

RESOLUTION # 2023-01

A RESOLUTION UPDATING THE PERSONNEL POLICIES FOR THE CITY OF THROCKMORTON.

Whereas, the Mayor and Department Heads are responsible for the efficient and effective management of all departments of the City; and

Whereas, the Mayor Department Heads and the City Council are responsible for assuring that the Human Resource functions of the City of Throckmorton are administrated legally and prudently; and

Whereas, the City Council seeks to establish uniform guidelines to ensure that the taxpayers of the City are well-served by the individuals given the stewardship of the public trust;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THROCKMORTON, TEXAS THAT:

The attached is known as the:

PERSONNEL POLICY FOR THE CITY OF THROCKMORTON, TEXAS

Any previous personnel policy, formal or informal, of the City of Throckmorton is repealed, effective with the passage of this Resolution.

SECTION I – SCOPE OF POLICY


In accordance with established human resource management principals, there shall be a¹ personnel policy, which sets forth procedures for administration of the City of Throckmorton. The policy shall apply to all employees whether full-time, part-time, temporary, seasonal, or volunteer.

SECTION II – PERSONNEL MANAGER

The Department Heads (City Secretary and Public Works Director) shall serve as personnel managers of their department and will be responsible for the administration of this policy.


Approved and adopted, this the 14th day of February, 2023

Signed



Will Carroll, Mayor

Attest:



Angie Scarlett, City Secretary



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Personnel Policy Manual

CITY OF THROCKMORTON

PERSONNEL POLICIES MANUAL

Resolution # 2023-01
Date 2/14/2023

INTRODUCTION

OBJECTIVES OF POLICIES

The purpose of these policies is to bring into the service of the City a high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees, with all the benefits such a program insures. The basic objectives of these policies are:

- a. To promote and increase efficiency and economy in the service of the city.
- b. To provide fair and equal opportunity to all qualified applicants to enter City employment on the basis of demonstrated qualifications, merit and fitness as ascertained through fair and practical methods of recruitment and selection.
- c. To develop a program of recruitment, and advancement which will make employment with the City attractive as a profession and encourage each employee to render his best services to the City.
- d. To establish and promote high morale among City employees by providing a good working environment, uniform personnel policies, opportunity for advancement, and consideration for employee needs and desires.

EQUAL OPPORTUNITY POLICY

Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations; because of membership in employee organizations; because that person reports a violation of law; or because of race, color, ancestry, origin, marital status, or other non-merit factors is prohibited. Discrimination on the basis of age, sex, or physical disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. In no case will employment with the City start prior to reaching 16 years of age. Appeals of cases of alleged discrimination at the city level may be made through all supervisory levels in the City including the City Council.

APPLICABILITY AND SCOPE

These policies apply to all city employees unless specified otherwise by state law, departmental policy approved by the City Council or other official City Council action. A person on retainer or under contract is not considered to be a city employee in the absence of a specific agreement to that effect. Nothing in this manual shall be considered to create a property right in employment. It should be understood that employment is for an indefinite period and is at-will for both employer and employee. These policies are

not intended to constitute an employment contract and the employer reserves the right to amend these policies unilaterally and without notice.

Employee's initials: _____

Date of receipt: _____

DISSEMINATION AND FAMILIARITY OF POLICIES

All city employees shall receive a copy of these policies and each Department Head will keep a copy available for reference by employees. The Department Head shall require that all employees sign a statement that they have been furnished a copy of these policies. **It shall be the employee's responsibility to become thoroughly familiar with such policies.**

AMENDMENTS TO POLICIES

These policies may be amended, supplemented, or superseded at any time by the City Council. Upon any change, each employee will be given a copy of the revised policy changes in writing as soon as possible thereafter and will be required to sign a receipt acknowledging that they have received a written copy of any policy changes.

ADMINISTRATIVE AUTHORITY

The City Council shall be responsible for establishing the policies under which personnel matters are to be administered. With the exception of matters reserved to the City Council by statute, or these policies, the general and final authority rests with the Mayor and Department Heads, who shall develop, administer, and interpret personnel policies and procedures as they apply to all departments and employees.

Each Department Head is responsible within the scope of his or her authority for enforcing the provisions of these policies and related rules and procedures in regard to matters involving his or her department. Department Heads may prepare and enforce additional personnel policies within their department provided they are not inconsistent with these policies.

EMPLOYEE HIRING AND APPOINTMENT

VACANCIES

Department Heads shall notify the Mayor when job vacancies occur in their department. Only those vacancies allocated in the annual budget or new positions authorized by the City Council shall be filled.

APPLICATIONS

Applications for employment or reinstatement shall be submitted on forms as prescribed by the City of Throckmorton. Only applications officially received in the prescribed manner shall be considered. All information submitted in connection with applying for City positions is subject to verification.

EVALUATION

The primary goal of the city is to fill vacancies with the most qualified applicants available. The Department Head shall determine the most appropriate means of evaluating applicants against job requirements to identify the best persons qualified. Reference checks, interviews, medical and psychological examinations, criminal history checks, verification of citizenship or employment eligibility, skills test, drug screening tests, driver's license checks, and/or other screening procedures may be used as deemed appropriate and, in all cases, shall be consistent with the applicable employment laws and regulations. Applicants may be required to provide any work experience and qualifications information necessary to demonstrate compliance with prescribed qualification requirements.

