the public about City of Burnet matters is the responsibility of the City Council and the City Manager or his/her designee. Employees are to refer the public to their Department Director or to the City Manager if a question is non-routine, controversial, or outside the scope of the employee's normal duties.

Employees may, from time to time, be given directions from persons outside the normal chain of command. In such cases, the employee must notify his/her immediate supervisor about the direction, its purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

2.09 UNIFORMS

The City may provide uniforms to employees. Only employees may wear City of Burnet uniforms and only while working for the City, or in accordance with departmental instructions.

If an individual leaves employment within six (6) months of the date clothing or a clothing allowance was given to the employee, regardless of the reason for separation, one half the cost of clothing allowance must be reimbursed to the City and may be deducted from his/her final check unless, upon request by the City, clothing or uniforms are turned in as part of the Exit process. Forms are available from the Human Resources Department or from the Department Superintendent.

The cost of any item lost by the employee will be withheld from the employee's final paycheck. If additional uniforms must be purchased during the course of the year due to weight gain or loss, the employee will be charged for replacement of the garment.

2.10 TELEPHONE USAGE

Telephones, including cellular phones, are to be used for City business. Under no circumstances shall the use of said devices interfere with the employee's duties. It is understood that occasionally personal calls are necessary; however, the use of telephones for personal calls is permitted only if the number and length of calls are kept to a minimum. Use of phones shall be subject to departmental policies; however, any personal calls causing the monthly fee for any service to be increased will be subject to reimbursement. Excessive use or abuse of telephone privileges will be subject to disciplinary action.

2.11 NETWORK AND INTERNET USAGE POLICY

The City of Burnet provides Network and Internet Usage for City business when necessary in the performance of the employee's duties. The City is responsible for securing its own network and computing systems in a reasonable and economically feasible degree against unauthorized access and/or abuse, while making them accessible for authorized and legitimate users.

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Employees should be aware the City of Burnet's voice-mail, e-mail and computer systems are the City of Burnet's property, for the use and benefit of the City of Burnet and that all information stored in these systems is subject to review by management without prior notice to employee and are subject to public inspection under the Texas Public Information Act.

The City Manager will designate a Systems Administrator for all facilities that have access to network or internet usage. To that end, the City has developed the following policy for Network and Internet usage:

- Access – Employee Internet access must be authorized by the System Administrator. A condition of authorization is that all Internet users must agree to this policy as signified by their signature on the acceptance page of this Personnel Policy.
 - User password and ID's – Authorized users are assigned a user ID and password upon being given access to the system. User ID's and passwords shall not be changed or altered in any way without express consent of the System Administrator. Protection of the ID and password are the responsibility of the User therefore sharing them with any other person is strictly prohibited. The User can be held responsible for the actions of persons using their ID or password.
 - Deletion, examination, copying or modification of files and/or data belonging to other users without their prior consent is prohibited unless specifically authorized by the System Administrator.
 - Distribution of information gathered from the system to unauthorized persons is prohibited and the employee is subject to disciplinary action.
 - Installation or downloading of hardware or software without the approval of the System Administrator is prohibited and is subject to immediate disciplinary action.
 - Employees shall report all computer virus outbreaks to the System Administrator. The System Administrator shall take action reasonably necessary to prevent the spread of a computer virus to other computers.
 - Use of facilities for commercial gain is strictly prohibited.
 - Use of facilities and/or services for viewing, obtaining, or distributing pornographic materials or other materials not specific to City business is prohibited and will be subject to immediate disciplinary action.
 - Any unauthorized, deliberate action, which damages or disrupts any devices on the system including but not limited to viruses or other disruptive/destructive programs, is prohibited and may result in disciplinary action.
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- Allowing unauthorized individuals to access system files is prohibited and is subject to disciplinary action.
- Unauthorized use of Electronic Mail is prohibited. This may include sending junk, harassing, obscene or threatening mail; sending solicitations for the purpose of personal financial gain; forgery of electronic signatures; prolonged or excessive use of electronic mail for personal use and/or attempting to read, delete, copy or modify the electronic mail of other users. Any emails of a personal nature should include the following disclaimer "This e-mail contains the thoughts and opinions of the (employee's name) and does not represent official City policy". Personal e-mails are to be kept at a minimum and should not be disruptive to daily activities and responsibilities.
- Violation of copyright laws is prohibited.
- Accessing web sites that charge fees for access, software, services or literature is prohibited unless specifically authorized by the System Administrator, Department Director or Finance Officer.
- Online chat is prohibited.
- Installing and/or playing games is prohibited. Playing online games is prohibited.
- Representing yourself as another person is prohibited.

Some guidelines to avoid unintentional violations are:

- Only access sites on the Internet that are related to your job classification.
- Do not download any files without permission from the System Administrator.
- If by mistake you find yourself in an inappropriate or questionable site, close the browser immediately either by clicking on the small X in the upper right corner or by clicking on File and then close. Notify the System Administrator immediately.
- Never open an attachment that you do not expressly know the contents of. Do not open "junk" email or forward chain letters.
- Make sure your virus protector is enabled at all times. Contact your System Administrator if you are not sure.
- Report any questionable activity or responses to the System Administrator immediately.

2.12 PURCHASING PROCEDURES

In accordance with the City's charter, all purchases made, and contracts executed by the City shall be pursuant to requisitions from the heads of the offices, departments or agencies whose appropriations will be charged. No contract or order shall be binding upon the City unless the Finance Officer, or his/her designee, certifies that there is to the

credit of such office, department or agency a sufficient unencumbered appropriation to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All contracts or purchases of property shall be made in accordance with State law or ordinance provided that the City Council or the City Manager, in such cases as he/she is authorized to contract for the City, shall have the right to reject any and all bids. Contracts for personal or professional services are not required to be let on competitive bids but are subject to the proper hiring procedures for retention of such services. Personal and professional services shall not be payable without the proper authority to retain such services.

2.13 PETTY CASH

For the department's handling petty cash, the correct balance in cash and paid receipts must always be maintained. Petty cash may only be utilized for authorized expenditures approved for the department. Petty cash shall not be utilized for personal expenditures and petty cash shall absolutely not be utilized as a loan to any employee for any period of time. Unannounced audits of petty cash will be made periodically.

2.14 DRUG AND ALCOHOL USE POLICY (NON-DOT) (Revised 5-26-2020 Resolution 2020-16)

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

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

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees, while on duty, may not bring alcoholic beverages on City premises, and may not store or transport alcohol in a City-owned or leased vehicle. If an employee receives a gift of alcohol (example – recognition for retirement, birthday, holiday) they will not be in violation of this policy if the gift remains unopened and is taken off premises at the end of the employee's shift.

Employees attending training and conferences may participate in social functions associated with the conference. This includes the consumption of alcohol, so long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions will not operate a City owned or rented vehicle.

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

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

The City of Burnet reserves the right at all times to judge the effect that a legal drug, including medications not requiring a prescription, may have upon an employee's work performance and to restrict the employee's work activity or presence at the workplace accordingly. The City also reserves the right to have a physician of its choice determine whether a medication at the prescribed or recommended dosage impairs or adversely affects the employee's work activity. For Police and Fire Department personnel, all prescription medication for must be reported to the Fire Chief or Police Chief.

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

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

On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee shall not report to work.

Mandatory Reporting of Arrests and Convictions. Employees must notify the Human Resources Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including termination.

Rehabilitation/Treatment.

It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence.

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

During time off for a City-approved rehabilitation or treatment program, the employee

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must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

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

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

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

TESTING

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

Testing of Applicants.

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

Employees transferring to a new job within the City must undergo testing for alcohol and illegal and unauthorized drugs before the transfer. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of the transfer or future employment with the City.

Testing of Employees.

- If a delay in reporting to the testing facility is unjustified or unreasonable, the employee may be subject to corrective actions, up to and including immediate separation from employment.
- The City may conduct random testing on employees holding safety-sensitive positions.
- Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- Tests will be paid for by the City.
- To the extent possible, testing will normally be done during the employee's normal work time.
- Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
- A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
- The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. See the City's Drug and Alcohol Policy for DOT Employees for additional information.

On-the-Job Incident/Accident Testing.

Where there is an "At-Fault" incident/accident causing a fatality, an injury to the employee or to another, significant property damage, involves unusual circumstances, or the driver is issued a moving traffic citation the employee must submit to a drug and alcohol test immediately after the incident/accident. "At-Fault" incidents/accidents will subject the employee to corrective disciplinary action, up to and including immediate separation from employment.

An employee subject to post-accident drug and alcohol testing should be tested as soon as possible following an incident/accident, no more than two (2) hours of the incident/accident if possible. Testing may be delayed for the employee to call for emergency assistance, render aid to others involved in the accident, or to receive medical attention for injuries resulting from the accident. If a drug and alcohol test is not administered within 2 hours of the incident/accident, the supervisor shall document the reasons why.

Use of Law Enforcement Tests. In post-accident situations, the City of Burnet reserves the option to substitute a breath alcohol test performed by local law enforcement officials, using procedures required by their jurisdictions, providing such test results are received directly from the local jurisdiction or the driver. If the City substitutes a breath alcohol test by law enforcement in lieu of other procedures described herein for a post-accident test, it may rely on and take appropriate action based on the results. An employee may elect to provide a blood sample under this section of the policy.

Random Testing.

All employees occupying safety-sensitive positions will be subject to random testing for drugs and/or alcohol. The Human Resources Department will maintain a list of safety-sensitive positions subject to testing and will manage the random testing process.

The random selection process will be completely objective and anonymous and will utilize a scientifically valid method such as random number table or computer-based random number generator matched with employees' social security numbers, payroll identification numbers, facility number or other comparable identifying numbers. The test will be unannounced, and the dates for testing will be reasonably spread throughout the year. All employees in roles which may include safety-sensitive functions will have an equal chance of being tested at any time, regardless of the number of his/her previous selections.

Any employee notified of his/her selection for random alcohol and/controlled substances testing will be expected to proceed to the test site immediately.

Reasonable Cause Testing.

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing). Testing should be arranged as soon as possible after the supervisor's articulable observations.

Testing Procedures.

- All testing must normally be authorized in advance by the employee's Department Director or the Director of Human Resources.
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- All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

2.15. DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES (Revised 5-26-2020 Resolution 2020-16)

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

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

Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

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

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
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- While using alcohol; or
- Within 4 hours after using alcohol.

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

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

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

Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

Post-accident Testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

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

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

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

- **Post-Accident Alcohol Testing.** If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.
- **Post-Accident Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

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

- **Reasonable Suspicion Alcohol Testing.** Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to
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administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- o An alcohol test measures the employee's alcohol concentration at less than 0.02; or
 - o 24 hours have elapsed since the reasonable suspicion observation was made.
- **Reasonable Suspicion Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

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

- Performing a safety-sensitive function means an employee who is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, just completed performing, or immediately available to perform any safety-sensitive functions.

Return-to-duty and Follow-up Testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to

performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations, or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

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

Additional Information About Alcohol Testing.

- a) **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)
 - b) **Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a "negative" test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure
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accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing.

a) Drug Testing Procedures. Drug testing is conducted by analyzing a driver's urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. "Split" urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City's Director of Human Resources. The second test will be at the driver's own expense.

b) Drugs Tested For. DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms "drug," "drugs" or "controlled substances" are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.

c) Review of Drug Test Results. All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

d) Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

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

Information from Prior Employers. The City will comply with the requirements of the FMCSA Clearinghouse regulations to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the statutory requirements of the driver's application, promotion or transfer. Affected individuals must also comply with the FMCSA clearinghouse requirements. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations.

Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within sixty calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable

suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with an MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within seventy-two hours.

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City.
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time.
- All time spent at the driving controls of a CMV in operation.
- All time, other than driving time, in or upon any CMV.
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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

FMCSA Clearinghouse

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Effective January 6, 2020 in accordance with 49 CFR, all applicable CDL drivers shall be subjected to a query of the FMCSA Clearinghouse prior to employment as well as yearly throughout the driver's employment with the City of Burnet.

This is an employer responsibility. Drivers should also note that the following information will be reported to the Clearinghouse by both the Medical Review Officer, the Consortium/TPA and/or the City. Drivers who fail to provide the necessary authorization to complete the initial or annual query will be subject to termination.

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to a drug or alcohol test;
- An employer's report of actual knowledge, as defined at 49 CFR § 382.107;
- On -duty alcohol use pursuant to 49 CFR § 382.205;
- Pre-duty alcohol use pursuant to 49 CFR § 382.207;
- Alcohol use following an accident pursuant to 49 CFR § 382.209;
- Drug use pursuant to 49 CFR § 382.213;
- SAP's report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and,
- An employer's report of completion of follow-up testing.

PART 3.00 HIRING PRACTICES

3.01 EQUAL OPPORTUNITY POLICY (Revised 5-25-2021 Resolution 2021-22)

The City of Burnet provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type because of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

3.02 AGE REQUIREMENTS

Persons under eighteen (18) years of age will not be employed in any regular position. Other age limitations will be only as required by state or federal law applicable to the City.

3.03 VACANCIES

Vacancies on the City staff are filled on the basis of merit, whether by promotion or by initial appointment. Selections of the most qualified persons are made only on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specific job.

3.04 QUALIFICATIONS

The City of Burnet maintains a job description that establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each position. The job description sets forth the minimum acceptable qualifications to fill the position. The City reserves the right to amend or modify job descriptions and qualifications.

The City will also require all prospective employees provide proof of citizenship or legal work status in the United States prior to employment.

3.05 METHODS OF RECRUITMENT

The City of Burnet has four methods of recruitment and selecting persons to fill vacancies. They are as follows:

- promotion from within
- lateral transfer within
- public announcement and competitive consideration of applicants for employment
- selection from a valid current eligibility list
- any other method as prescribed by state or federal law

Internal postings will be posted at City Hall for a minimum period of three (3) working days.

The City Manager or his/her designee determines the method of selection to be used in filling each vacancy and may make adjustments as deemed necessary from time to time, when in the best interest of the City. The City Manager may waive any requirements for posting and advertising before filling a specific position.

3.06 PUBLIC ANNOUNCEMENTS

The City Manager, or his/her designee, in the manner most appropriate for the particular position being filled, may disseminate public announcements of position openings at the City. The City Manager, or his/her designee, determines the method of selection to be used in filling each vacancy.

3.07 APPLICATION FOR EMPLOYMENT

Each applicant for employment is required to submit a City of Burnet Application Form and other pertinent information regarding training and experience. The Human Resources Director, or his or her designee, shall, as deemed appropriate, make appropriate inquiries to verify experience, character, and suitability of any applicant. The

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City reserves the right to perform background checks in the depth determined appropriate by the City Manager prior to any offer of employment.

A City of Burnet Application Form can be obtained from the Human Resources Director at the City of Burnet Municipal Offices or from the City of Burnet web site at www.cityofburnet.com.

3.08 CONSIDERATION OF CURRENT EMPLOYEES

Employees of the City of Burnet are not prohibited from applying for available positions. Employees who are interested in an available position are required to meet the same requirements as non-employees. For good cause, this requirement may be waived. Employees should check job postings for available positions.

3.09 DISQUALIFICATION

An applicant is disqualified from employment by the City if he or she:

- Cannot perform the essential functions of the position involved.
- Knowingly has made a false statement on the application form.
- Has committed fraud during the selection process.
- Is not legally permitted to hold the position.
- Has offered, attempted to offer, or made promise of inducement in an attempt to secure favorable consideration.
- By the results of their background check and/or driving record.

3.10 SELECTION

Except for appointments reserved to the City Council by Charter, statute or ordinance, the City Manager has the exclusive authority to select and employ all Department Directors, and the Department Directors have the authority to employ department personnel, subject to approval by the City Manager, clearance from the Human Resources Department, and within the limits of the policies and the overall comprehensive budget. Department Directors and other supervisors may be asked for recommendations as appropriate. The City Manager shall have the right to set policies for Department Directors regarding hiring and prior hiring approvals required. All prospective employees must receive clearance from the Human Resources Department prior to being hired.

3.11 PRIOR SERVICE WITH CITY

Employees entering service with the City who have had prior service with the City may be considered for employment only with the specific approval of the City Manager and Department Director. Former employees who are rehired will be hired at the prevailing rate for new hires and will be subject to all restrictions of newly hired employees, unless specifically waived by the City Manager and the Department Director.

3.12 TESTING

Positions with the City may have an essential functions test that shows the applicant can perform the essential functions of the job for which they have applied. The essential function test will be designed so as not to discriminate against any person, whether by race, sex, age, or persons with reasonably accommodated disabilities. These reasonable accommodations fall under the guidance of the Americans with Disabilities Act, as amended, and should be requested not less than seventy-two (72) hours prior to testing.

Certain City positions will require that employees obtain and maintain certifications or licenses. Each position's job description will outline these requirements where applicable. Employees who fail to obtain or maintain required certifications or licenses may be dismissed or demoted as necessary to comply with applicable laws.

3.13 EMPLOYMENT OF RELATIVES

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council, to the City Manager, or to any employee who would supervise his/her performance.

Prohibited degrees of relationship are defined in the following:

Degree by Affinity to Employee or Official:

- First Degree - Spouse
- Second Degree – Father-in law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother-in-law, grandfather-in-law, granddaughter-in-law, grandson-in-law.

Degree by Consanguinity to Employee or Official:

- First Degree - Father, mother, son, daughter
- Second Degree - Sister, brother, grandmother, grandfather, grandson, granddaughter
- Third Degree - Niece, nephew, uncle, aunt, great grandfather, great grandmother, great grandson, great granddaughter

3.14 Sexual Harassment and Other Unlawful Harassment (Revised 12-8-2020 Resolution 2020-63)

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in unlawful harassment of other employees, citizens, vendors, and all other third parties.

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In the event the City receives a complaint of sexual harassment or other unlawful harassment, or otherwise has reason to believe that sexual harassment or other unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed.

Exercising rights under this policy does not in any way affect an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or in a court of proper jurisdiction for any complaint for which a remedy is provided under state or federal law.

All types of sexual harassment are prohibited.

What is "sexual harassment"?

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- (2) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual;
- or
- (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. Examples of sexual harassment include, but are not limited to the following, when such acts or behavior fall under one of the above definitions whether it be physical, verbal or visual conduct:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
 - touching or grabbing a sexual part of a person's body;
 - touching or grabbing any part of a person's body after that person has indicated, or it is known, that such physical contact was unwelcome;
 - continuing to ask a person to socialize on or off-duty when that person has indicated they are not interested;
 - displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
 - continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
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- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to a person's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation; or
- off-duty conduct which falls within the above definition and affects the 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, disparages, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, gender identity, sexual orientation, disability, genetics, 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, disparages, 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, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, gender identity, sexual orientation, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

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 feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Director;
 - the Director of Human Resources;
-

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- the Assistant City Manager; or
- the City Manager.

Every supervisor is responsible for immediately responding to, and reporting, any complaint or suspected acts of sexual harassment or other prohibited harassment. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Director of Human Resources, the Assistant City Manager, and /or the City Manager. Failure by a supervisor to appropriately report or address such sexual harassment, or other prohibited harassment complaints or suspected acts shall be considered to be in violation of this policy.

Investigation. All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The Human Resources Director shall be the employee charged with handling complaints unless another person is duly designated. 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 and to maintain confidentiality. The City of Burnet is committed, and required by law, to act if it learns of potential sexual harassment, even if the aggrieved person does not wish to formally file a complaint.

If the allegation of sexual harassment, or other unlawful harassment, is found to be credible, the City of Burnet will take appropriate corrective action. The City will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease, and that no retaliation will occur. If the allegation is not found to be credible, the person making the complaint and the accused person shall be so informed.

Retaliation Prohibited. Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. 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 situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

Training. It will be the responsibility of the Human Resources Department to schedule sexual harassment prevention training for City employees and supervisors. Each supervisor has a responsibility to communicate to employees that sexual harassment, and other unlawful harassment, will not be tolerated and to make certain that employees are aware of this policy.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace. Non-employee violators of this policy are subject to expulsion from a City facility when harassment occurs on City premises. The City may report violators to the appropriate authority for civil or criminal action.

PART 4.00
TYPES OF EMPLOYMENT

4.01 CATEGORIES

Regular: A regular employee is one that has completed his/her training and evaluation period of 90 to 180 days and who works, on average, at least forty (40) hours per week. Only regular employees accrue benefits as described in these policies. A regular employee is employed in an authorized position that involves, on the average, at least forty (40) hours per week.

Part-time: A part-time employee is employed in an authorized position that involves, on the average, fewer than forty (40) work hours per week. All part-time employees will be covered by workman's compensation insurance but accrue no other benefits.

Temporary: A temporary employee is an employee hired specifically to work on –

- (1) specific project, at the end of which his/her employment will cease.
- (2) work for only parts of the year when extra help is needed, or to provide services available at limited times of the year.
- (3) temporary workers will be covered by workman's compensation insurance but shall not be due nor shall accrue benefits.

Contract: A Contract worker is a persons or company retained to provide services to the City under an hourly contract or flat fee shall not receive additional compensation above and beyond the compensation negotiated in the agreement for services. A contract worker shall not be considered an "employee" of the City.

4.02 TRAINING AND EVALUATION PERIOD (Revised 5-26-2020 Resolution 2020-17)

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an initial training and evaluation period of 6 months.

The training and evaluation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Employees are considered in the training and evaluation period until they have performed their regular job duties for a period of 6 months.

Each employee serving in the training and evaluation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner

within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the training and evaluation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

Seasonal/Temporary Employees. Seasonal and temporary full and part-time employees do not serve a training and evaluation period.

Change in Assignment of Employee Serving in the Training and Evaluation Period. Employees serving in the training and evaluation period may not request or make application for reassignment or voluntary transfer during this period without approval from the Department Director and written approval from the City Manager. If the reassignment or transfer is approved, the employee will serve a training and evaluation period of 6 months in the new position beginning with the date of the position change.

Employee Coaching During the Training and Evaluation Period. Two documented coaching's of new employees, including new internal hires, will be performed during the 6-month training and evaluation period, normally at 3 and 6 months

Extensions to the Training and Evaluation Period. The training and evaluation period may be extended under the following circumstances:

At the end of the 6 month initial period, the training and evaluation period may be extended for up to an additional 3 months when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend the training and evaluation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended training and evaluation period will be completed. Such extensions will be at the sole discretion of the Department Director and the Director of Human Resources.

The training and evaluation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work.

Successful Completion of the Training and Evaluation Period "Regular" Status Granted. An employee is granted "regular" status in the new position if the employee satisfactorily completes the training and evaluation period.

Failure of Training and Evaluation Period. An employee is considered to have failed the training and evaluation period when it is determined that the employee's 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 training and evaluation period may occur at any time within the period. An employee

who does not successfully complete the training and evaluation period will normally be terminated from the City's employment.

If desirable and feasible, the employee may be administratively transferred to a more suitable position if approved by the affected Department Director(s) and the City Manager. A transferred or promoted employee who fails the training and evaluation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s) and the City Manager.

Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the training and evaluation period, including documentation of performance, counseling, training, and other efforts to help employees during this period. All such documentation must be reviewed by the Director of Human Resources and approved by the City Manager before an employee serving in the orientation period can be terminated.

At-Will Employment. Employees have no guarantee of employment either during or after the training and evaluation period. All employees of the City including those serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause.

4.03 ASSIGNED STAFF

Staff who are assigned to the City but directly paid by another government or private organization are not employees. Benefits are as specified in the individual's contract for services. As a condition of their assignment, they are governed by all terms of these policies not in conflict with their contract for services.

PART 5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAYDAY

For employees of all departments pay periods begin at 12:01 a.m. on Saturday and end at midnight the second Friday. Any employee absent on payday may request another party be allowed to obtain his/her check. The request must be in writing (forms are available), make reference to a specific pay period, and be presented to the Department Director. The Department Director or Human Resources Director must request a valid ID and obtain the signature from the third party.

Employees who have been voluntarily or involuntarily terminated will receive their final paycheck on the next regularly scheduled bi-weekly payday for the pay period including their date of termination. Employees must complete the exit form and any issued equipment, credit cards, keys and applicable clothing must be returned to the Department Director. The exit form provides information regarding employee decisions including insurance and retirement options.

5.02 CHECK DELIVERY

Paychecks for all employees are issued every other Friday. No pay advances or loans will be made to any employee for any reason. The Department Directors will distribute checks on Friday. Direct deposit is available to all employees. To sign up, see the Human Resources Department.

5.03 PAYROLL DEDUCTIONS

Deductions may be made for regular, part-time and temporary employees:

- Federal Income Tax
- Social Security Tax
- Texas Municipal Retirement System (Full Time Employees)
- Other Deductions as required by law

In accordance with policies and general procedures approved by the City of Burnet, deductions from an employee's pay may also include:

- Group Health/Medical Insurance for dependents
- Credit Union
- Uniforms
- Schools
- Damaged or lost equipment
- YMCA membership(s)
- Delinquent amounts owed the City of Burnet
- ICMA or other deferred compensation plans
- Such other deductions as may be authorized by the City Manager

Additional payroll deduction requests can be submitted to the City Manager for approval. All payroll deductions other than those required by law can only be deducted with the written permission of the employee.

5.04 TRAVEL EXPENSES

Approved training, seminars, and other meetings related to the employee's job and approved by the Department Director may be compensated for properly documented travel expenses as follows:

1. An employee using a private motor vehicle for transportation incurred on official City business will be reimbursed at a mileage rate as recommended by the Internal Revenue Service. Mileage will be allowed for the most direct route on major highways. Where COVs are provided or required to be taken, mileage will not be reimbursed. Employees may not elect to take a private motor vehicle if a City
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owned motor vehicle is provided to the employee, unless otherwise approved by the City Manager.