DISQUALIFICATION

An applicant shall be disqualified from consideration if he or she:

- a. Does not meet the qualifications necessary for performance of the duties required of the position involved.
- b. Has made any false statement of fact on the application, depending upon the seriousness, willfulness, and applicability of the false information to the position.
- c. Is an alien not lawfully authorized to work in the United States.
- d. Would be in violation of the nepotism policy or laws; or
- e. Fails pre-employment physical examination or pre-employment drug screening test or refuses to submit to a medical exam or drug-screening test.

AUTHORITY FOR APPOINTMENT

Except as otherwise provided by these policies, State Law or City Ordinance, the appointing authority for all City positions shall rest with the applicable Department Head.

Appointments shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods. It shall be the policy of the City to appoint the most qualified applicant for the position.

TYPES OF APPOINTMENTS

An appointment for employment with the City is at-will and for an indefinite duration, terminable by either party unless otherwise specified in a written agreement approved by City Council. A full-time position is one where an employee works at least forty (40) hours in a regular workweek schedule. A part-time position is one where an employee works less than forty (40) hours in a regular workweek schedule. An appointment may be made for a limited term. Temporary appointments are ordinarily limited to six (6) months or less and may be made to full time or part time requiring continuous, seasonal or intermittent performance.

NEPOTISM

Part-time employees do not fall under nepotism laws, only full-time employees who are hired and evaluated by the council.

No persons related within the second degree of affinity, or within the third degree of consanguinity to the mayor of any other elected official of the City, shall be appointed to any office, position or clerkship or other service to the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for a period of six months prior to the assumption of office of any City official so related to that person.

MEDICAL EXAMINATIONS

A person who has been offered employment may be required to take a physical examination at the city expense given by a doctor designated by the City. The offer of employment will be conditioned upon the results of the physical examination. Information obtained regarding medical condition or history will be collected and maintained in separate forms and in separate medical files and shall be treated as confidential medical information. The Department Head, acting upon information provided by medical personnel, shall be the final authority determining medical suitability for employment.

The Department Head may waive medical examination requirement for emergency temporary appointments. This waiver should not be considered a loophole for avoiding the medical examination; the emergency temporary employee is required to take the medical examination at such time that he/she applies for regular employment with the city.

A Department Head may require that a current employee successfully undergo a medical examination at City expense, to determine fitness for continued employment or for promotion or other personnel action. In cases of Department Heads, the City Council may require a Department Head to successfully undergo a medical examination at City expense.

TRANSFERS

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be effective at any time for administrative convenience or necessity, upon approval of the Department Head. The Department Head, or employee may request the transfer. The employee must be qualified to perform the duties of the position to which transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between departments shall become effective following approval of Department Heads. Appointed positions, City Secretary and Public Works Director must be approved by the City Council.

DEMOTIONS

A demotion is the assignment of an employee from one position to another position having fewer responsibilities or requiring less experience, education, technical, or professional expertise, and which is usually at a lower salary. A demotion may be affected for either a disciplinary or non-disciplinary action. With the approval of Department Heads and if qualified to perform the duties of the lower-level position, an employee may be administratively demoted at his or her own request or as an alternative to layoff. Such demotions shall not be considered as disciplinary actions or to disqualify the employee involved from consideration or later advancement.

EMPLOYEE ORIENTATION

All new employees shall be given a thorough orientation about the nature of the job, the benefits, obligations and responsibilities of the position, and the general policies and procedures of both the City and the department in which he or she is to be employed. In addition, the City will obtain information needed for insurance programs, determining citizenship status, and date of birth that were not provided for in the application for employment. The employee shall also be furnished a copy of the City personnel policies for their personal use and reference at this time and the employee, by signature, shall acknowledge its receipt.

EMPLOYEES RESPONSIBILITY REGARDING INFORMATION

The employees of the city are responsible for providing to city administration all changes to their demographic information. If an employee moves or changes his or her phone number, this should be reported to the City Secretary. The city is not responsible for any correspondence lost or misdirected if the employee has moved and not notified city administration.

The city is not responsible to know changes in the marital status, number of dependents or any other changes in the status of the employee. The employee must notify the city in writing, for appropriate benefit changes to be processed.

REASONABLE ACCOMMODATION FOR DISABILITIES

When an otherwise qualified employee is determined by medical authority to possess a physical or mental disability the Department Head will review the case and decide what reasonable accommodation is appropriate, as prescribed by law. Applicants with known physical disabilities will be provided with reasonable accommodations to City facilities. Any employee or applicant with a known physical or mental disability who believes reasonable accommodation is not being provided may appeal the decision to the City Council. The City Council and the City Attorney will review the facts of each particular case and act in accordance with the provisions of the applicable law.

In addition to the authority granted, the Department Head is hereby given authority to promulgate such rules and regulations as are reasonably necessary to carry out and enforce the provisions of this paragraph of the policy.

PERFORMANCE EVALUATION AND COMPENSATION PAYDAY SCHEDULE

All employees will be paid biweekly on Thursday. Pay dates falling on a recognized holiday will be scheduled for the preceding workday.

When an employee is on authorized leave, the employee must report to the payroll office to pick up his or her paycheck or give consent in writing for someone else to pick up or leave an envelope with deposit slip addressed to his or her financial institution. No one else will be given his or her check prior to date of check, with out the express written permission of the Department Head.

The pay period for the City of Throckmorton begins each week on Thursday morning and ends on Wednesday at midnight. The City reserves the right to change this pay period. Advance pay may be granted at the discretion of and subject to limitations by the mayor.