2. When using air travel or other forms of public transportation, receipts must accompany the expense report. Parking, tolls, and other incidental costs incurred must be supported by receipts. If travel involves the use of a rental car, the cost of the rental car plus any fuel charges that are supported by receipts are eligible for reimbursement.
3. When two or more employees on City business travel together, only one may claim the mileage reimbursement. This provision does not preclude any passenger from receiving reimbursement for other eligible expenses.
4. Lodging.
 - a. Reimbursement for lodging will be actual single rates. Lodging receipts must accompany the expense report.
 - b. If two or more employees share a room, reimbursement may be claimed by only one employee or employees may claim half the cost of the room.
 - c. The costs of the lodging must be approved in advance by the Department Director. The Department Director may require the employee stay at reasonably priced lodging.
5. Meals.
 - a. Employees traveling outside the City on official City business shall be compensated for the actual cost of meals, plus gratuity up to 20%, at a rate not to exceed an amount as established by the City Manager from time to time.
 - b. Employees will not be allowed reimbursement for a meal if the meal is furnished as part of the hotel charge or seminar registration.

5.05 MERIT INCREASES

Merit increases may be granted for superior and consistent performance in the same position and may also be used to recognize a higher certification achieved. They are not used to recognize increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors or longevity once the employee has completed the initial probation period. Merit increases recognize outstanding performance and may be granted in conjunction with a performance evaluation of the employee or his receipt of higher certification than he was hired with. Any merit increases shall be approved by the City Manager within authorized budget limits before becoming effective and must be in compliance with the adopted pay scale.

5.06 PROMOTIONS

Promotions are changes in the duty assignment of an employee from a position in one classification to a position in another classification in a higher pay group. A promotion recognizes advancement to a higher position requiring higher qualifications and involving greater responsibility. A promoted employee may receive a pay increase. Promotions

must be approved by the City Manager to be effective. Upon promotion, the employee begins a new training and evaluation period of (6) months.

5.07 LATERAL TRANSFERS

Lateral transfers are movements of an employee between positions in the same department or among departments in the City, where both supervisors involved are in agreement and the City Manager approves the transfer as being in the best interest of the City. Normally, lateral transfers do not warrant an adjustment in pay rate.

5.08 DEMOTIONS

A demotion is a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower pay group. An employee who is demoted will normally have his/her pay reduced. Reasons for demotion may include, but not be limited to, voluntary assumption of a less responsible position (employee choice), as a disciplinary measure, because of unsatisfactory performance in a higher position, for failure to maintain a required certification or license, as a result of a reclassification or restructuring of the employee's position, for a necessary restructuring of the department where the employee works, or other reasons as determined by the City Manager.

5.09 PROFESSIONAL DEVELOPMENT

The City of Burnet encourages membership and active participation by employees in appropriate professional organizations when they are judged by the City Manager to offer special training or information of value to the employee in the performance of City duties. Memberships and attendance at meeting and conferences of professional organizations paid for by the City are subject to specific approval by the City Manager or Department Director. In certain situations (ex. Fire, Paramedic, or Police Academy, etc.), the City may determine that the nature and expense associated with a particular school or certification is of significant magnitude whereby it is necessary for the employee to sign a reimbursement agreement specifying the exact expenses to be reimbursed and terms of reimbursement. The reimbursement agreement must be executed prior to registration or enrollment. Expenses shall be defined as any expense incurred and paid for by the City associated with attendance at schools and seminars including, but not limited to, meals, mileage, accommodations, tuition, and materials; and salaries paid while attending schools and seminars in excess of five working days. This section shall not apply to employees terminated due to Reduction of Force, death of the employee or terminal illness of the employee. The balance owed will be deducted from the employee's final payroll check. The City Manager, for good cause shown, may waive this requirement.

All requests for leave to attend schools, seminars, or meetings must be approved by the Department Director prior to the time leave is to start.

Emergency personnel in the Police and Fire/EMS Departments are often required to attend training at times outside their normal work schedule. Those hours will not be compensated, as allowed by FLSA, without approval from the City Manager prior to employees being registered for the training.

5.10 APPROVING AUTHORITY

The City Manager is the approving authority for all payrolls and for pay increases, decreases, or payroll transfers granted under the terms of:

- these policies
- the classification and pay plans, or
- the annual budget

PART 6.00 WORK SCHEDULES AND TIME REPORTING

6.01 WORK WEEK FOR ADMINISTRATION AND MOST DEPARTMENTS

The official work period for all employees of the City, except emergency personnel, is a seven-day period beginning at 12:01 a.m. on Saturday and ending at Midnight the following Friday. Adjustments to the normal hours of operation for various City facilities or departments may be made by the City Manager to better serve the public. In addition, the City Manager may direct Department Directors to set other hours of work for individuals or groups of employees, if necessary or desirable. Employees are expected to report punctually for duty at the beginning of their assigned workday and to work the full day established by the schedule. Offices will remain open during the noon hour, and staggered lunch periods for some City employees will be scheduled according to the requirements of the City.

6.02 EMERGENCY PERSONNEL - POLICE AND FIRE/EMS

The respective department directors, in consultation with the Human Resources Director, will establish the work schedule for the police and Fire/EMS. Refer to specific department guidelines for approved work schedules. Non-emergency personnel and exempt personnel within the police and Fire/EMS Department shall not be subject to this section.

The official work period for emergency personnel will begin at the next scheduled shift change after 12:01am on the same Saturday used for non-emergency personnel.

The official work period for the police department peace officers shall consist of 14 days. All hours worked over 86 hours in a work period will either be compensated at the applicable overtime rate or offered time off at one and one-half times the number of hours worked.

The official work period for the Fire/EMS department shall consist of 14 days of 48 hours on and 96 hours off. All hours worked over 40 hours in either the first 7 days of the work period or the last 7 days in the same work period will either be compensated at the applicable overtime rate or offered time off at one and one-half times the number of hours worked.

FLSA rules will be followed regarding overtime worked.

6.03 SCHEDULE ADJUSTMENTS

Adjustments to the normal hours of operation of various City facilities or departments may be made by the City Manager to better serve the public.

Depending upon personnel available, the Department Director, with approval from the City Manager, may establish different work schedules for their personnel for temporary periods of time until the personnel shortage has been eliminated.

Other hours of work and official work periods for individuals or groups of employees may be set by the Department Director with the approval of the City Manager.

6.04 TIME SHEETS

Employees are responsible for keeping and reporting accurate records of all hours worked and leave time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the Human Resources Department. Time sheets must be signed by the department supervisor and should include completed overtime sheets where applicable. Time sheets shall be turned in to the Finance Department bi-weekly by 9:00 a.m. on Monday to receive paychecks on the following Friday. On rare occasions due to a holiday or other circumstance the supervisor will be notified of any deviation from this schedule. Submitting incomplete time sheets could result in a delay of regularly scheduled paychecks.

Time sheets must be recorded accurately with use of designated symbols and signatures.

6.05 OVERTIME

This section applies only to non-exempt employees. Any employee may be required to work more than the normal number of working hours per week or work cycle. All overtime services by employees covered under Fair Labor Standards Act (FLSA) must be authorized by the Department Director and approved by the City Manager or his/her designee. Attendance at training or schools may count toward accumulated hours for overtime provided the training is approved by the City Manager.

For all employees who are covered by the overtime provisions of the FLSA, the policy of the City is to grant equal time off during the same official work period for authorized overtime hours. At the discretion of the Department Director, if it is not possible to grant

equivalent time off during the same work period in which the overtime was created, the department will make every effort to give the employee time and one-half (1.5) off within the same pay period. If neither of these methods of compensation is possible the City will pay the employee at the rate of one and one-half (1.5) times the employee's regular hourly rate. Police may accrue up to 86 hours (57.33 hours of actual overtime worked). Firefighters, emergency response personnel and certain employees engaged in seasonal activities may accrue up to 103 hours (68.67 hours of actual overtime worked) of comp time. All other hourly employees may accrue up to 80 hours (54 hours of actual overtime worked).

All hourly employees are required to record hours worked outside their normal work schedule. If an employee volunteers for another department or within the department they work for, the hours must be recorded on the appropriate timesheet as either comp time or overtime and have the approval of the department supervisor. Failure to record volunteer hours is subject to disciplinary action.

6.06 FLEXTIME

Exempt (See Section 8.02) employees are expected to commit the time necessary to accomplish their assignments. For work weeks where over forty (40) hours are actually worked by the employee, that exempt employee will be eligible for Flextime time at a rate of one hour for each hour worked over 40 hours. Employees may accrue no more than 80 hours. Flextime hours include any hour's employee is required to work that are outside the employee's standard schedule. Flextime does not include attendance at schools, seminars, conferences, volunteer hours or any hours where the employee is otherwise compensated. Flextime accruals will not be compensated in the event the employee is terminated for any reason. Flextime is not subject to monetary compensation.

6.07 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)

Executive, administrative, and professional employees are exempt from the overtime provisions of FLSA and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

6.08 HOLIDAYS WORKED

For additional information on the holidays worked as well as the list of observed holidays for the City of Burnet, see Section 9, Holidays, specifically Subsection 9.02 "Holidays Falling on Sat/Sun" and 9.03 "Work During Holidays".

6.09 LEAVE OR HOLIDAYS TAKEN AND OVERTIME

If a regular employee is required to work extra hours during a work period (or work week) in which (s)he has used sick leave, vacation leave, emergency leave, or any other leave (including Holidays) the employee will be paid for the extra hours at the regular, straight

time of pay. However, if the extra hours worked are more than the number of leave hours taken, the employee will be paid at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken. Employees must actually work the required hours to qualify for overtime status before qualifying as being on overtime status during a work week or work cycle.

6.10 "ON CALL" TIME

Utility services require that some employees be available in an "on call" status in the evenings, and over holidays and weekends to ensure the continuity of those vital services. Employees who are scheduled for on-call duty must be available and able to respond to calls throughout their on-call shift. On-call employees who are unavailable for calls will not be paid for the on-call status fee and may be subject to disciplinary action.

Employees in "on call" status will be paid:

- a fee for "on-call" status as set by the City Manager
- an hourly rate for number of hours worked

PART 7.00 BENEFITS

7.01 MEDICAL AND LIFE INSURANCE

The City of Burnet provides group hospitalization, dental insurance coverage, and life insurance for the regular employees. Premiums for such employees are paid by the City. An eligible employee may add dependent coverage for family members to any such plan at his/her expense.

7.02 SOCIAL SECURITY AND MEDICARE

All employees of the City of Burnet are covered by Social Security and Medicare. The City is required by federal law to match each month's contribution to Social Security and **Medicare.**

7.03 RETIREMENT

The City of Burnet is a member of the Texas Municipal Retirement System (TMRS). Membership in the retirement system is mandatory for all regular employees. Both the employee and the City contribute to the employee's retirement account. Employees must be vested under TMRS to be eligible to receive the City's matching portion. Employees who leave City employment prior to retirement will, upon request to the TMRS, be refunded their portion of the retirement account plus interest earned on their portion in accordance with TMRS policies.

Retirement benefits are determined by a formula that involves age at the time of retirement and the amount deposited in the employee's account. An employee may retire

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if he/she has ten (10) years of service and has reached the age of sixty (60). Or, an employee may retire if (he)she has twenty (20) years or more of service regardless of age.

The City offers continuation of health and dental insurance to those employees who were employed prior to January 1, 2010. City employees employed on or after January 1, 2010 are not eligible for continued health insurance after retirement under this policy. For Eligible Retirees, such continued health and dental insurance is comparable to that which is provided for regular employees, for those employees that retire from the City of Burnet under TMRS with at least twenty (20) years of service, the last ten (10) of which are with the City of Burnet. For retired employees eligible for Medicare, the City will substitute coverage with a Medicare supplemental insurance policy. Eligible Retirees may have the option of declining City provided health or dental insurance and being reimbursed for health coverage other than what the City provides up to the amount of premium paid for an active employee. It is strictly the Eligible Retirees responsibility to contact the City with any changes in coverage. If an Eligible Retiree chooses reimbursement, proof of coverage must be certified annually. (Source City Ordinance 2018-18 7.03 Retirement)

The City of Burnet participates in a death benefit plan administered by the TMRS providing the beneficiary of a regular employee that dies while in the employ of the City with a one-time, lump-sum yearly wage as a non-taxable benefit.

This section is subject to change in accordance with TMRS requirements. Continuation of health and dental insurance to Eligible Retirees is not a guaranteed benefit and is subject to change by the City Council.

7.05 UNEMPLOYMENT INSURANCE

The City of Burnet contributes to unemployment coverage as required by the Texas Unemployment Compensation Insurance Act. This program provides payments for unemployed workers in certain circumstances. The City may contest any request for unemployment insurance for employees the Human Resources Director believes do not qualify to receive such pay.