EMERGENCY DUTY PAY

Employees called back to work in emergencies shall be compensated in accordance with established overtime and recall policies. Employees called to come or to return to work, **DURING NON-TRADITIONAL WORK HOURS**, shall be paid for this time at his or her overtime rate, even if he or she has not actually physically worked a forty (40) hour work week.

OVERTIME AND COMPENSATORY TIME

Overtime hours will be paid (at the time and a half rate). This provision shall not apply to those employees who are exempt from the overtime provisions of the Fair Labor Standards Act, such as administrative or executive employees. The maximum number of hours that an employee may legally accrue are 240 hours.

TIME SHEETS

Regular and part-time employees are required to record his/her hours of work by completing a time sheet at the end of each pay period. After the employee has completed the time sheet for a particular work period, it should be checked carefully to assure accuracy. The employee should then sign the time sheet if the total hours shown are correct and accurate. No employee shall ever complete another employee's time sheet and no employee should permit any person to complete his or her time sheet. If employee is for some reason unable to complete his or her time sheet, the Department Head shall be notified, and the necessary action shall be taken.

Exempt employees are not eligible for overtime pay; however, they may be allowed to take compensatory time off.

EMPLOYEE PERFORMANCE EVALUATION

The Department Heads will evaluate the work performances of each regular employee periodically in accordance with appraisal procedures developed. An employee will also be evaluated if significant change in performance has occurred. Special evaluations may be made if requested by the Department Head and approved by the Mayor. Performance evaluation reports shall be on forms provided by the Department Heads. All performance evaluation reports shall be permanently placed in the employee's personnel file. Employees shall be provided copies of their performance evaluation reports.

Performance evaluation is designed to help supervisors and employees measure how well work is being performed and to provide a tool for management decisions regarding pay increases, promotions, and retention of employees.

Evaluators shall individually discuss the evaluation results with the employee and shall counsel them regarding their performance and recommend improvements, if deemed desirable. Employees dissatisfied with their performance evaluation may seek reconsideration by using the established grievance procedures.

TERMINATION PAY

Employees who leave the service of the City shall receive all pay that is due to them in accordance as follows:

- a. An employee will be paid for any hours worked and for any overtime compensation due to him or her.
- b. Only employees who have successfully completed their initial six (6) months of employment shall be paid for unused vacation time earned.
- c. Employees may request that any retirement benefits paid by him or her, through payroll deductions, be refunded in accordance with the applicable program; and
- d. Any indebtedness to the City that the employee has incurred shall be deducted from his or her final paycheck.
- e. If any employee dies while employed by the City, the City shall forward to his or her designated beneficiary any unpaid pay and unused vacation time.

HOLIDAYS

New Year's Day, Martin Luther King, Presidents Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Friday after Thanksgiving, Christmas Eve, and Christmas Day, and any other days as may be declared by the Mayor, shall be observed as official holidays for City employees in accordance with the following rules:

- a. All employees shall be entitled to the same number of paid holidays.
- b. As many employees as possible shall be given each scheduled holiday off, consistent with the maintenance and essential City functions. Department Heads shall insure that employees working unusual schedules or on shifts receive benefit of the full number of official holidays. Employees required to work on a scheduled holiday shall be granted another day of paid leave or receive compensation in its place. In the event another day of paid leave is selected, it must be taken within thirty (30) days, or the employee must be paid for it.
- c. If the holiday falls on Saturday, the preceding Friday shall be observed and if a holiday falls on Sunday, the following Monday shall be observed.
- d. To receive pay for a holiday, an employee must be scheduled to work on the holiday or be on authorized leave.
- e. Employees desiring to observe religious holidays not coinciding with official holidays may be given time off without pay or be authorized to use accrued vacation leave.

VACATION

Vacation time will be accrued by full-time employees only. Vacation hours may be taken after a person has been employed full-time for a period of six (6) months, at which time credit will be given from date of employment. Department Heads will earn two weeks vacation the first year. After one year of service the Department Heads will earn three weeks. All regular employees will earn one-week vacation the first year of service. After one year of service the regular employee will earn two weeks vacation and after five years of service the employee will earn three weeks vacation. Vacation leave balance, upon retirement, will be paid to employees and credited as time served at the end of employment. Each (160) hours will equal one month service credit.

Vacation time will be scheduled and approved in advance at the convenience of the employee and the appropriate Department Head whenever possible. Except in cases involving unexpected illness, the Department Head will take into consideration the workload, manpower, and other appropriate factors before approving the vacation.

Advance vacation time will be granted only after a person has been employed for a period of ninety (90) days.

SICK LEAVE BENEFITS

All full-time employees are entitled to accumulate sick leave benefit credits. Sick leave credit accumulates at 12 days or ninety-six hours per year.

Sick leave balance upon retirement will be credited as time served and added on at the end of employment. Each (160) hours will equal one month service credit.

Sick leave is granted by the city for the purpose of permitting an employee to be relieved of his or her duties during his or her illness or injury or when an employee's spouse or child illness or injury.

Employees sick leave may be used by the employee to seek dental or ocular care for him or herself or employee's spouse or child.

Supervisors may require a doctor's statement from any employee who uses three (3) consecutive days of sick leave credit.

Sick leave may be accumulated and shall be administered according to the following rules:

- a. Department Heads shall be responsible for reporting all sick leave used by an employee on the employee's time record.
- b. Official holidays and regular days off shall not count against sick leave.
- c. After an employee's accumulated sick leave has been exhausted, accrued vacation may be used as sick leave. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued until he or she returns to work.
- d. An employee who is pregnant may use up to two (2) weeks sick leave for maternity purposes prior to delivery if deemed necessary by her physician. After delivery and/or adoption an employee may use up to six (6) weeks sick leave time. The only exception would be if a physician has not released the employee.
- e. An employee terminating from employment with the City must submit certification of illness from a doctor before being eligible to use sick leave in the last two (2) calendar weeks of employment.
- f. Accumulated sick leave will not be compensated for in any way at the time of termination, whether by resignation or dismissal

- g. Sick leave upon retirement will be credited as time served and added on at the end of employment. Each (160) hours will equal one month service credit.

BEREAVEMENT LEAVE/EMERGENCY LEAVE

All full-time employees will be granted absence with pay for a period not to exceed four (4) workdays to attend a funeral and handle necessary family details in case of death in their immediate family. Part-time, seasonal, and temporary employees may be granted up to four (4) days leave of absence without pay in such cases. (Immediate family, for this purpose, shall be defined as husband, wife, son, daughter, mother, father, mother-in-law, father-in-law, grandparents, brother, or sister.)

When a full-time employee is required to be with his immediate family because of serious illness or death, the employee may be granted emergency leave with pay for a period not to exceed four (4) workdays. The Mayor may extend this time depending on the employees need.

MILITARY LEAVE

Full-time employee who enters active duty with the State Military Forces or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of the law upon honorable release from active duty, provided an appropriate position is available. An employee may use accrued vacation time to attend military training.

ADMINISTRATIVE LEAVE WITH PAY

- a. Employees on duty on the date of any national, state, or local election and who are eligible to vote in such elections shall be granted time off with pay to exercise this right if they cannot reach their polling place outside of working hours.
- b. Employees shall be granted sufficient leave with pay plus the amount paid from the clerk of the court served when called for jury service or court duty. The employee shall provide his or her supervisor a copy of the duty or court summons.
- c. The Mayor may grant administrative leave when he or she deems necessary.

AUTHORIZED LEAVE WITHOUT PAY

In circumstances not falling within other provisions of these rules, the Department Head may authorize an employee to take leave without pay under mutually agreeable terms and conditions. Employees taking leave without pay shall not lose nor gain seniority.

All employee benefits will remain in effect during periods of authorized leave without pay.

WORK STANDARDS

It shall be the duty of each employee to maintain high standards of cooperation, proficiency, and economy in his or her work for the City. Department Heads shall organize and direct the work of their departments to achieve these objectives. If work habits, attitude, production, and/or personal conduct of an employee become a problem, supervisors should point out the deficiencies at the time they are observed and take appropriate action. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action as provided elsewhere in these policies whenever the interest of the City requires it.

POLITICAL ACTIVITIES

Except as may be otherwise provided by law, the following restrictions on political activity shall apply to City employees:

- a. A City employee will not use his/her position for or against any candidate for public office in any jurisdiction.
- b. No employee while on duty shall take an active part in any political campaign of another person for any elective position of the City. The term "active part" means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about the candidates.
- c. Employees will not be required to contribute money, labor time, nor other valuable thing to any person for election purposes in any jurisdiction.
- d. No employee may hold a city office (appointed nor elective) of public trust, partisan office in any jurisdiction, nor any other office where service would constitute a direct conflict of interest with City employment, with or without remuneration.

SOLICITATION

Solicitation of contributions or anything of value for any purpose whatsoever shall not be permitted on the job without the express approval of the Mayor.

OUTSIDE EMPLOYMENT

Although the City does not expressly prohibit outside employment, employees who work other jobs on their own time must remember that their first responsibility is to the city. If a second job leads to excessive absenteeism, tardiness, or poor performance, the employee will be asked to choose between the two jobs.

PERSONAL APPEARANCE

All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times.

FINANCIAL OBLIGATIONS

All employees are expected to keep their personal financial affair in good order. Failure to pay just debts, including taxes may constitute grounds for disciplinary action if job performance is impeded.

CONFLICT OF INTEREST

No employee of the City shall accept, directly or indirectly any gift, favor, or privilege, from any person, firm, or corporation doing business with, or seeking to do business with the City during the employment of such employee of the City and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the City and for its benefit. Under no circumstance shall cash or any instrument of cash having monetary value be accepted.

SEXUAL HARASSMENT POLICY

Sexual Harassment Policy of the City of Throckmorton

The City of Throckmorton is committed to taking all reasonable steps to prevent all forms of discrimination and harassment in the workplace. In particular, the city strives to maintain a work environment that is free of sexual harassment, sexual exploitation, and intimidation. In addition to other forms of discrimination, the City maintains a strict policy prohibiting sexual (i.e. gender-based) harassment, which will not be tolerated from any employee or supervisor at any level

Sexual Harassment Defined

Sexual harassment is defined as unwanted sexual advances, request for sexual favors, or visual, verbal or physical conduct of a sexual nature based on a person's gender when:

- a. Submission to such conduct is made a term or condition of employment; or
- b. Submission to or rejection of such conduct is used as a basis for employment decisions affecting an individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Same-sex sexual harassment is prohibited. The following is a partial list of conduct that could be sexual harassment:

- a. Unwanted sexual advances or propositions.
- b. Offering employment benefit in exchange for sexual favors.
- c. Making or threatening reprisals after a negative response to sexual advancements.
- d. Visual conduct (e.g., leering, making sexual gestures, displaying of sexual suggestive objects, pictures, cartoons, or posters).
- e. Verbal Conduct (e.g., making or using derogatory comments, sexually explicit jokes, comments about an employee's body or dress).
- f. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body sexually degrading words to describe an individual, suggestive or obscene letters, notes, annotations, or e-mails.
- g. Physical conduct (e.g., touching, impeding, or blocking movements).