7.06 LONGEVITY PAY

Longevity pay is compensation based on the number of years of unbroken service to the City. The amount of longevity pay is determined by the City Council through the budget process and is paid one time per year. Employees must have been in the employment of the City for three months prior to the date longevity pay is calculated to be eligible for longevity pay. Employees must be active (not on leave of absence) to receive longevity pay. Part-time employees must be actively working in the three-month period prior to the date longevity pay is calculated to be eligible.

7.07 EDUCATION AND TRAINING

Only regular employees, and certain temporary or part-time employees where training is integral to the position are eligible for education and training. Detailed information on education and training is found in Section 5, Subsection 5.09.

7.10 RECREATION FACILITY USAGE

The City provides employees the opportunity to utilize the Galloway Hammond Recreation Center and Delaware Springs Golf Course in the following manner:

- Usage of GHRC and Delaware Spring Golf Course shall be as provided for by the City Council from time to time.
- Employee benefits to GHRC and/or Delaware Springs Golf Course do not extend to family members of part-time employees.

The City recognizes outstanding service by awarding memberships to employees who retire from the City of Burnet under TMRS and a minimum of the last ten (10) years of service prior to retirement with the City of Burnet. Memberships are provided for Galloway-Hammond Recreation Center (GHRC) and Delaware Springs Golf Course in the same manner as a regular employee.

This benefit may be altered or rescinded by the City Council.

7.11 COBRA

Terminated employees, or those who lose health care coverage because of reduced work hours, may be able to buy group health care coverage for themselves and their families for limited periods of time. If an employee is entitled to COBRA (Consolidated Omnibus Budget Reconciliation Act) benefits, the COBRA provider must give the employee a notice stating his/her right to choose to continue benefits provided by the plan. Employees have 60 days to accept coverage or lose all rights to benefits. Once COBRA coverage is chosen, the employee is required to pay for the coverage. The employee will be billed directly from the insurance carrier.

PART 8.00 ABSENCES AND LEAVE TIME

8.01 DEFINITIONS

Leave Time - Leave time is time during working hours of a regular business day when an employee does not engage in the performance of job duties by virtue of an authorized absence. Leave time may be paid or unpaid.

Unauthorized Leave - Unauthorized leave is time an employee is absent from regular duty without permission. Employees are not paid for unauthorized absences and such absences constitute abandonment of duties and may be cause for disciplinary action.

8.02 EXEMPT EMPLOYEES

The Fair Labor Standards Act (FLSA) defines Exempt Employees, as they relate to City of Burnet, as:

- Executive Employees - Those who have management as their primary duty; who direct the work of two or more full-time employees; who have the authority to hire and fire or make recommendations regarding decisions affecting the employment status of others; who regularly exercise a high degree of independent judgment in their work, who receive a salary which meets the requirements of the exemption; and who do not devote more than 20% of their time to non-management functions; and
- Administrative Employees - Those who perform office or non-manual work which is directly related to the management policies or general business operations of their employers or their employer's customers; who regularly exercise discretion and judgment in their work; who either assist a proprietor or executive, perform specialized or technical work, or execute special assignments; who receive a salary which meets the requirements of the exemption; and who do not devote more than 20% of their time to work other than that described above.

The City job descriptions shall indicate the positions designated as exempt.

8.03 APPROVAL OF LEAVE

All leave taken by City employees must be submitted and approved in advance by the supervising Department Director. Department Directors requesting leave must receive approval from the City Manager. The Human Resources Director shall monitor all requests for leave. The Human Resources Director is responsible for determining that leave time is accrued and available in the amounts requested by an employee. Supervisors are responsible for determining that the granting of leave time does not interfere with the efficient operation of his/her department, as well as accurately reporting the use of leave on weekly time sheets for their department. Forms are available from the Department Supervisor or the Human Resources Director. The Human Resources Director shall maintain records on all employee's time accrued and utilized.

8.04 ABANDONMENT OF POSITION

Unauthorized, unexcused absence from work for a period of two consecutive working days will be considered by the City Manager as a resignation. The employee is not eligible for re-employment. The employee has the right to appeal the decision. See Section 15.00 for appeal procedures.

8.06 ADMINISTRATIVE AND EMERGENCY LEAVE

CITY OF BURNET PERSONNEL POLICY

The City Manager is authorized to grant administrative or emergency leave, with or without pay, to an employee when warranted by other circumstances not otherwise provided in these policies.

Emergency leave with pay may be granted by the City Manager for a death in an employee's family. For purposes of emergency leave, family includes spouse, child, parent, brother, sister, uncle, aunt, and grandparents of an employee or an employee's spouse. An emergency leave is limited to no more than three (3) calendar days per occurrence. Employees must provide proof of the name of the deceased and the date and place of the funeral or memorial service.

8.07 VACATION LEAVE (Revised 2-22-2022, Resolution 2022-20)

I. PURPOSE/POLICY

1. Vacation leave is an earned benefit intended to provide time away from the work environment to pursue activities that will promote the wellbeing of the individual.
2. All regular full-time employees shall accrue vacation leave upon employment.
3. Eligibility and accrual rate of vacation benefits is determined by the date of regular full-time employment to the City of Burnet.
4. Earned vacation leave may be used after successfully completing 90 days of full-time employment; vacation leave is forfeited if employment is terminated (voluntarily or involuntarily) before an employee successfully completes 1 year of employment.
5. Part-time, temporary and seasonal employees shall not earn vacation leave and shall not be entitled to vacation time.
6. Official City of Burnet observed holidays occurring while an employee is on approved paid vacation leave shall be considered as paid holidays and do not affect vacation leave balances.
7. Employees on workers compensation will not accrue vacation leave when the employee is unable to work and being compensated by workers compensation benefits.
8. Employees on an unpaid leave of absence will not accrue vacation leave.
9. An employee on disciplinary suspension forfeits all claims to use vacation leave for the duration of the disciplinary suspension.
10. If an employee becomes ill while on approved vacation leave, sick leave will be used. Documentation/verification from a licensed physician's may be required.
11. Employees may not "borrow" unearned vacation time.

II. USE OF VACATION LEAVE

1. All requests for vacation leave must be approved by the Department Director prior to time leave is to start. Department Directors must have approval from the City Manager prior to the time the leave is to start. Request forms are
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CITY OF BURNET PERSONNEL POLICY

available from the Department Supervisor or the Human Resources Department.

2. Employees shall not be authorized to take in excess of two weeks (consecutively) of vacation leave, without the prior written approval of the Department Director, except when the employee is on approved Family and Medical Leave (FMLA) or leave of absence.
3. To ensure proper payment of vacation pay, employees must submit a vacation leave request within Time Entry (ESS) or an approved leave request form prior to the vacation time beginning.

A. Vacation Accrual Limits

1. An employee may accrue as many hours of vacation as authorized per the approved vacation schedule throughout the calendar year. In addition, earned but unused vacation leave accrues from year to year up to the maximum number of hours stated below. At each calendar year end, unless a balance carry-over is approved by the City Manager, any vacation balance in excess of the maximum number of hours authorized shall be forfeited. Any balance carry-over request for the City Manager must be approved by the Mayor. Under no circumstances at calendar year end will vacation hours over the maximum be compensated to the employee.
 - a) Regular personnel, except shift Fire/EMS and Police, may accrue a maximum of 240 hours.
 - b) Police Department personnel working a 12-hour shift may accrue a maximum of 258 hours.
 - c) Fire/EMS Department personnel working 24-hour shifts may accrue a maximum of 336 hours.

B. Compensation of Vacation Leave

1. Vacation leave is paid at the employee's base rate at the time of the leave. It does not include overtime or any special forms of compensation. Vacation time is paid only for scheduled hours the employee would ordinarily have worked.
 2. Employees will not be paid for any unused vacation except upon separation of employment.
 3. Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed 1 year of employment are entitled to this payout provision upon separation.
 4. Separating employees will not be authorized to use vacation leave during their resignation period unless approved in advance by the City Manager.
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CITY OF BURNET PERSONNEL POLICY

C. Accrual of Vacation

1. Vacation leave will be earned and credited, according to the vacation accrual schedule below, to regular full-time employees for each completed pay period worked.

Vacation Earning Schedule Pay Period Accrual - Full-time employees, including non-shift police and fire department personnel earn vacation leave as follows:

REGULAR FULL-TIME EMPLOYEES (Except Fire/EMS and Police Shift Personnel) Maximum of 240 Hours		
Years of Service	Hours Per Pay Period	Hrs. Accrued Yearly
0 - 5	3.08	80
6- 15	4.62	120
16	4.92	128
17	5.23	136
18	5.54	144
19	5.85	152
≥ 20	6.15	160

Vacation Earning Schedule Pay Period Accrual – Full Time police shift personnel earn vacation leave as follows:

REGULAR FULL-TIME EMPLOYEES (Police Shift Personnel) Maximum of 258 Hours		
Years of Service	Hours Per Pay Period	Hrs. Accrued Yearly
0 - 5	3.23	84
6- 15	4.85	126
16	5.12	133
17	5.39	140
18	5.69	148
19	5.96	155
≥ 20	6.23	162

Vacation Earning Schedule Pay Period Accrual – Full Time fire shift personnel earn vacation leave as follows:

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REGULAR FULL-TIME EMPLOYEES (Fire /EMS Shift Personnel) Maximum of 336 Hours		
Years of Service	Hours Per Pay Period	Hrs. Accrued Yearly
0 - 5	4.62	120
6- 15	6.92	180
16	7.38	192
17	7.85	204
18	8.31	216
19	8.77	228
≥ 20	9.23	240

8.08 SICK LEAVE (Revised 8-11-2020 Resolution 2020-37)

Sick leave is paid time away from work due to an illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. 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, if applicable.

Eligibility

All regular, full-time benefit eligible employees begin accruing paid sick leave upon hire.

Sick Leave Accruals

Accrual Rate

- 3.69 hours of sick leave will be credited to full-time employees, including non-shift police and fire department personnel, each pay period.
- 4.25 hours of sick leave will be credited to full-time police department shift personnel each pay period.
- 5.53 hours of sick leave will be credited to full-time fire department shift personnel each pay period.
- Temporary and part-time employees do not earn sick leave.
- Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status.
- No advance of unearned sick leave benefits will be made.

Maximum Accrual

- Full-time employees, including non-shift police and fire department personnel, may accrue up to 1,040 hours of sick leave. (Employees in this category are scheduled to work an average of 2,080 hours annually; 1,040 equates to an estimated six months of time worked.)
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CITY OF BURNET PERSONNEL POLICY

- Full-time shift police department employees may accrue up to 1,118 hours of sick leave. (Employees in this category are scheduled to work an average of 2,236 hours annually; 1,118 equates to an estimated six months of time worked.)
- Full-time shift fire department employees may accrue up to 1,464 hours of sick leave. (Employees in this category are scheduled to work an average of 2,928 hours annually; 1,464 equates to an estimated six months of time worked.)
- At the end of each calendar year, sick leave shall be reduced to these hour limits for any employee having accumulated more than the number of hours permitted.

Authorized Use of Sick Leave

- For the employee. Accrued sick leave may be used for absences due to the employee's personal illness, accident, injury that prevents working, scheduled healthcare provider appointments, birth of a child or other reasons if approved under FMLA.
- For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. Sick leave may also be used by employees for their immediate family's scheduled healthcare provider appointments. For purposes of this policy, "immediate family" is defined as legal spouse, employee's parents, natural child*, adopted child*, or child* for whom the employee is the legal guardian (*child up to age 25 or no age restriction if disabled). If approved for FMLA, sick leave may also be used for a family member as defined by the Family and Medical Leave Act.

Failure to Report Absence/ Abuse of Sick Leave. Supervisors shall closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of an immediate 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. If possible, employees are encouraged to schedule appointments outside of work hours. When that is not possible, employees are encouraged to schedule appointments at a time that is least disruptive to the work unit, such as at the beginning or end of the workday. It is the City's expectation that employees return to work following appointments unless medical circumstances prevent the employee from returning to work. 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.

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Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave. Exceptions to this policy must be obtained in writing from the Department Director and the City Manager.

Vacation/Sick Leave. When an illness or physical incapacity occurs during the time an employee is on vacation leave, sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly.

Documentation. Employees requesting paid sick leave must complete a leave request form and submit it to their supervisor for approval. Absence for illness/injury of 3 or more consecutive workdays shall require verification of an illness/injury from the healthcare provider. An employee must provide verification of an absence any time required by the City. The Human Resources Department may contact the physician at any time regarding any clarification he/she may have regarding medical reports. 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 not be permitted and no other paid leave may be used for the absence.

The City may require a doctor's statement of fitness for duty to allow an employee to return to work after a surgical procedure.

Official records of sick leave accruals, balances, and leave use will be recorded in the City's timekeeping system. Leave records are updated at the end of each pay period. Leave recorded and approved on the timesheet will be used to update the employee's accrued sick leave balance. Questions on sick leave shall be directed to the Human Resources or Payroll Department.