Sexual harassment on the job is unlawful whether it involves co-worker harassment or harassment by a supervisor. All employees found to have been engaged in sexual harassment will be subject to disciplinary action, including possible termination.

Sexual Harassment Complaint Procedure

Employees, who believe that they have been sexually harassed on the job or who are aware of the harassment of others, must provide a written or verbal complaint to the Department Head and the City Attorney as soon as possible. The complaint must include details of the incident(s), names of the individuals involved, and the names of any witnesses. Supervisors must immediately refer all harassment complaints to the Mayor. All incidents of sexual harassment that are reported, either verbally or in writing, will be investigated. The Mayor or designated representative will immediately undertake an effective, thorough, and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the alleged harassment will be made and communicated to the employee(s) who complained and the accused harasser(s). The Mayor or Department Head shall hold a conference with the complainant within seven (7) days after receipt of the complaint concerning the progress of the investigation and inform of an estimated time in which the investigation will be completed.

Complaints and investigations will be conducted with confidentiality to the greatest extent possible. Anonymity is not guaranteed.

If a complaint of sexual harassment is substantiated, appropriate disciplinary action, up to and including termination, will be taken. After a final decision concerning the complaint is made by the Mayor, either the complainant or the alleged harasser may appeal such decision to the City Council

Retaliation after reporting Sexual Harassment

City policy prohibits retaliation against any employee by another employee or by the City for using this complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the City, or by federal, state, or local enforcement agency.

Sexual Harassment Policy Acknowledgement

All employees must sign an acknowledgement indicating that they have reviewed and understand the City's policy on sexual harassment. This form shall be placed in the employee's personnel file.

Employee's initials: _____ **Date of receipt:** _____

DISCIPLINARY CONSIDERATIONS

INDICTMENTS AGAINST EMPLOYEE

An employee may be suspended, with or without pay, at the discretion of the Mayor or Department Head, if indicted for a crime or official misconduct pending a decision on the indictment such as dismissal, acquittal, or conviction. If the indictment is dismissed or if the employee is acquitted, the suspended employee shall be reinstated to his or her former position, or a similar one if not available, without loss of any benefits and such suspension shall not be considered as disciplinary action.

DISCIPLINE, APPEALS AND GRIEVANCES

The City expects its employees to accept reasonable and appropriate works assignments willingly and to perform them in a satisfactory manner. Employees are also expected to comply with all rules, regulations, and policies pertaining to job performance standards and personal conduct on the job. If an employee fails to perform satisfactorily or if his or her personal conduct is unacceptable, disciplinary action may be taken.

The City will attempt to review and resolve all employee problems as promptly and equitably as possible and at the lowest possible organizational/supervisory level. All employees will be provided with as fair, expedient, objective, and consistent means of resolving work-related problems as possible.

GROUND FOR DISCIPLINARY ACTION

The Mayor or Department Heads may take disciplinary action against an employee for the following:

- a. Illegal, unethical, abusive, or unsafe acts.
- b. Violation of City rules, regulations, policies or procedures.
- c. Insubordination.

- d. Leave under false pretenses.
- e. Incompetence.
- f. Neglect of duties.
- g. Theft.
- h. Participation in prohibited political activities.
- i. Unauthorized soliciting while on duty.
- j. Excessive or unauthorized absenteeism and tardiness.
- k. Failure to conduct himself/herself in a courteous and proper manner while on duty.
- l. Falsification of official documents or records, including employment application.
- m. Unauthorized or improper use of official authority.
- n. Violations of the "Drug-Free Workplace" policy, or refusal to take a drug test as instructed by the Mayor or Department Head.
- o. Damaging City equipment, tools, machines, and/or property.
- p. Wasting materials and supplies
- q. Carelessness, recklessness, and/or engaging in horseplay.
- r. Immoral conduct or indecency.
- s. Abuse of illness leave or other benefits.
- t. Any threat or physical attack on any supervisor or co-worker.
- u. Failure to properly document time and attendance records.
- v. Sexual Harassment.
- w. Misappropriating City funds, property, or assets.
- x. Abuse or violations of the Worker's Compensation Insurance.
- y. Operation of City vehicles without possession of valid and or proper operators license or failure to maintain a satisfactory driving record.

This list is to illustrate the more common causes and is not intended to be all-inclusive.

Nothing herein shall affect the fact that the City of Throckmorton is an at-will employer, and no employee has any property right in his or her job or position. The City of Throckmorton may terminate any employee at any time with or without good cause and for any reason or for no reason.

TYPES OF DISCIPLINARY ACTION

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, and reduction in pay, demotion, and dismissal. Any of the foregoing types of disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be warned that at any time he or she may be dismissed or other wise disciplined for further unsatisfactory performance and/or conduct.

Supervisory personnel are encouraged to consider the following as normal disciplinary transitional steps in situations requiring disciplinary action:

VERBAL WARNING with record of each warning being noted in the employees' personnel file;

WRITTEN REPRIMANDS that the Department Head must transmit through the Mayor before placement in the employee's personnel file;

SUSPENSION WITHOUT PAY or Reduction in Pay, with approval of Mayor or Department Head.

DEMOTION AND/OR DISMISSAL with approval of Mayor or Department Head.

Nothing herein is intended to neither negate the authority and responsibilities of a superior to take the disciplinary action they believe appropriate based upon the relevant circumstances nor prohibit the Department head from immediately discharging an employee for the first instance of gross misconduct to include all items previously listed.

DISCIPLINARY ACTION WITH RESPECT TO THE DEPARTMENT HEADS

The Mayor shall have the authority to take disciplinary action with respect to the Department Heads.

APPEALS AND GRIEVANCES APPEALS OF DISCIPLINARY ACTION

An employee may appeal any disciplinary action taken against him or her. They may appeal an action unfair, too harsh, or inappropriate; provided, it is appealed in writing to the Mayor within five (5) working days following such action. Such disciplinary action may be stayed pending decision on the appeal or may take effect at any time after issuance of the notice as determined by the disciplinary authority. The Mayor after following careful investigation of the facts shall have broad authority to approve, disapprove, modify, or rescind any disciplinary actions taken or proposed. The Mayor shall attempt to resolve the issue within ten (10) calendar days.

Nothing in this manual shall abridge any right of public access under the state statutes providing for open meeting and access to public records. To the extent possible, for the protection of all concerned, rulings will be reduced to writing.

These procedures are guidelines only, and it is recognized that it may not be possible to adhere to them in every case. They are not intended to impose on the city any burden of furnishing an employee with substantive or procedural due process.

NON-DISCIPLINARY TERMINATION

RESIGNATION

An employee may leave the employment with the City in “good standing” by giving two (2) weeks notice in writing. The Mayor may waive any portion of the notice period. The personnel records of any employee who resigned by giving proper notice shall show that the employee resigned of his or her own accord.

LAYOFF

An employee may be laid off because of changes in duties, organizational changes, lack of work, or budget cutbacks. Whenever possible, at least two (2) week notice shall be given an employee prior to layoff. Layoffs shall be carried out on the basis of demonstrated job performance, with the employees being retained the longest that have the highest consistent performance evaluation scores. Seniority within City service shall be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Temporary employees shall be laid off before regular employees performing similar duties. A layoff shall not be considered a disciplinary action.

INCAPACITY

An employee may be terminated for medical reasons when the employee as an individual no longer meets the standards of fitness required for the position. A finding of incapacity shall be based on an individual medical determination by a competent physician prescribed by the Mayor. Termination for incapacity shall not be considered disciplinary action and shall not operate to deny any employee the use of any accrued illness or other benefit. Failure of an employee to accumulate sick leave may be considered as evidence that an individual no longer meets the standards of fitness required for the position held by the employee.

RETIREMENT

Eligible employees may elect to retire from the City service in accordance with applicable retirement programs.

UNSATISFACTORY SERVICE

An employee may be terminated for unsatisfactory service when his or her ability to handle the duties of the position fall below the desirable standards as determined by the Department head and the Mayor. An employee may also be terminated at any time, with or without cause, and for any reason or for no reason.

PERSONNEL RECORDS

The City Secretary shall maintain the official personnel files and records for all City employees. Unless otherwise provided by law, personnel files shall be confidential and may not be used or divulged for purposes unconnected with the City personnel management, except with the permission of the employee involved. Nothing herein shall prevent the dissemination of impersonal statistical information. An employee shall have a right of reasonable inspection of his or her official personnel files and records under appropriate supervision.

CHANGE OF PERSONNEL STATUS OR NEW HIRING

Department Heads will receive Mayor approval for recommended changes in the personnel status of their employees or request to hire new employees prior to making any commitments to either existing employees or prospective new hires.

EMPLOYEE BENEFITS AND INSURANCES

MEDICAL INSURANCE

Medical benefits are provided to all full-time employees of the City of Throckmorton. If a husband and wife are both City of Throckmorton employees, they will be covered for medical benefits individually.

All full time employees are eligible for insurance coverage as provided by the City. Full time employees are entitled to health, dental, vision, life, accidental death and dismemberment insurance. The City pays the cost of providing these insurances to employees. Full time employees are also eligible for dependent coverage and the City pays half of the dependent coverage cost.

If the employee enrolls eligible dependents at the same time employee is enrolled, their coverage will become active the same day as the employee. After initial enrollment, any eligible dependent added will have to follow insurance enrollment guidelines.

Eligible dependents are:

- a. Employee's wife or husband, unless legally separated or divorced.
- b. Common-law spouse: for the purpose of adding common-law spouses to the City of Throckmorton health plan policy, the following guidelines must be met:

Both parties must be of legal age, if they are not of legal age then they must have their parents written consent; if a male is adding his spouse she must retain her maiden name. She is not to assume her common-law husband's name, unless the common-law marriage is recoded at the County Courthouse

- c. Employee's child (ren), as defined in the current Insurance Policy subscribed to by the City of Throckmorton.

LIFE INSURANCE

The City provides group life insurance coverage for all full-time employees. The City pays the cost of providing this insurance to employees. The life insurance is payable in the event of death of an employee from any cause at any time or place while he or she is insured. It is designed to help ensure that any employee's family receives financial assistance in the event of the employee's death. Payment will be made to the beneficiary designated by the employee.