Family and Medical Leave Act Leave. Any absence that qualifies for both Family and Medical Leave and sick leave will follow the guidelines set out in this policy and will typically be counted as both (i.e. if an employee qualifies for Family and Medical leave, it will run concurrently with any paid leave). Department Directors shall be responsible for notifying the Human Resource Department when an employee is absent due to illness for five (5) consecutive working days, so the time may be evaluated for Family and Medical Leave.

Payment for Unused Sick Leave. Active employees are not eligible to receive payment for unused sick leave.

Termination of Employment

CITY OF BURNET PERSONNEL POLICY

Upon termination for cause, unused sick leave is cancelled and shall not be paid to the employee. Other than termination for cause, upon termination of employment, employees will be paid for unused sick leave as defined below -

- Full-time employees, including non-shift police and fire department personnel, will be compensated for unused accrued hours in excess of two hundred forty (240) hours up to a maximum of two hundred forty (240) hours. (i.e. the first 240 hours of sick leave balance is not eligible for payout). *Example – An employee has an accrued sick leave balance of 260 hours. 260 (current sick leave balance) – 240 (sick leave hours not eligible for payout) = (20 sick leave hours eligible for payout on final check)*
- Full-time shift police department employees will be compensated for unused accrued hours in excess of two hundred fifty-six (258) hours up to a maximum of two hundred fifty-six (258) hours. (i.e. the first 258 hours of sick leave balance is not eligible for pay out). *Example – An employee has an accrued sick leave balance of 320 hours. 320 (current sick leave balance) – 258 (sick leave hours not eligible for payout) = (62 sick leave hours eligible for payout on final check)*
- Full-time shift fire department will be compensated for unused accrued hours in excess of three hundred seventeen (317) hours up to a maximum of three hundred seventeen (317) hours. (i.e. the first 317 hours of sick leave balance is not eligible for payout). *Example – An employee has an accrued sick leave balance of 1464 hours. 1464 (current sick leave balance) – 317 (sick leave hours not eligible for payout) = 1147 hours (however only a maximum of 317 sick leave hours are eligible for payout so 317 sick leave hours will be paid on final check)*

8.09 LEAVE IN COMBINATION

Unless an employee who is absent on sick leave requests “leave without pay” upon exhaustion of sick leave, (s)he will automatically be placed on vacation leave until accrued leave is exhausted.

Sick leave cannot be used for vacation purposes.

With the approval of the employee’s Department Director and the City Manager, other types of leave and holidays can be used in any combination if it is determined to be in the best interest of the City and the employee.

8.10 LEAVE OF ABSENCE (Revised 5-25-2021 Resolution 2021-22)

It is the policy of the City of Burnet to allow employees to take official leaves of absence (LOA), with or without pay, provided the reasons for such leaves are acceptable to management, and there is a reasonable expectation that the employee will return to work at the end of the approved leave period. This policy will be applied in accordance with applicable law.

Definition - A leave of absence is an officially approved temporary suspension of employment, not to exceed three months, initiated at the employee's request. The employee's name remains on the payroll and seniority remains intact.

Criteria - Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

Any employee who is absent from the workplace for three consecutive months may be terminated from the City. The three-month period does not include approved leave taken under the Family and Medical Leave Act (FMLA) or other approved leave by the City Manager. This policy applies to all full-time City of Burnet employees, regardless of the reason(s) for their absence from work.

This policy will be administered consistently with the City's obligation under the Americans with Disabilities Act (ADA), including considering leave as a possible reasonable accommodation.

Eligibility - In order to be eligible for a personal leave of absence, an employee must have completed at least one year's continuous full-time service with the City and have successfully completed his/her initial evaluation/new employee orientation period.

PROCEDURES

- **City LOA Runs Concurrently with Other Types of Leave** - The City LOA is typically unpaid unless the absence also qualifies for paid leave under another City policy, at which point the City LOA and paid leave will run concurrently.
- **Sick Leave** - If an employee has any available accrued sick leave, it must be used concurrently with any available City LOA time, provided the employee's absence is covered by the City's sick leave policy and the employee satisfies that policy's procedural requirements.
- **Vacation and Comp Time** - If a City LOA qualifying absence is not covered by the City's sick leave policy or if the employee has exhausted all accrued sick leave, the following leave time will be applied and will run concurrently with any remaining LOA time in this order: accrued vacation and then comp time.
- **Disability & Workers' Compensation Leave** - Workers' compensation and short- and long-term disability absences will run concurrently with City LOA.
- **Benefits Only Status** – Employees on LOA status who do not receive a paycheck from the City of Burnet will be transitioned to a Benefits Only status. During this period, employees will no longer accrue vacation, holiday, and sick leave or pay

for holidays, and must pay their benefit premiums to the City of Burnet while on LOA.

- **Applications and Condition** - An employee desiring a leave of absence must make a fully detailed written request stating the purpose and beginning and ending dates of the leave to his or her Department Director, who, with the Human Resources Director and City Manager, will review the request and give it approval or disapproval according to City policy. The request for a leave must normally be made at least two weeks prior to the first day of the leave. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work. 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 LOA, 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. The City may also impose additional return to work requirements as set out in the City's Health/Medical Examinations/Fitness for Duty Policy (8.16) or pursuant to the FMLA policy. An employee failing to report to work on the first working day following the expiration of the leave will be considered to have voluntarily resigned.

CONTINUATION OF BENEFITS

- **Group Health Insurance** - During any period of approved City LOA, the City will continue to pay its portion, if any, of any group insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of insurance premiums while on City LOA. An employee's failure to pay his/her own or the City's portion of insurance premiums during a leave will likely result in cancellation of coverage.
- **Other Benefits** - The employee's use of City LOA will not result in the loss of any employment benefits that accrued prior to the start of the employee's leave, and seniority will not be affected while on City LOA. However, benefit accruals such as vacation and sick leave may be suspended during any unpaid leave.
- **Holidays** - When an employee takes a full work week of City LOA and a holiday occurs within that week, the full week (7 days) is counted against the 90 allowed calendar days.
- **TMRS** - Contributions to TMRS will cease when an employee on unpaid leave ceases to receive a paycheck from the City and will resume after the employee returns to a paid status.

JOB RESTORATION AFTER CITY LOA

CITY OF BURNET PERSONNEL POLICY

- An employee's return to work from leave of absence status is always subject to and contingent upon availability of current openings for which he or she is qualified; it may or may not be possible to place him or her in the same job or in the same department. The City will make an effort to place the employee back into its original position. Normally, during a leave of absence, the workload of the employee on leave is absorbed by other employees. If this is not practical, the Department Director and Human Resources Director, with approval of the City Manager will jointly determine whether the employee must be replaced or other accommodations can be made in other positions.
- Other Employment During Leave - Under no circumstances may an employee on a City LOA, sick leave, disability leave, or workers' compensation leave engage in outside employment unless expressly authorized in writing in advance by the Department Director and the City Manager.
- Revocation - The City Manager may revoke an approved leave of absence at any time. Failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

8.11 FAMILY AND MEDICAL LEAVE ACT (Revised 4-29-2020 Resolution 2020-08)

POLICY

In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

PROCEDURE

Twelve Month Period: The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

Employee Notification: An employee should give at least thirty (30) days' notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in

CITY OF BURNET PERSONNEL POLICY

which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

Department Notification: Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department employees, or once the employee exceeds three (3) days, or two (2) or more shifts for Fire employees of sick leave use.

Human Resource Responsibility: Human Resources is responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

Approval: An employee shall submit a request for family and medical leave through proper channels to the Department Director who will then forward it to the Human Resource Department for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.

Substitution of Paid Leave: An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued sick leave, personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave if permitted in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation and personal leave prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

Maximum Time Allowed: The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one

family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.

Medical Certification: The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse, or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required every 30 days. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and not use genetic information for any employment decision or action.

Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

Return to Work: When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

Effect on Married Couples: If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

Continuation of Insurance Benefits: While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion (not the City's portion) of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

Intermittent Leave: When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

Holidays: Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

Recordkeeping: Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

Exempt Employees: Paid leave accounts may be charged for less than one (1) full workday according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full workday. Salaried executive, administrative, professional, and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

Military Family Leave Entitlement.

Qualifying Exigency Leave - Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. Eligible employees with a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

Military Caregiver Leave - FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave (during a single 12-month period) to care for a covered spouse, child, parent, or next of kin. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render him/her medically unfit to perform his/her duties for which he/she is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

DEFINITIONS

12-Month Period: A rolling 12-month period measured backward from the date leave is taken.

12-Month Service Member Period: A single 12-month period measured forward from the first day Service member Family Leave is taken.

Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.

Next of Kin: The nearest blood relative of a Covered Service member.

Parent: A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

Spouse: A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

8.12 MILITARY LEAVE (Revised 7-13-2021, Effective 9-1-2021, Resolution 2021-36)

The City of Burnet complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve

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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, re-employment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services (i.e., a member of the United States or Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team), 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 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Leave Request Form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Leave Request Form must be turned into the Department Director and the Director of Human Resources as far in advance of the leave as possible.

Paid and Unpaid Leave for Training and Duty.

COMPENSATION

Full Pay for Up to 15 Days. An employee shall be eligible for paid leave for military duty for a maximum of fifteen (15) workdays (120 hours, or 180 hours for an employee in a shift firefighter or police position), during the fiscal year (October 1 through September 30). This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave. Military leave will not count as time worked for the purposes of determining overtime.

Full Pay for Up to 7 Days. An employee shall be eligible for paid leave for military duty in response to a disaster, not to exceed seven (7) workdays (56 hours, or 84 hours for an employee in a shift firefighter or police position), during the fiscal year (October 1 through September 30). The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave. Military leave will not count as time worked for the purposes of determining overtime.

Texas Government Code - GOV'T § 418.004. Definitions - "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or

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property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.

Other Paid Leave. An employee who has exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay until their military leave duty is complete and they return to work.

Benefits. The City will continue to provide employees on paid military leave with the following City benefits.

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. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's re-employment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. 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. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

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 TMRS USERRA Military Service Credit 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

Re-employment Rights. An employee who completes his/her military service shall be re-employed in the position they would have had if they had been continuously employed, pursuant to 38 U.S.C. Section 4313, as amended.

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 the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- For service between 31 days and 180 days, employees have 14 days following their release from service to apply for re-employment.
- For service of more than 180 days, employees have 90 days following their release from service to apply for re-employment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for re-employment 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 to the Human Resources department, documentation of the length and character of military service. Also, if the military leave lasted more than 31 calendar days, the employee must submit documentation of discharge or release under honorable conditions. Such documentation must be provided not later than the deadline for returning to work as stated above.

Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City may not be required to reemploy an employee following their return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave may excuse the City from its obligation to reemploy the employee. In addition, the City will make efforts to reemploy and accommodate an employee who was injured or has an aggravated injury while on military duty either in the same, equivalent position or the nearest approximation where they are qualified. The City is not required to make efforts to qualify returning employees for particular positions or to make accommodations

for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

8.13 CIVIL LEAVE

Employees will be granted civil leave with pay for jury duty, for the purpose of voting, or for serving as a subpoenaed witness in an official proceeding where the employee is neither the defendant nor the plaintiff. When an employee has completed service, (s)he must report for City duty for the remainder of the day. Employees shall retain any fees paid by the courts.

8.14 TRANSFER OF SICK LEAVE (Revised 2-25-2020 Ordinance 2020-04)

The purpose of the City of Burnet's Transfer of Sick Leave policy is to establish a method of transferring accrued sick leave from one employee to another employee who has suffered a catastrophic injury or illness and forces the employee or eligible dependent to exhaust all leave time earned and to lose compensation. This is accomplished through voluntary contributions of accrued sick leave from active employees.

Definitions

Catastrophic shall be defined as a severe injury or illness requiring prolonged (long-term) hospitalization or recovery; a medical diagnosis or surgery that is debilitating, or a severely complicated disability, or other serious medical condition as defined under FMLA guidelines. (Examples of catastrophic illness are Heart Disease, Cancer, complications of Diabetes, AIDS, Stroke).

Eligibility

- Any benefit-eligible City of Burnet employee who has worked for the City for at least 3 months.
- Transfer of sick leave may be used for the employee's own catastrophic injury or illness or for the catastrophic injury or illness of an eligible dependent. An eligible dependent is defined as legal spouse, employee's parents, natural child*, adopted child*, or child for whom the employee is the legal guardian * (*child up to age 25 or no age restriction if disabled).
- Eligibility is discontinued upon termination of employment, retirement or death of the employee. No continuation or payment of benefits will be made to survivors.

Guidelines to Transfer Sick Leave

- Participation in the Sick Leave Transfer policy shall, at all times, be voluntary on the part of any employee.
 - Employees must show proof of need.
 - Employee must have a minimum of 240 hours of sick leave remaining in their balance following contribution.
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- Employee may contribute not less than 8 hours nor more than 80 hours at one time.