WORKER'S COMPENSATION INSURANCE

Any City employee injured as a result of duties performed in the course of his or her job shall be eligible to receive worker's compensation benefits from the City's insurance carrier at no expense to the employee. Worker's compensation benefits are intended to compensate workers with job related injuries or illnesses by reimbursing them for income losses and paying for medical and rehabilitation treatment. It is the responsibility of the employee to notify the Department Head of any work-related injury. It is the responsibility of the Department Head to notify the City Secretary of any claimed worker's compensation injury within twenty-four (24) hours.

SOCIAL SECURITY

All employees of the City are covered under the Federal Insurance Contributions Act (FICA). This type of government insurance, known as "Federal Old Age, Survivors, and Disability Insurance," provides for benefits for retirement, disability or upon death. This insurance is financed by Social Security Taxes, which are paid through payroll deductions by the employee. The City contributes a matching amount on behalf of the employee.

UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program. This program provides payment for unemployed workers in certain circumstances as provided by law.

RETIREMENT

The City is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a plan for retirement and disability of employees of Texas municipalities. Participation in this system is compulsory for all employees who have not reached the age of sixty (60) years. Participation in the system begins upon

employment with the City. The employee will contribute 5% of his or her salary through payroll deductions into the retirement plan, with the City matching this amount on a one and a half to one basis. This system is based on a 20 year (at any age) program.

- a. Sick leave balance upon retirement will be credited as time served and added on at the end of employment. Each (160) hours will equal one month service credit.
- b. Vacation leave balance upon retirement will be paid to employee and credited as time served at the end of employment. Each (160) hours will equal one month service credit.

TRAVEL POLICY

APPLICABILITY OF TRAVEL POLICY

This policy is applicable to all City employees and elected officials and applies to all travel on City business outside the City limits and to all travel reimbursements.

AUTHORIZATION REQUIRED

The Mayor may authorize travel leave and expenses for business outside the City. The Mayor or Department Head must approve all travel requests prior to its occurrence. Any employee traveling on official business shall leave word with their supervisor as to where they can be reached while out of the City.

TRANSPORTATION EXPENSES

Normally, when travel is required for City business a city vehicle or personal car may be used when such travel distances are within a two hundred and fifty (250) mile radius. For travel beyond a two hundred and fifty (250) mile radius of the City, air transportation may be approved if authorized by the Mayor.

All approved transportation expenses will be reimbursed as follows:

- a. When employees use their personal vehicles, all travel mileage will be paid at the Rate approved by Texas Comptroller of Public Accounts/Texas Mileage Guide. Any incidentals (parking, etc. shall also be reimbursed).
- b. When City vehicles are used all expenses incidental to the use of such vehicle (Parking, gasoline, oil, repairs, etc.) shall be reimbursed.
- c. When travel is permitted, the city will arrange airfare. Additionally, reimbursement will be made for the use of rental cars, taxi, or bus fares, provided such expenses are necessary and reasonable. Alternate routes, which are desirable because of personal affairs of the traveler, can be used, but only to the

traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on the alternate route must be noted as personal charges on the expense account and not included in the mileage for reimbursement.

FOOD AND LODGING

Whenever authorized by the Mayor or Department Head lodging expenses associated with official City business travel shall be reimbursed for actual expenses incurred, or paid in advance directly to the hotel/motel. Receipts will be required upon the return of the traveler. Meal expenses shall be advanced according to the "per diem" schedule.

Receipts are not required for per diem expenses advanced to the employee.

ENTERTAINMENT

The City Council realizes that from time to time, it is necessary to entertain dignitaries and state, federal, and business representatives whenever it may be deemed in the best interest of the City. Such expenses may be reimbursed at the discretion of the Council or Department Head. Receipts will be required before reimbursement can be made.

PUBLIC INFORMATION ACT

The City of Throckmorton complies with the public information act also known as the Open Records Act. Citizens wishing to obtain records or information from the City will be directed to the office of the City Secretary.

City employees will not release copies of documents, tapes, computer disks, nor any other form of record except at the direction of the City Secretary, and according to established procedures.

USE OF CITY EQUIPMENT AND FACILITIES

The use of City equipment and facilities for private use are prohibited without prior approval of the Mayor or Department Head. Under no circumstances shall City equipment or facilities be loaned or rented without this approval.

PROFESSIONAL MEMBERSHIP AND SUBSCRIPTIONS

The City will participate in the cost of professional memberships and subscriptions for employees applicable to their positions; provided the necessary funds are available. The Mayor or Department Head must approve requests for memberships and subscriptions prior to participation.

SMOKING IN THE WORKPLACE

To protect the health of all employees and avoid conflicts between smokers and non-smokers in the City will have policy of "Smoke-Free Buildings: for all enclosed City Buildings.

SAFETY POLICY

Department Heads shall be responsible for preparing and promulgating safety procedures applicable to all personnel and operations under their control. Each employee is required to adhere to all safety procedures set forth by the City, State and Federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate Department Head and to inform their supervisor of any on-the-job injury or accident.

CITY OF THROCKMORTON DRUG AND ALCOHOL –FREE POLICY/DRUG TESTING POLICY

- A. Policy Statement and Scope.** It is the desire of the City Council of the City of Throckmorton, Texas to enhance job performance and to protect the health and safety of employees of the City, by adopting a policy which will identify and remove from the work place the adverse effects of illegal drugs, alcohol, inhalants and prescription drugs which are misused. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol on City premises, or while conducting City business is prohibited. The purpose of this policy is to regulate the use of such substances in the manner set forth herein. Although the City does not now sponsor nor provide specific educational or assistance programs for employees found in violation of this policy, the City will, in appropriate circumstances, encourage employees to seek treatment, assistance and educational assistance through various sources. Some of such assistance may be covered by an employee health insurance policy.

It is also the policy of the City of Throckmorton, Texas to maintain a drug-free work environment through the use of reasonable employee drug testing program.

The City of Throckmorton and the citizens of Throckmorton, Texas have compelling interests that justify the use of employee drug testing.

- B. As a condition of employment.** Employees must abide by the terms of the above policy. Employees must also report any conviction under criminal drug statute for violations occurring on or off City premises while conducting City business. A report of a conviction must be made within five (5) days after conviction.

C. City Social Functions

This chapter does not prohibit the moderate use of alcoholic beverages at City sponsored social functions if such social functions do not involve the use of City vehicle to or from the event.

D. Random Drug Testing

As a condition of employment or continued employment and the trust placed in them by the citizens of Throckmorton, Texas, employees, including the Mayor and members of the City Council, shall be required to participate in any unannounced mandatory random drug test, the frequency and timing of such test to be determined by the Mayor or his designee in order to ascertain prohibited drug use.

E. Reasonable Suspicious Basis

Any employee may be required to submit to a test of testing when there is reasonable suspicion that drugs or alcohol are affecting job performance and conduct in the workplace or have contributed to an on-the-job accident. Such testing must be requested by: (I) A Department Head with the concurrence of the Mayor or (II) The Mayor.

The person ordering an employee to submit to a drug test shall immediately notify the collection site that the suspected employee will require a drug test. The person who orders the test shall arrange to have the suspected employee immediately transported to the collection site and shall arrange for the suspected employee to be absent from their assignment for this purpose in the most discreet manner, and whenever possible, without advising additional personnel of the reason for the employee's absence.

If the collection site personnel are not available, the person who orders the drug test shall arrange to have the suspect employee immediately transported to the Hospital Emergency room to provide a urine sample for a drug-screening test.

F. Test Results. A positive test indicating the presence of a controlled or illegal drugs shall be grounds for discipline under this policy. A positive test Shall mean either the presence of an illegal drug, alcohol or controlled substance or the presence of a medication which is not prescribed by a licensed physician, or which is prescribed by a licensed physician, or which is prescribed by a licensed physician but has not been taken in accordance with the instructions of any such licensed physician. Sample testing procedures shall conform scientifically accepted analytical methods and other comparably reliable analytical method before the results of any test may be used as a basis for any action. Both the screen and confirmatory urine testing ill follow the guidelines adopted by the United States Department of Health and Human Services.

Negative test results are those results of employee screening test that may indicate that no alcohol or drugs are in the employee's system other than medication or drugs prescribed by a licensed physician which are used in the manner prescribed by any such physician.

G. Disciplinary action. Any violation of this policy by an employee may result in termination of service. The disciplinary action taken by the City with respect to a particular employee shall be that deemed appropriate by law enforcement agency.

1. No disciplinary action shall be taken against an employee, who had been ordered to take and has taken, a drug test based on the reasonable suspicion, during the period between the time he is ordered to take the test and the time the authorizing supervisor is notified of the test results.
2. If the confirmatory test of an employee's specimen indicates a positive result, the department head or Mayor shall initiate procedures to dismiss the employee.

H. Changes in Policy. The City reserves the rights to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of this policy, or the procedures set forth herein. Employees will be notified before implementation of any change.

I. Other laws and regulations. The provisions of this policy shall apply in addition to, and shall be subordinate to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this policy shall be deemed to be deleted and shall not effect the enforceability of other portions of this policy.

J. Administrative action. The Mayor and Department Heads are directed to circulate written copies of this policy to all current employees and are directed to provide each applicant for employment with the City a written copy of this policy at the time of such application. Each employee and applicant shall acknowledge receipt of a written copy of this policy in the following form.

I, the undersigned, hereby acknowledge receipt of a copy of the Drug-Free Workplace Policy of the City of Throckmorton, Texas. If I am currently an employee of the City, I also acknowledge that the provisions of this policy are part of the terms and conditions of my employment and that I agree to abide by them. If I am an applicant, I also acknowledge that the provisions of this policy will be part of the terms and conditions of my employment and that I agree to abide by them. If I am an applicant, I also acknowledge that the provisions of this policy will be part of the terms and conditions of my employment if I am offered employment with the City of Throckmorton, Texas, and I agree to abide

by them.

Date: _____

Signature of Applicant/Employee

Printed Name

**SOCIAL SECURITY
SOCIAL SECURITY-ENTERING INTO AGREEMENT**

The City Council, acting for and on behalf of the City, shall enter all necessary Agreements with the state department of public welfare for the purpose of carrying out the provisions of (1) and (2) Public Law 734, 81st Congress to secure the benefits of Federal old age and survivors' insurance, as outline in said laws.

SAME-AGENT TO EXECUTE AGREEMENTS

The Mayor is hereby appointed an agent of the City Council and for the City to execute all necessary agreement and instruments for and on behalf of the City Council and the City.

SAME-OFFICER DESIGNATED TO MAKE REPORTS

The City Secretary is hereby directed to be the person responsible for making Assessments, collections, payments, and reports, as required by the state department of public welfare.

PERSONNEL POLICY RECEIPT ACKNOWLEDGEMENT

I, _____, hereby certify that I have been given a copy of the Personnel Policies Manual of the City of Throckmorton this ____ day of _____, 20__.

Employee's Signature