Guidelines for Employee Receiving Transfer of Sick Leave

- An employee shall not be eligible for transferred sick leave until all of his or her own accrued vacation time, personal days, flex or comp time, sick leave or other forms of available leave have been exhausted.
- All requests for a transfer of sick leave shall be accompanied by a physician's statement which shall include the beginning date of the illness or injury, a description of the illness or injury, and the prognosis for recovery.
- All medical reports shall be kept confidential in the employee's medical file in the Human Resources Department.
- A recipient must not be receiving, or be eligible to receive, compensation for absence from work under the Workers' Compensation benefit plan.
- Upon termination, retirement, or death, neither the recipient of the transferred leave nor the recipient's estate shall be entitled to payment for unused sick leave acquired from a sick leave transfer.
- Sick leave hours must be transferred bi-weekly and may not exceed the number of hours necessary to fulfill the employees standard work period.
- Donated leave will be paid to the recipient on the regular payroll schedule and normal payroll deductions will be withheld.
- It is the employee's responsibility requesting a transfer of sick leave to request voluntary contributions.

Restrictions

- Any abuse of the use of the sick leave transfer shall be investigated by the City and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days transferred and may be subject to disciplinary action. An employee required to repay the sick leave will have all accruing vacation and sick leave transferred to the donor until the donor has been repaid for the amount owed.
- Once leave has been donated to the eligible employee, neither the donor nor the eligible employee may revoke the transaction.
- Upon returning to full duty, the employee may not receive additional sick leave donations.
- Employees are prohibited from receiving monetary or any other compensation or benefits in exchange for donating leave hours.

Confidentially

- Any and all medical information forwarded to the Human Resources Department will remain confidential and will not be shared with other employees in the department or elsewhere in the organization beyond that necessary for accounting and/or reporting purposes.
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Appeal Process

- Provisions for appeal of adverse decisions affecting a participating employee's abuse of the sick leave transfer shall be made in the normal appeal process. (Personnel Policy 15.01)

8.15 FILLING VACANCIES DURING LEAVE

Extended leaves of absence create an undue hardship on a small city. During extended leaves of absences, the City may temporarily fill the position held by the employee. Employees entitled to return to work under a federal or state regulation shall be offered a position as provided by law. Employees not entitled to return to work under a federal or state regulation may be terminated for cause.

8.16 HEALTH/MEDICAL EXAMINATIONS/FITNESS FOR DUTY (Revised 5-25-2021 Resolution 2021-22)

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation. Failure to maintain the ability to function as an effective employee because of a degraded fitness or mental level will be evaluated under the ADA and other City policies and may result in separation of employment.

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 these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees or the City, 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. The City Manager, Director of Human Resources, or an employee's Department Director (with the prior approval of the Director of Human Resources and City Manager) may require a current employee to undergo a medical and/or psychological examination, by a professional of the City's choosing, to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; based on reasonable suspicion that the employee is not fit for duty; following an injury or accident; and as otherwise permitted in accordance with applicable laws. Refusal to submit to or participate in a medical/psychological fitness for duty examination is grounds for termination.

Medical Information from an Employee's Doctor. Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical

information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

Genetic Information. In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

Medical Records. Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

Return to Work/Fitness for Duty. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.

Time Off from Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other paid/unpaid leave as circumstances warrant.

8.17 Mental Health Leave (Effective 9-1-2021 Resolution 2021-40)

The City of Burnet is committed to protecting the psychological health, safety, and wellbeing of its Public Safety Employees. The City acknowledges that workplace trauma is a health and safety issue and that by creating a Mental Health Leave Policy for Public Safety Employees to address employees experiencing a traumatic event we can improve the well-being of the organization.

Application

- a) Mental Health Leave for Public Safety Employees is intended to provide staff who experience a traumatic event that occurs while on duty, time away from work to receive assistance in dealing with the event that was experienced.

The following are examples that may be considered a traumatic event. As these

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examples will not encompass all traumatic events Public Safety Employees may potentially encounter, the Police Chief and/or Fire Chief will evaluate requests for leave under this policy to determine if Mental Health Leave is applicable.

1. Officer involved shooting.
 2. Vehicle crash involving serious injury or death to a public safety employee.
 3. Public Safety Employee being the victim of a felonious assault.
 4. Line of duty death of a coworker.
 5. Severe trauma or death of a child.
 6. Homicide Scenes.
 7. Incident involving multiple deaths and/or injuries (natural disaster or terrorist attack).
- b) Mental Health Leave provides paid leave for up to 3-twelve hour shifts from work, per traumatic event that occurred while on duty, in order for the employee to seek professional treatment for the handling of the traumatic event in which they were involved.
- c) The Public safety employee will contact the Chief of the department and request the use of the leave in order to obtain mental health assistance. The Chief may consult with the Director of Human Resources prior to granting the leave.
- d) Based upon the information provided to the department administration after the event, Mental Health Leave will be granted if ordered by a mental health professional or the Chief of Police, Fire Chief or designee.
- e) Mental Health Leave hours will be recorded on the timesheet as administrative leave, to provide anonymity. However, the City will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The agency cannot guarantee anonymity of information that is otherwise public or necessary to carry out the agency's duties under the law.
- f) Mental Health Leave provides that Public Safety Employees will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid Mental Health Leave, the employee will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).
- g) An employee on Mental Health Leave may not work a second job, including self-employment. An employee on Mental Health Leave may not participate in volunteer work without the express written permission of the Police Chief or Fire Chief.
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- h) If additional time off is needed employees may apply for a Leave of Absence or other leave as authorized under the personnel policies. See Personnel Policy 8.10 Leave of Absence.
- i) If a Public safety employee is off work due to Mental Health Leave and the employee qualifies for Family and Medical Leave, it will run concurrently with the Mental Health Leave.
- j) Following use of Mental Health Leave, the City may require a public safety employee to undergo a psychological examination, by a professional of the City's choosing, to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation and as otherwise permitted in accordance with applicable laws. See Personnel Policy 8.16 Health/Medical Examinations/Fitness for Duty.
- k) A list of mental health professionals is available in the Human Resources Department or accessible through the medical carrier's provider directory.

Definitions - (Ref. Tex. Loc. Gov't Code 180.008(b).)

"Public Safety Employee" means an Emergency Medical Technician, Fire Fighter, or Peace Officer as defined herein.

"Emergency Medical Technician" means an individual who is:

- (A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
- (B) employed by a political subdivision.

"Fire Fighter" means a paid employee of the fire department who:

- (A) holds a position that requires substantial knowledge of firefighting;
- (B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- (C) performs a function listed in Section 143.003(4)(A).

"Peace Officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City.

8.18 Paid Quarantine Leave (Effective 8-10-2021 Resolution 2021-41)

PURPOSE

To provide paid leave to applicable staff who are ordered to quarantine or isolate by the City's health authority or authority designated by the City Manager due to a possible or known exposure to a communicable disease while on duty.

POLICY

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The use of quarantine leave may be granted after a Fire Fighter, Peace Officer, and Emergency Medical Technician has had a possible or known exposure to a communicable disease while on duty. The City's health authority or authority designed by the City Manager will determine when a threat of highly communicable or life-endangering diseases are immediately present and may release orders for applicable/essential workers to follow general quarantine protocols. When this occurs, department supervisors will allow for the use of quarantine leave based on the protocols for appropriately dealing with the disease and/or its prevention of community spread. Employees will be released from quarantine leave based on guidance from the local health authority or authority designated by the City Manager. An employee who is in quarantine should notify the Human Resources Department of any changes to their health status.

Paid Quarantine Leave provides that:

Eligible employees on paid quarantine leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on quarantine leave, the employee will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).

When applicable, employees who must be quarantined may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation. Employees requesting reimbursement for reasonable costs related to the quarantine, must submit a reimbursement request to the Police Chief/Fire Chief within five (5) days after returning from the leave ordered under this policy. An employee may be required to provide receipts or proof of payment with the reimbursement request and may be denied reimbursement that the City of Burnet deems unreasonable or unrelated to quarantine.

If applicable, an employee on paid quarantine leave is expected to remain home during periods of quarantine and may work from home (i.e., telework) during this period if permitted by departmental arrangement and approved by the City Manager. In addition, an employee on paid quarantine leave may not work a second job, including self-employment or participate in volunteer work.

Workers' Compensation:

Applicable employees on paid quarantine leave must file the exposure to a communicable disease while on duty as a workers compensation claim. Should the employee be approved for and receive workers' compensation benefits, the City's salary payment (i.e., employee wages) will be offset to reflect total eligible/paid compensation. *See Policy 10.04 Workers Compensation*

DEFINITIONS

"Emergency medical technician" means an individual who is:

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- (A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
- (B) employed by a political subdivision.

"Fire fighter" means a paid employee of the fire department who:

- (A) holds a position that requires substantial knowledge of firefighting;
- (B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- (C) performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City.

(Ref. Tex. Loc. Gov't Code 180.008(b).)

PART 9.00

HOLIDAYS (Revised 1-12-2021 Resolution 2021-01)

9.01 GENERAL

The following are official holidays for regular full-time employees:

New Year's Day

Martin Luther King Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

911 Remembrance Day

September 11th (emergency personnel only)

Columbus Day

October (non-emergency personnel only)

Veterans Day

Thanksgiving Day

Friday after Thanksgiving

Christmas Eve

Christmas

Holidays. All regular full-time employees will receive holiday benefits in accordance with this policy. With the exception of emergency personnel, the first day of employment shall not fall on a holiday. Part-time, temporary and seasonal employees are not entitled to holiday leave or pay.

Holiday leave shall be taken on official paid holidays except as provided for herein. For continuity in operations, the department head and/or City Manager may require the holiday be observed for certain employees on a day other than the normal paid holiday.

The City Manager may alter the holiday schedule when it is in the best interest of the public.

Holiday leave for non-emergency and emergency employees scheduled to work 8/10-hours shifts (i.e., traditional work week).

Calculation of Holiday Hours. Depending on the employee's schedule a holiday shall be defined as a period of eight (8) hours or (10) hours.

Emergency support personnel who do not work shifts but have a regular work schedule during normal business hours (Monday – Friday 8 AM – 5 PM) will be required to take leave on the official paid holiday for their respective department, unless otherwise directed by the department head or City Manager.

Holiday leave for emergency employees (police and fire) scheduled to work 12/24-hour shifts.

Calculation of Holiday Hours. Emergency personnel who work shifts (such as a twelve (12) or twenty-four (24) hour shift) will be paid twelve hours of holiday leave for each holiday.

Holiday leave for School Resource Officers (SROs)

Calculation of Holiday Hours. In order to effectively coordinate time off in accordance with the Burnet Consolidated Independent School District (BCISD) school calendar, SRO's will receive 104 hours of holiday earned leave on August 15th of each year (8 hours x 13 holidays = 104). SRO's will have until August 15th of the following year in which to use the accrued "holiday earned" leave time. If the SRO has not used their earned holiday within the year, it will be forfeited. Upon resignation or transfer to another non-SRO position, holiday earned leave will not be paid. New SROs hired/transferred after August 15th shall receive holiday earned leave at a prorated amount equivalent to the number of holidays remaining through August 15th of the following year.

Exempt Employees Required to Work on a Holiday. Employees that are exempt under FLSA and who are required to work on a holiday may utilize their holiday leave on an alternate day, within the pay period or the following pay period. Holiday leave not taken will be forfeited.

Non-Exempt Employees Required to Work on a Holiday.

- Regular non-emergency employees that are non-exempt under FLSA and who are required to work or who are called in to work on an emergency basis on a holiday

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will be paid for all hours worked on the holiday. They may utilize their holiday leave on an alternate day, within the pay period, as approved by the department head. If an alternate day off is not possible or practical as determined by the department head, then the employee will be paid holiday pay. Holiday pay will not be included in the employee's overtime calculation and will be paid at straight time.

- All employees scheduled to work on a holiday must report to duty as scheduled unless specifically authorized by the department head. An employee scheduled to work on a holiday and who calls in sick due to illness may be required to provide a doctor's note immediately upon returning to work. If the employee is unable to provide a doctor's note, the employee may be subject to disciplinary action and may not be paid for the holiday.

Ineligibility for Holiday Pay. Employees on unpaid leave are not eligible for holiday pay. Likewise, non-exempt employees who are absent without authorized leave on the workday immediately preceding or following a scheduled holiday will not be paid for the holiday.

Other Religious Holidays. Employees may request an approved absence to celebrate a holiday, that is not a scheduled City holiday, but any such request is subject to the approval of the supervisor after consulting with the Human Resources Department. If approved, the employee must charge the time to their vacation leave, compensatory time, or an excused absence without pay.

9.02 HOLIDAYS FALLING ON SAT/SUN

For employees, other than shift working emergency personnel, the observed holiday will be the paid holiday. If a legal holiday listed above falls on a Saturday, the Friday before will be the paid holiday. If the holiday falls on a Sunday, the following Monday will be the paid holiday. If Christmas Eve falls on a Sunday, then Monday will be the paid holiday for Christmas Eve and Tuesday will be the paid holiday for Christmas day.

9.03 HOLIDAY DURING VACATION

A holiday that falls within an employee's approved vacation day will be counted as a holiday in lieu of a day of vacation.

PART 10.00 HEALTH & SAFETY

10.01 GENERAL

It is the policy of the City to make every effort to provide healthful and safe working conditions for all its employees. To this end, the City of Burnet has developed a Safety Handbook that is available from supervisors and City Hall. All employees are responsible for the familiarity of and adherence to the City of Burnet Safety Handbook.

10.02 EMPLOYEE SUGGESTIONS

Employees shall immediately report to their supervisors any condition(s) that, in their judgment, threaten the health and safety of employees or visitors. Employees are encouraged to make suggestions to their supervisors of improvements that would make the City workplace safer or more healthful.

10.03 SAFETY RESPONSIBILITIES

Safety is every employee's responsibility, however, defined below are general guidelines for employees. Refer to the Safety Handbook for detailed information.

The City Manager has the overall responsibility for the City Safety Program. Supervisors are responsible for making sure all employees who are required to do so, wear protective equipment provided to them by the City. Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety as well as that of other employees.

The City Risk Management Coordinator or designee is responsible for coordinating safety activities throughout the City. Other duties may include:

- Initiation and evaluation of the department's safety program
- Reviewing all City motor vehicle accidents and City accidents that require medical treatment.
- Providing safety training for all departments and pre-employment and pre-placement safety training.
- Providing updated information on safety for all departments.
- Conducting a safety survey for all departments and providing input on problem areas.
- Appointing an interim Risk Management Coordinator anytime he/she is unable to fulfill his/her assigned duties.
- Promulgation, where appropriate, and enforcement of safety rules.
- Periodic inspections.
- Provide prompt preventive and corrective action when unsafe actions/conditions are observed.
- Follow-up on all accidents ensuring that all are investigated and reported in accordance with City policy.
- Review reports of accidents and recommend corrective action.

Department Director's Responsibilities include:

- Providing a place of employment that minimizes exposure to recognized hazards that could result in injury or accidents.
 - Assuming responsibility for an effective employee safety program for his/her department.
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Supervisors Responsibilities include:

- Promote safety and awareness and encourage a proper safety attitude by example.
- Train all employees in the safe way to do their jobs and point out where the hazards exist.
- Make sure all the necessary safety equipment and productive devices for each job are provided and properly used.
- Conduct frequent safety inspections of all work areas and operations in order to improve housekeeping, eliminate unsafe conditions, and encourage safe work methods.
- Take prompt corrective action whenever unsafe conditions and unsafe actions are observed.
- Investigate and report all accidents as required by the appropriate City and departmental directives.
- Check work change practices and newly purchased equipment for safety purposes.
- Instruct employees regarding disciplinary policy for violation of safety rules.
- Giving an accident report to the Risk Management Coordinator within one (1) working day of the accident.

Employee's Responsibilities include:

- Familiarity with and adherence to the City of Burnet Safety Handbook
 - Being familiar with and observing safe methods of doing assigned jobs.
 - Following instructions of supervisors.
 - Keeping work areas clean and orderly at all times.
 - Always using safety equipment for his/her job.
 - When in doubt or unsure about the safety of a situation, stopping and discussing the matter with a supervisor.
 - Operation of equipment only for which proper authorization and safety training have been obtained.
 - Learning to lift and handle properly.
 - Asking for help when lifting large items.
 - Knowing fire-fighting equipment locations and how to use the equipment.
 - Never participating in "horseplay".
 - Never allowing children or other persons to play or stand around where the employee is working.
 - Reporting of all accidents and unsafe actions or conditions immediately to the employee's supervisor.
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- Providing prompt medical attention for injured employees when trained and certified to do so and the summoning of qualified medical help immediately.
- Where injury has occurred due to fall, cave in, asphyxiation, etc., the summoning of emergency personnel. Employees should never attempt a rescue unless trained and certified to do so.
- The immediate notification to proper authorities and supervisors of an accident, incident, or unsafe condition.
- The obtaining of all necessary information and facts about the accident, including names of witnesses, if any.
- Giving information concerning the accident to the employee's supervisor and file or assist in the filing of a First Report of Accident.
- Attendance and participation in safety meetings.

10.04 WORKERS COMPENSATION (Revised 5-25-2021 Resolution 2021-22)

A. Eligibility for Workers' Compensation

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees of the City are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

B. Accident and Injury Reporting Procedures

Medical Attention

When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL), as provided by the Texas Department of Insurance.

Reporting and Documentation

The employee's supervisor is responsible for notifying the Human Resources Department and the employee's Department Director immediately upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report, First Report of Injury or Illness and any other related information to the Human Resources Department no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend. Extensions may be granted for unusual circumstances.

If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers' compensation is not made by the City.

If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor and Human Resources Department weekly during the time away from work. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to the Human Resources Department and to the supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

C. Returning to Work

The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

All modified duty assignments must be approved by the Human Resources Director to ensure compliance with the City's policies, the physician's restrictions/release and with the Americans with Disabilities Act (ADA,) the Americans with Disabilities Act as Amended (ADAAA).

D. Maximum Time Limits

Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the City will hold open an employee's position, following an injury that occurred while performing official job duties or conducting City business, for a reasonable

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time period if holding the position does not result in undue hardship on the City and in accordance with the ADA/ADAAA. If applicable, twelve weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's worker's compensation leave.

The Director of Human Resources will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled, and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform. If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the City will be terminated.

Other Employment During Workers Compensation. Employees that are on workers' compensation from the City of Burnet may not work a second job, including self-employment or participate in volunteer work while on workers' compensation.

10.05 BLOODBORNE PATHOGENS CONTROL PROGRAM

Employees who are at risk of contamination of blood borne pathogens are subject to the Texas Department of Health Subchapter H. Blood-borne Pathogen Exposure Control Plan. The City of Burnet has developed an Exposure Control Plan which is available to all employees. Employees are rated as to the type of risk and likelihood of contamination through the normal course of their job assignment or position. All employees with a moderate or maximum level of exposure should obtain a copy of and become familiar with the Exposure Control Plan. Employees with a maximum level of exposure are subject to the testing criteria in the TDH Blood-borne Pathogens Exposure Control Plan. Employees should ask their supervisor, the City Health Officer, or the Human Resources Director for a copy of the COB Exposure Control Plan and to determine the level of exposure risk in their specific position. Listed below is a general list of exposure risk levels by department. See chart below.

Min - Minimum Risk Mod – Moderate Risk Max – Maximum Risk

Position	Examples of Risk	Status
Government		Min
Administration		Min
Police	Direct or in-direct contact	Max
Court		Min
Fire/EMS	Direct or in-direct contact, needle sticks	Max
Sanitation	Needle sticks, in-direct contact	Mod
Streets		Min
Parks	Needle sticks, in-direct contact	Mod
Animal Control		Min

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Shop		Min
Golf Course		Min
Electric		Min
Water/Sewer	In-direct contact	Mod
Galloway Hammond	Direct Contact	Mod
Code Enforcement	Needle sticks, in-direct contact	Mod

10.06 MODIFIED DUTY ASSIGNMENTS (Revised 5-25-2021 Resolution 2021-22)

The City may modify duty assignments available to ill or injured employees who are temporarily unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion in accordance with the City's policies including but not limited to the ADA/ADAAA or FMLA. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may (1) lose the modified duty assignment, (2) be returned to leave status the employee had prior to obtaining the modified duty assignment, and (3) in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond 45 calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Director of Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.

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

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An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a release from the physician to return to work, including any accommodation(s) that may be required, and coordinate the return through the Director of Human Resources.

Other Employment During Modified Duty Assignment. Employees on a modified duty assignment, may not work a second job, including self-employment or participate in volunteer work. Exceptions to this policy must be obtained in writing from the Department Director and the City Manager.

PART 11.00

MEDICAL EXAMS AND EMPLOYMENT SUBSTANCE SCREENING

11.01 PHYSICAL STANDARDS

Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons, the City may require prospective employees to have a physical examination prior to employment as a condition of their employment at the City's expense.

11.03 POLICE EXAMS

New employees of the Police Department must meet all TCOLE examination requirements.

PART 12.00

USE OF CITY PROPERTY

12.01 GENERAL

The City attempts to provide each employee with adequate tools, equipment, and vehicles for the City job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles in compliance with municipal, county, state and federal regulations.

12.02 USE OF TOOLS, EQUIPMENT AND PROPERTY

Employees who are assigned tools or equipment by their departments are responsible for them and their proper and safe use and maintenance.

No personal use of any City property, materials, supplies, tools, equipment, pagers, telephones or vehicles is permitted, unless authorized by the Department Director in accordance with the employee's duties. Violations may result in discharge and possible prosecution.

Personal cellular phones or other communication devices should be turned off or put away. In the event a personal cellular phone or communication device is necessary for the employee's work, the employee must have permission from the department supervisor for said device to remain on during working hours. Under no circumstances shall the use of said devices interfere with the employee's duties cause disruption in the workplace.

12.03 USE OF CITY VEHICLES AND MOTORIZED EQUIPMENT

Employees who are assigned use of a City Owned Vehicle including motorized equipment (COV) are responsible for them and their proper and safe use. No personal use of any COV is permitted unless authorized by the City Manager. No COV's may be used to transport private citizens unless specifically done so in the course of the employee's job and with permission of the City Manager.

Employees who drive COVs must maintain an acceptable driving record during the term of employment. A review of the employee's Motor Vehicle Record and or background check may be done on a random or annual basis. COV drivers must report any DWI or DUI convictions whether or not they occurred in a COV. Employees who are convicted of a DWI or DUI in a COV are subject to immediate dismissal. Repeated or frequent traffic violations or accidents are grounds for disciplinary action. Accidents in COVs are recorded in the employee's permanent file.

All accidents in COVs must be reported to the supervisor immediately.

City employees who drive their own vehicles on City business are required to have current liability insurance in accordance with State law.

12.04 Take-Home and On-Call Vehicle Policy (Effective April 15, 2012)

City-owned vehicles may be permitted for take-home purposes in the following circumstances:

- The City employee has a contract for employment with the City and a take-home vehicle is part of the contract; or
 - the City employee lives within the city limits or the City's extra-territorial jurisdiction, who's use of a take-home vehicle provides a specific benefit in the performance of their job duties, and the employee is authorized by their department head or City Manager; or the City employee is on-call, as provided for in the City's personnel policy, and resides within 10 miles of the city limits; or
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- Due to the life-threatening emergency situations encountered by public safety employees and the need for their immediate return back to the City in times of emergencies, Police and Fire employees that utilized a take-home vehicle outside of the ETJ, prior to January 31, 2012, may be eligible to continue to utilize a take-home vehicle, subject to approval of the department head and City Manager. Such public safety employee must be able to respond to the city limits within 30 minutes of notification to be eligible for use of a take-home vehicle under this provision. Any employee authorized to utilize a take-home vehicle under this provision who increases the distance between the city limits and their domicile, as listed on the City of Burnet employee file as of January 31, 2012, shall automatically forfeit their eligibility; or
- The City Manager determines the use of a take-home, or on-call, vehicle other than specifically provided for herein, provides a specific benefit to improving the health, welfare and/or safety of the community.

All actions associated with the continued use of take-home vehicles must be reasonable and appropriate, given the nature of the employee's assignment and unique responsibilities. Absent a contractual agreement to the contrary, no employee is entitled to a take-home vehicle and such vehicle, if falling under one of the above provisions, may be revoked at any time by the department head and/or City Manager.

This policy is subject to change.

12.05 Use of Tobacco in a City-Owned Vehicle (Effective April 1, 2012)

Tobacco use, including smokeless tobacco, in a city-owned vehicle is strictly prohibited.

PART 13.00 DISCIPLINE

13.01 DISCIPLINARY ACTION

Any employee who violates any provision of the personnel policy of the City may be subject to disciplinary measures up to and including termination. No employee shall have an innate right to disciplinary actions that are progressive. Consideration may be given to the individual circumstances when determining the disciplinary actions to be taken. Depending on the circumstances disciplinary action may be taken against an employee for actions including, but not limited to, the following:

- Insubordination defined as:
 - **Refusal to Carry Out a Lawful Order** - a refusal to follow a direct, valid work order for which he has received a clear prior warning of the consequences for not doing so. Employees who are confronted with a directive they believe is objectionable, unfair, improper, shall complete the directive and proceed to the grievance process unless the employee believes that the directive will endanger the health or safety of him/herself or others.

- **Abusive Language** - Employees may be subject to discipline for using profane or abusive language with his/her supervisor or other in a manner that undermines the supervisor's authority, or attempts to embarrass, ridicule or degrade a supervisor.
- **Disrespectful Attitude** – Derogatory comments about a supervisor, threatening or disrespectful gestures or facial expressions.
- Absence without leave including failure to notify a supervisor of sick leave and repeated tardiness or early departure.
- Endangering the safety of other persons through negligent or willful acts.
- Intoxication or drug abuse on duty, while in a city owned vehicle or while representing the City in an official capacity, including traceable amounts in the employee's system while on duty.
- Unauthorized use of public funds or property.
- Violation of the requirements of these personnel policies.
- Conviction of a Class A or B Misdemeanor or a felony.
- Conviction of official misconduct or oppression.
- Conviction of a DWI or DUI in a City owned vehicle or motorized equipment.
- Falsification of documents or records
- Unauthorized or abusive use of official authority
- Sexual harassment
- Incompetence or neglect of duty
- Disruptive behavior which impairs the performance of him/herself or others
- Abusive language or disrespectful attitude toward other employees.

13.02 PROGRESSIVE DISCIPLINE

The City of Burnet intends to have a progressive discipline system but reserves the right to skip any level of discipline depending on the severity of the employee's actions. The Department Directors and Human Resources Director may follow the following system when utilizing progressive discipline:

- **Level I** - Verbal reminders, informal conference - The first step in the disciplinary procedure is for the immediate supervisor or Department Director to attempt to resolve problems by verbal reminders or an informal conference with the employee. The supervisor will make a written notation of reminders and informal conferences.
 - **Level II** - Written reprimands – In the event verbal reminders and the informal conference does not resolve issues, the supervisor shall issue a written reprimand. A copy of the written reprimand will be provided to the employee, the Department Director and the Human Resources Director for inclusion in the employee's personnel file.
 - **Level III** - Probation – The Department Director, with the approval of the City Manager, shall place the employee on probation for a period of time
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applicable to type of infraction incurred. During that time, the employee may be subject to a reduction in pay or position.

- **Level IV** - Suspension from duty without pay – The Department Director with the approval of the City Manager may relieve the employee from active duty without pay until such time as the employee is deemed able to perform the duties of the position without the previous difficulties, but in no case longer than thirty (30) days.
- **Level V** – Demotion – An employee can be demoted because of unsatisfactory performance in a higher position, for failure to maintain a required certification or license, as a result of a reclassification or restructuring of the employee's position, for a necessary restructuring of the department where the employee works, or other reasons as determined by the City Manager. A demotion includes an adjustment in pay to the pay scale of the lesser position.
- **Level VI** - Separation by involuntary dismissal. In the case where an employee is unwilling or unable to correct the undesirable action that caused the problem or where the action is of a serious nature or where the employee's actions could result in injury or death to the employee or as further directed in this Employee Manual, the employee may be terminated.

Actions other than verbal reminders or written reprimands require the approval of the City Manager except in the case of Fire/EMS personnel where the Medical Officer also has the authority to restrict the employee from operating under the licensure of the Medical Officer.

Where disciplinary action is accomplished by written notice to the employee involved, notice shall include a description of the reason for the action and, except in the case of dismissal, state the likely consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action is recorded in the employee's personnel file.

The City may use the progressive discipline system cited. However, the severity of the discipline depends upon the nature of the infraction and one or more steps may be skipped if warranted. Employees whose actions pose an immediate threat or endangerment to himself/herself or others are subject to immediate suspension or dismissal.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial personnel action.

Employees may use the Grievance Process to request relief from disciplinary actions. (See Section 15.00 of this manual)

13.03 SUSPENSION FOLLOWING INDICTMENT

If the City Manager determines that suspension is in the best interests of the City and the public, the City Manager may suspend with or without pay, an employee indicted for a Class-A or B Misdemeanor or a felony, or an employee accused of official misconduct or oppression, until the indictment or information is dismissed or tried and, if tried, until the trial and appeal (if any) are completed. In the case of dismissal, acquittal, reversal on appeal or governor pardon, the City Council may exercise its power of investigative body (Home Rule Charter Section 3.16) to determine the suitability of the employee's reinstatement.

A suspended employee is entitled to reinstatement to the position held before suspension, without loss of benefits, if the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal and, the City Manager and City Council decline an investigation. The suspension of an employee reinstated under this subsection is not a disciplinary action. An employee found unsuitable for reinstatement, regardless of the outcome of the indictment, shall be terminated.

**PART 14.00
SEPARATIONS**

14.01 TYPES OF SEPARATION

All separations of employees are designated as one of the following types:

- Dismissal
- Resignation
- Retirement
- Reduction in Force
- Disability
- Death

14.02 RESIGNATION

An employee who intends to resign must notify his/her Department Director in writing at least fourteen (14) calendar days prior to the last day of work. The supervisor is responsible for immediately notifying the City Manager and Human Resources Director.

An employee who resigns without sufficient notice is subject to having a written reprimand placed in his/her file documenting this violation. The Department Director or City Manager may waive this requirement if a valid reason for lack of compliance can be demonstrated. Additionally, employees resigning without providing fourteen (14) days' notice shall not be paid accrued sick leave.

Receipt of a resignation providing notice may be accepted immediately. The employee may provide notice of greater than fourteen (14) days. The City Manager may relieve an employee from duty prior to the expiration of the notice period without cause; however,

the employee shall be compensated for accrued vacation and sick leave unless terminated for cause.

14.03 RETIREMENT

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required in order to start retirement payments promptly.

14.04 REDUCTION IN FORCE

An employee may be separated when his/her position is abolished, or when there is either a lack of funds or a lack of work. When reductions in force are necessary, decisions on individual separations will be made considering:

- the relative necessity of each position to the organization,
- the performance record of each employee, and
- qualifications of the employee for remaining positions.

14.05 DISMISSAL

An employee may be dismissed at any time when, in the judgment of the Department Director and the City Manager, the quality and performance of his/her work does not merit continuation on the City staff or the employee is unable to perform the essential functions of the position. Employees requiring accommodations due to medical necessity are required to request such accommodations and provide the Human Resources Director with adequate documentation to determine the needed accommodations. Employees shall have an affirmative duty to report to the Human Resources Director or Supervisor physical limitations impacting the ability to perform essential functions. An employee's supervisor may immediately suspend an employee pending dismissal actions by the Department Director or City Manager.

The Department Director is responsible for implementation of dismissals. To appeal a dismissal, an employee must follow the steps of the grievance policy.

14.06 DEATH

If a City employee dies, his/her estate or beneficiary, as applicable, receives all earned pay and any earned and payable benefits less any amounts owed to the City by the employee.

14.07 DISABILITY

An employee will be separated when, for physical or mental reasons, (s)he cannot perform the essential functions of the position or any of the essential functions of a position after an accommodation has been offered, if applicable. Voluntary separations

based on reasons of disability must be substantiated by medical evidence if the disability may be a factor or condition of a retirement plan covering the employee.

14.08 EXIT INTERVIEWS & RECORDS

The Department Director, or his/her designee, of an employee who is separated shall discuss with the employee the reason(s) for separation in an exit interview whenever possible. Reason(s) for the separation shall be stated in writing and must be signed by the Department Director and signed or initialed by the employee except in unusual circumstances considered confidential due to the sensitive nature or emergency circumstances.

Upon separation from employment, an employee will complete an Exit Form. The portion of the form that relates to the return of all City property that was issued to the employee is completed with his/her Department Director, or the director's designee. The Department Director will make a notation of the reason for the separation. The rest of the form is then completed in the presence of the Human Resources Director. The form is kept in the employee's personnel file.

14.09 AT-WILL

The City of Burnet is an at-will employer. At-will employment means the employee can quit at any time for any reason or for no reason. Similarly, the employer can terminate employment at any time for no reason or for any reason not forbidden by law. Neither municipal policy, or this personnel manual, in any way constitute a contract, a guarantee of employment, or a property interest in employment. No municipal employee or official has the authority to change this policy or to offer permanent employment.

PART 15.00

GRIEVANCES (Revised 12-8-2020 Resolution 2020-58)

15.01 POLICY

It is the policy of the City of Burnet insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. In order to achieve this objective, it is imperative that employees report grievances in a timely manner. No adverse action will be taken against an employee for reason of his/her exercise of the grievance right.

Definition of Grievance. Employee complaints of inconsistent and/or unlawful treatment, interpretation, application or violation of City or departmental policies, procedures, or practices; and retaliation.

15.02 PROCEDURE

Employees are encouraged to attempt to resolve a grievance by informal conference with his/her immediate supervisor. If the informal conference with the supervisor does not

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result in a resolution of the problem(s), that is satisfactory to the employee, (s)he may file a formal grievance. Formal grievances must be in writing, signed by the employee, and presented to the Director of Human Resources. A grievance should include:

- The nature of the grievance.
- Detailed information including evidence of the issue, witnesses, alleged policy violations (if applicable), etc.
- The remedy or outcome desired.

After being presented with a written, signed grievance, the Director of Human Resources shall forward to the appropriate supervisor, Department Director, or the City Manager. The supervisor's, Department Director's, or City Manager's response may include a denial, or grant the appeal, a modification of the discipline, or schedule further review or action.

An employee who is not satisfied with the proposed resolution, may within the next ten (10) working days appeal in writing to the next person in the chain of command. The decision of a supervisor may be appealed to the Department Director and the decision of the Department Director may be appealed to the City Manager. The City Manager's decision shall be final.

Failure to meet established time limits (i.e. grievance not timely filed or appealed) will not affect the validity of a grievance upon showing good cause or extenuating circumstances for the delay, or when the City Manager deems it to be in the best interest of the City.

**PART 16.00
PERSONNEL FILES**

16.01 GENERAL

Personnel files are maintained by the Human Resources Director or other staff as directed by the City Manager. The record copy of all personnel information related to an employee shall be filed in the employee's personnel file.

Information in an employee's personnel file must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file, other than those affected by the Open Records Act, will be communicated to any person or organization except by the City Manager or by an employee authorized to do so by the City Manager.

An employee or his or her representative, designated in writing, may examine the employee's personnel file upon request during normal working hours at the City offices.

When a Department Director requires access to the personnel file of an employee under his/her supervision for the handling of personnel matters, the Department Director must obtain authorization from the Human Resources Director.

Employees are expected to inform their supervisors of any changes in or corrections to information recorded in their individual personnel file such as home address, telephone number, person to notify in case of emergency, or other pertinent information.

16.02 PERSONNEL ACTION FORM

The personnel action form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- Position, title, and classification
- Group and pay rate
- Annual salary, and
- Other actions affecting the employee's status

Each personnel action form shall be submitted to the Human Resources Director and becomes a part of the employee's record. A copy can be given to the employee upon written request.

16.03 CONTENTS OF PERSONNEL FILES

An employee's file may contain:

- Employee application
- Personnel Policy acceptance form
- Job description of the position the employee was hired to perform and the essential functions of that position
- Personnel action forms
- Performance evaluation records
- Records of any disciplinary action taken
- Records of leave accrued and taken
- Insurance documents, not of a confidential nature
- Retirement documents
- Motor Vehicle Records if applicable
- Accident reports involving the employee
- Commendations
- Safety Manual acceptance form
- Any other pertinent information having a bearing on employee status

16.05 RELEASE OF PERSONNEL RECORDS

The Texas State Government Code, Section 552.102 provides that information in the personnel file of an employee is not exempted from disclosure under the Open Records Act except when disclosure would constitute a clearly unwarranted invasion of personal privacy. An employee may, within 14 days of being hired, or ending service with the City,

request confidentiality of their home address, home phone number, social security number, or information about family members. An employee's file can be made available to the employee him/herself or his/her designated representative except that under some circumstances, the city may be able to refuse to release information to an employee from his personnel file if the information relates to issues that are currently under civil or criminal litigation or otherwise prohibited.

Unless required otherwise by law, all documents submitted to the Human Resources Department will be filed in the appropriate employee file and cannot be removed.

PART 17.00

RESERVATION OF MANAGEMENT DISCRETION

17.01 NO IMPLIED LIMITATIONS

Nothing in this personnel policy shall limit the City in exercising the functions and discretion of management under which the City hires new employees, directs the work force, schedules hours of work, disciplines, suspends, discharges, or requires employees to observe city rules and regulations. The City reserves the right to amend, modify, and delete provisions of this and all other policies of the City. This policy is intended to set forth general guidelines that will be applied in most circumstances, however nothing in this policy: (a) prevents the City Manager from waiving any provision in a specific instance, case or matter; or (b) alters an employee's at-will employment status.

17.02 RESERVATION OF RIGHTS

The City Council reserves the right to interpret, change, suspend, cancel or dispute, all or any part of this Policy, procedures or benefits discussed herein consistent with applicable state and federal law. Employees will be notified of any change. Although adherence to this Policy is considered a condition of continued employment, nothing in this Policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason, with or without notice.

17.03 OTHER LAWS AND REGULATIONS

The provisions of this Policy shall apply in addition to and shall be subordinated to any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Should any section or part of this manual be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.
